

**REPUBLIC OF KENYA**



**PUBLIC SERVICE COMMISSION OF KENYA**

**Public Service Commission Code of Practice on  
Mainstreaming Disability**



*A publication of the Public Service Commission of Kenya*

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## **PART I - GENERAL**

### **1. Citation**

This Code shall be cited as the Public Service Commission Code of Practice on Mainstreaming Disability.

### **2. Scope**

This Code shall apply in the public service as a guideline towards mainstreaming disability within the framework of the Commission's constitutional and statutory mandate.

### **3. Definitions**

In this Code unless the context otherwise requires -

**'Act'** means the Persons with Disabilities Act, 2003;

**'adaptation'** includes redesigning of implements, tools, equipment, machines, workstations, the work environment, or, adjustment in work organisation, work schedules, sequence of work and breaking down work tasks to suit the needs of public officers with disabilities;

**'assistive and support devices'** means implements, tools, equipment, and machines of whatever kind for persons with disabilities for their political, economic, socio-cultural, civil or any other well being;

**'assistive services'** means specialised, expert or any other service provided for persons with disabilities for their political, economic, socio-cultural, civil or any other well being;

**'authorized officer'** means a permanent secretary in a ministry, a chief executive officer in a Government department or agency or commission or committee or council or any other public body, a clerk to a local authority and includes any person or public authority appointed by the Commission as an authorized officer;

**‘Chairman’** means the person appointed under the constitution as Chairman of the Commission and includes the Deputy Chairman acting as Chairman or a member of the Commission duly appointed to act as Chairman;

**‘Code’** means this Public Service Commission Code of Practice on Mainstreaming Disability;

**‘Commission’** means the Public Service Commission established under the constitution;

**‘Council’** means the National Council for Persons with Disabilities established under the Act;

**‘discrimination’** means any direct or indirect distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing, nullifying the recognition, enjoyment or exercise, on an equal basis with others, any human right or fundamental freedom in the political, economic, socio –cultural, civil or any other field, and, includes denial of reasonable accommodation, use of words, gestures or caricatures that demean, scandalise or embarrass a person with a disability – in which case, ‘indirect discrimination’ refers to apparently neutral situations, regulations, policies or practices which in fact result in unequal treatment of persons with disabilities, but, distinctions or preferences that may result from application of special measures or protection and assistance taken to meet the particular requirements of persons with disabilities are not discriminatory;

**‘disability’** includes any status that results from an interaction between a person with impairment and attitudinal and environmental barriers that hinder the person’s full and effective participation in society on an equal basis with others;

**‘impairment’** means an injury, illness, or congenital condition that causes or is likely to cause a loss or difference of physiological or psychological function;

**‘Institute’** means the Kenya Institute of Special Education established under legal notice 17 of 1986;

**‘job retention’** means an employee remaining with the same employer with the same or different duties or conditions of employment including return after a period of paid or unpaid absence due to injury or illness;

**‘mainstreaming’** means a strategy through which concerns, needs and experiences of persons with disabilities are made an integral part or dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that persons with disabilities benefit equally and inequality is not perpetuated;

**‘person with disability’** means a person registered with the Council as a person with disability and includes those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

**‘public officer’** means any person holding or acting in any public office on temporary or permanent basis and whether paid or unpaid;

**‘public service’** includes any provision of any Government service, goods, or works and any authority involved in any such provision;

**‘public service entity’** includes a government ministry or department, commission, committee, council, local authority, state corporation or any other public body;

**‘reasonable accommodation’** means appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer, and in which case, the burden shall not be disproportionate

when it is sufficiently remedied by measures existing within the framework of the disability policy of a public service entity;

**‘rehabilitation’** includes habilitation and means time limited, planned processes with well defined goals and means, in which various actors cooperate to assist others in their own efforts to achieve the greatest possible functioning and coping capabilities, independence and participation in society;

**‘return to work’** means the process by which an employee is supported in resuming work after an absence due to injury or illness;

**‘Secretary’** means the person appointed to discharge the functions of the Secretary to the Commission and includes a person discharging the functions in an acting capacity;

**‘universal design’** means the design of products, environments, programmes, and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design, and, it shall not exclude assistive devices for particular groups of persons with disabilities where this is needed; and

**‘work trial’** means any work activity aimed at providing experience in or testing suitability for a particular job.

#### **4. Objectives**

(1) The general objective of this Code is to serve as a practical guideline towards mainstreaming disability in the public service.

(2) The specific objectives of this Code include –

(a) to ensure that persons with disabilities have equal opportunities in the public service;

(b) to improve employment prospects in the public service for persons with disabilities by facilitating recruitment, return to work, job retention and opportunities for advancement;

(c) to promote a safe, accessible and healthy workplace conducive to the needs of persons with disabilities;

(d) to maximise the contributions which public officers with disabilities can make to the Government;

(e) to facilitate persons with disabilities including learners with special educational needs to access the workplace in the public service for the purpose of internship and attachment; and

(f) to assure that the needs of persons with disabilities are catered for in the discharge of human resource functions and management in the public service.

## **5. Principles**

(1) The general principles for mainstreaming disability and related issues include-

(a) respect for inherent dignity, individual autonomy including the freedom to one's own choices, and independence of persons;

(b) non-discrimination;

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of diversity and humanity;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women; and

(h) respect for the evolving capacities of children with disabilities and respect right of children with disabilities to preserve their identities.

(2) The specific principles guiding the mainstreaming of disability in the public service include-

- a) public service practices for mainstreaming disability shall be based on evidence, best practice and experience to enable public officers with disabilities to contribute productively to the Government and to maintain valuable work expertise;
- b) leaders, managers and individual officers in the public service shall uphold the conviction that the Government benefits from the employment of persons with disabilities;
- c) persons with disabilities make a significant contribution at their place of employment if jobs are matched to their skills and abilities, and, if disability and related issues are properly mainstreamed;
- d) the Government may gain from the retention of experienced public officers who acquire disabilities if an effective disability mainstreaming strategy is implemented in the public service;
- e) positive affirmative action aimed at effective equality of opportunity for and treatment of persons with disabilities in the public service shall not be regarded as discriminating against other public officers;
- f) public service entities shall implement the principle of universal design and reasonable accommodation in procuring goods, services and works; and
- g) practices for mainstreaming disability are most effective when based on positive cooperation among the Government ministries, departments, state corporations, local authorities, learning institutions, trade unions, private sector, communities and organisations of persons with disabilities.

## **PART II – GUIDELINES**

### **6. General Guidelines**

- (1) Every public service entity shall mainstream disability related issues by instituting a strategy for mainstreaming disability as an integral part of the overall human resource management policy including employment and human resource development.
- (2) Every public service entity shall identify and ring-fence, for priority employment and promotion of persons with disabilities, jobs which match their knowledge, skills and abilities and this will be done so as to attain the statutory requirement of at least five percent employment of persons with disabilities in the public service.
- (3) Every authority in the public service charged with determining the qualifications or disqualifications attached to holding or acting in a public office shall discharge the responsibilities with due regard to the best interests of persons with disabilities.
- (4) Every public service entity shall include in the strategy for mainstreaming disability a provision for -
  - (a) recruiting job seekers with disabilities including those who have not worked before and those who need to return to work after a period of non-employment;
  - (b) equal opportunity for public officers with disabilities; and
  - (c) job retention by public officers who acquire disabilities.
- (5) Every public service entity shall institute a workplace level policy on promoting a safe and healthy workplace including-
  - (a) provision for occupational safety and health measures;
  - (b) risk analysis of any adaptation, adjustment or reasonable accommodation;
  - (c) early intervention and referrals to treatment and rehabilitation of those who acquire disabilities while in employment; and

- (d) a mentoring system to ensure that inclusion of new public officers with disabilities is fostered.
- (6) Every public service entity shall seek to cooperate with the Council which, within its statutory mandate, shall provide information matching job seekers with disabilities to jobs suited to their ability, work capacity and interest.
  - (7) Every public service entity shall ensure that public officers with disabilities are treated equally with other officers in terms of benefits in kind such as transport or housing.
  - (8) Where trade unions and welfare associations exist in the public service, they will act as advocates for the promotion of employment opportunities for persons with disabilities and job retention of those who acquire disabilities while in employment.
  - (9) Every public service entity shall take deliberate steps to mainstream disability related issues in the general framework of economic and social regulations in the delivery of its core mandate.
  - (10) Every public service entity shall periodically review all rules and regulations governing the delivery of its core mandate and especially relating to employment, job retention and return to work to ensure that they do not contain elements of negative discrimination against persons with disabilities.
  - (11) Every public service entity shall, in determining its systems of service delivery and employment, ensure that adequate support is provided and that no undue barriers are inadvertently placed in the way of persons with disabilities in entering employment, retaining their job or occupation, or returning to the open labour market and paid employment.
  - (12) Every public service entity shall include in its public information, education and communication strategy a component on awareness on disability and employment.

- (13) Every public service entity shall cooperate with the community, employers' organisations, trade unions, professional agencies, service providers and organisations of persons with disabilities to exchange information regarding mainstreaming of disability in the work place including-
- (a) development of universal design in techniques and technology for the adaptation of workplaces;
  - (b) systems of work placement and work experience for persons with disabilities;
  - (c) adjustments in systems of advertising and interviewing for recruitment and promotion of persons with disabilities; and
  - (d) practice in relation to ethical issues relating to disclosure of information on employees with disabilities and awareness-raising in the field of disability.
- (14) Every public service entity shall seek to be a good example and a model employer in relation to-
- (a) the recruitment of persons with disabilities;
  - (b) equal opportunity for workers with disabilities;
  - (c) provision for rehabilitation and job retention; and
  - (d) provision for return to work measures.
- (15) Every public service entity shall ensure that strategies and policies instituted to mainstream disability specifically cater for women and children with disabilities.
- (16) A public service entity may include in its strategies and policies on mainstreaming disability provision for the benefit of public officers who hold family responsibility for a person with disability.

## **7. Communication and awareness**

- (1) Every public service entity shall take steps so that the strategy for mainstreaming disability in the workplace is communicated to all members of staff in a language which can be easily

understood including using modern technology, Braille, Kenyan sign language, large prints and other modes of communication.

- (2) Every public service entity shall provide for a forum for genuine dialogue on mainstreaming disability related issues at the workplace and induction programmes for new staff and every public officer assuming managerial or supervisory role shall include a disability awareness session.
- (3) Leaders and senior managers in public service entities shall individually and collectively signal their commitment to the strategy for mainstreaming disability by initiating and taking deliberate positive steps regarding the recruitment of persons with disabilities and the retention of public officers who acquire disabilities.
- (4) Every public service entity shall inform its suppliers and sources of procurement of its strategies on mainstreaming disability with a view to encouraging good practice and embracing universal design.
- (5) Every public service entity shall embrace exchange of information and training on mainstreaming disability at the workplace and in this regard shall seek to cooperate with expert agencies and learning or training institutions.

## **8. Evaluating Effectiveness**

- (1) Every public service entity shall at regular intervals evaluate the effectiveness of its workplace strategy for mainstreaming disability and make improvements where necessary.
- (2) All public officers in the public service entity shall be entitled to access the evaluation and participate in it.
- (3) A public service entity may share the findings of its evaluation with other public service entities or its stakeholders and the

Commission or the Council may require public service entities to submit to it such evaluation reports.

## **9. Recruitment**

(1) (a) Every public service entity undertaking recruitment shall uphold the principle of non-discrimination throughout the recruitment process to ensure equitable opportunities for candidates with and without disabilities.

(b) Every public service entity will include a statement or a logo to signal its commitment to equal opportunity in its recruitment procedures and specifically state that candidates will be considered solely on the basis of their abilities.

(2) (a) Every public service entity shall take steps to ensure that the recruitment process attracts applications from as many qualified persons with disabilities as possible in order to fulfil at least the five percent statutory requirement.

(b) Every public service entity shall ensure that job vacancies and other communication relating to employment are publicized in a format which is accessible to persons with different disabilities including using established Government channels, in print, in large print, in Braille, on radio, on the internet and including providing the job application materials in a range of formats.

(c) A public service entity undertaking recruitment will commit itself to cooperate with employers' organizations, relevant organizations of persons with disabilities and advertising associations to develop advertising practices which attract applications from job seekers with disabilities.

(d) Where a public service entity out sources recruitment services, the recruitment agency shall be obligated to implement the public service strategy and policies relating to recruitment and employment of persons with disabilities.

- (3) Every public service entity in anticipation of considering recruitment and employment of a candidate with disability for a specific job or category of jobs will be committed to making adjustments in the workplace, work station or work conditions conducive to maximizing the ability of the candidate to perform the job.
- (4) Where at the end of the recruitment process, a public service entity is not able to immediately offer employment to a candidate with disability, the entity will promptly forward the profile of the candidate to the Council for the purpose of record and job placement, if any.

#### **10. Interviewing and testing**

- (1) (a) Every public service entity shall ensure that pre-employment or promotional tests and selection criteria especially at the short listing and interview stages focuses on the specific skills, knowledge and abilities regarded as essential to the functions of the vacant job.  
  
(b) Every public service entity shall take due care in selection of the tests to ensure that they are in a format which is accessible to candidates with disabilities and they do not inadvertently exclude persons with disabilities.
- (2) Every public service entity shall provide to every interview panel guidance on the interview and selection process of persons with disabilities in line with the strategy and policies on mainstreaming disability in the public service.
- (3) Every public service entity shall institute measures to enable candidates with disabilities to participate and perform at interviews on an equal basis with other candidates including permitting them at the interview panel facilities such as use of assistive and support devices and assistive services like sign

language interpreter or Braille, presence of an advocate or personal aide and presence of service animal.

- (4) Where a candidate with disability is invited for an interview, the public service entity shall encourage the candidate to state in advance any specific needs or reasonable accommodation or adaptation the candidate may require in order to participate in the interview effectively, and, such disclosure shall not be used to disadvantage the candidate.
- (5) Where a public service entity has made adjustments in the recruitment or testing process in view of the different needs of jobseekers with disabilities the entity shall inform the candidates, prior to the commencement of the process, such adjustments and their rationale.

## **11. Orientation and induction**

- (1) Every public service entity shall ensure that a person with disability whom it has employed undergoes induction programme like any other new staff.
- (2) Every public service entity shall orient each newly recruited public officer with disability to the organization and services of the entity in the same way as for public officers without disabilities.
- (3) Every public service entity shall ensure that information essential to the job and workplace such as job instructions, work operational manuals, information on staff rules, grievance handling procedures, health and safety procedures and all other relevant information is communicated to the public officer with disability in a format which assures that the officer is fully informed.
- (4) Every public service entity shall, upon offering a job to a candidate with disability, consult the candidate on any disability related adaptations such as to the work environment, work station,

work schedules or training which are proposed including any special job training, personal support or assistive services.

- (5) Every public service entity shall cooperate with learning and training institutions in facilitating courses for managers, supervisors and staff members working with a public officer with disability to learn alternative communication techniques for effective interaction at the workplace.
- (6) Every public service entity shall, upon employing a person with disability, undertake follow up services to ensure that any problems which may arise are swiftly identified and resolved so that the new public officer achieves satisfactory inclusion into the workplace.

## **12. Work experience and trials**

- (1) Where a public service entity is not in a position to readily employ a person with disability, the entity is encouraged to consider providing work experience opportunities to such a job seeker so as to enable the person acquire the skills, knowledge and work attitude required for specific jobs in the work place.
- (2) Where a public service entity has facilitated such work experience opportunity the entity will assign a supervisor or a senior public officer or a job coach to assist the officer.
- (3) Where a public service entity is not able to offer immediate recruitment or the provision of work experience opportunities, it is encouraged to consider giving a person with disability a work trial or a supported employment placement.
- (4) Every public service entity shall document experiences learnt from recruitment, provision of employment, provision of work experience opportunities, work trials and supported employment placements with a view to using the information to improve

future strategies and policies on mainstreaming disability related issues.

### **13. Promotion**

- (1) Every public service entity shall take deliberate steps to ensure that public officers with disabilities are afforded equal opportunities with other officers at the workplace to acquire the skills and experience necessary to advance their careers.
- (2) Every public service entity shall avail information about career development, progression and promotional opportunities to public officers with different disabilities in a range of formats accessible to such officers in the entity.
- (3) Every public service entity shall encourage public officers with disabilities to apply for promotion especially where they may be reluctant to do so because of impairment or other barrier arising from their disabilities or perceived barriers in their working environment.
- (4) In considering public officers with disabilities for promotion, a public service entity will place priority consideration on prior experience, competencies, present performance and capabilities essential to requirements of the job over and above the formal qualifications, and, disability related issues shall be taken into account when developing standards for promotion and career development or progression so as to achieve reasonable accommodation.

### **14. Training opportunities**

- (1) Every public service entity shall ensure that training opportunities including sponsorship is available to public officers with disabilities on an equal basis with other officers.

- (2) Every public service entity is encouraged to consider adjusting time schedules, venues and programmes to facilitate and maximize the participation of public officers with disabilities in measures intended for the career development of public officers.
- (3) Every public service entity charged with developing training opportunities including materials and curricula to be used shall take due care so that they are accessible to persons with disabilities.
- (4) Every public service entity shall ensure that work place training handbooks and materials are accessible to persons with communication impairments and intellectual disabilities including alternative and accessible formats for printed materials and use of visual illustrations in place of text when the need arises.
- (5) Learning and training institutions in the public service are encouraged to put in place measures to ensure that educational and training systems are accessible to persons with disabilities to enable them have access to open employment.
- (6) Every public service entity shall, in selecting external training services and opportunities, take into account the accessibility of the venue for public officers with disabilities.

## **15. Performance Appraisal**

- (1) Every public service entity shall implement the requirement that performance appraisal of public officers with disabilities shall be undertaken according to the same criteria applied to the same or similar job holders.
- (2) Every public service entity shall ensure that the performance appraisal instruments are rendered in a format accessible to persons with different disabilities in the entity and in this regard, adaptation or modification of the instruments shall be considered to reasonably accommodate the purpose.

- (3) Every public service entity charged with developing a performance appraisal system shall take deliberate measures to assure that the system is responsive to public officers with disabilities.
- (4) Every public service entity shall, in consultation with a public officer with disability, determine and review performance requirements at regular intervals like it is done with other officers.

## **16. Job Retention**

- (1) Where a public officer acquires disability while in employment, the concerned public service entity shall take steps to enable the officer retain employment including –
  - (a) early intervention, referral to appropriate services and rehabilitation;
  - (b) measures for a gradual resumption of work;
  - (c) opportunities for the officer to test work or obtain experience in an alternative job if the officer is unable to resume the previous job;
  - (d) the use of support and technical advice to identify any opportunities and adjustments which might be required;
  - (e) mitigating measures so as not to exacerbate the existing condition of the officer;
  - (f) any necessary training or re-training for the officer;
  - (g) any reasonable modifications or adaptations of the job, work station or work environment;
  - (h) any changes in procedures needed to perform the job accompanied with information to co-workers; and

- (i) the provision of assistive or support devices and assistive services for the officer.
- (2) Where a public service entity is to redeploy a public officer with a disability the officer will be consulted and the officer's occupational preferences will be taken into account in decision making.
- (3) Where a public officer acquires disability, the concerned public service entity shall prioritize taking measures aimed at utilizing the residual potential and skills of the officer before considering to take any other steps.
- (4) Where a decision is made to seek medical opinion on the fitness of a public officer to continue in employment that may necessitate retirement on account of ill health, the public service entity seeking such opinion shall require the opinion to include a provision on the possibility of utilizing the residual potential and skills of the officer, if any.
- (5) For avoidance of doubt, the guidelines in this paragraph refer to any acquired disability including instances of an accident, injury, illness, changed capacity or disabling condition.

**17. Accessibility and safety**

- (1) Every public service entity involved in recruitment of public officers shall facilitate the recruitment of persons with disabilities by taking steps to improve the accessibility of the recruitment venues to people with different types of disabilities.
- (2) Every public service entity shall take steps to improve the accessibility of the work premises to persons with disabilities including entrance, exit and movement around the premises.
- (3) Every public service entity shall install safety devices and other measures friendly to the needs of persons with disabilities such

as a bell, fire alarm, whistle or siren, flashing lights, non-electrical elevators, safety scents, signs or symbols and use of service animals.

- (4) Every public service entity shall plan and put in place emergency measures that ensure that persons with disabilities are able to safely and effectively evacuate the workplace to an area of safety.

## **18. Workplace Conduct**

- (1) Every public service entity shall ensure that guidance and counselling, grievance management and disciplinary procedures prescribed for its public officers are the ones applicable to public officers with disabilities.
- (2) Every public service entity shall include in its code of conduct and ethics provisions which mainstream disability and related issues at the workplace.
- (3) Every public service entity shall uphold the requirement that public officers with disabilities shall not be isolated from workplace associations and shall participate in workplace activities on an equal basis with other officers.
- (4) Every public service entity shall undertake reasonable modification or adaptation of instruments and procedures applied in guidance and counselling, grievance management and handling cases of alleged misconduct at the workplace to suit the different needs of public officers with disabilities.

## **19. Deployment**

- (1) Every public service entity shall ensure that its deployment policy and practice does not discriminate public officers with disabilities but caters for their best interests.

(2) In deploying public officers, every public service entity will take due care and deliberate steps to consult public officers with disabilities on the preferable and conducive duty station, workstation and work environment.

(3) In designing duty stations, workstations and work environments, every public service entity shall embrace and maximise the benefits of universal design and reasonable accommodation.

## **20. Confidentiality of information**

(1) Every public service entity may, only with the consent of the concerned public officer with disability, obtain or disclose information concerning the officer's personal, health and rehabilitation for the purpose of employment, retention and return to work.

(2) Every public service entity shall assemble and keep the information referred to in this paragraph in a manner that maintains confidentiality.

## **21. Attachment and Internship**

(1) Every public service entity shall cooperate with learning and training institutions to facilitate students with disabilities to secure attachment and internship in the public service.

(2) Every public service entity shall cooperate with the Institute, preparatory schools, special schools and teachers to secure attachment and workplace experiential learning for children with special educational needs.

## **22. Etiquette**

(1) Every public service entity and every public officer shall embrace disability etiquette including-

- (a) putting the person first such as, 'person with disability' rather than, 'disabled person';
  - (b) using appropriate language at all times and avoiding outdated terms like handicapped, crippled, physically challenged, differently abled, confined to wheelchair or wheelchair bound, victim or sufferer, deformed, shapeless, infirm, disadvantaged and such other terminologies;
  - (c) asking before helping the person;
  - (d) appreciating the independence of the person;
  - (e) respecting the personal space including assistive and supportive devices, and, assistive services including aides and service animals;
  - (f) communicating directly to the person and not to the companion, aide, reader or sign language interpreter;
  - (g) avoiding isolative presumptions about what the person can or cannot participate in;
  - (h) responding positively and graciously to the person's request;
  - (i) using appropriate mode of communication; and
  - (j) treating persons with disabilities as individuals with families, jobs, hobbies, likes and dislikes, and problems and joys just like other people and not treating them as disability heroes or victims.
- (2) Every public service entity shall institute and regularly review a workplace disability etiquette for the different disabilities including but not limited to -
- (a) people who use wheelchairs or have mobility impairments;
  - (b) people who are blind or visually impaired;

- (c) people who are deaf or hard of hearing;
- (d) people with speech disabilities;
- (e) persons of short stature;
- (f) people with cerebral palsy;
- (g) tourette syndrome;
- (h) people who look different including persons with albinism;
- (i) hidden disabilities;
- (j) epilepsy (seizure disorders);
- (k) multiple chemical sensitivity and respiratory disabilities;
- (l) psychosocial and psychiatric disabilities (mental illness);
- (m) cognitive disabilities such as mental retardation, learning disabilities, traumatic or acquired brain injury; and
- (n) any other disabilities.

### **PART III – IMPLEMENTATION**

#### **23. Role of Authorised Officers**

(1) Every authorised officer shall be charged with the responsibility of taking all the necessary steps towards the realisation of the provisions of this Code.

(2) Every authorised officer shall appoint a committee on mainstreaming disability and related issues to assist realise the objectives of this Code, and, the members of the committee will include –

- (a) the authorised officer or representative as chairperson;
- (b) the head of procurement;

- (c) the head of human resource management;
- (d) at least two persons with disabilities;
- (e) representation from the core departments or divisions; and
- (f) a secretary to the committee.

(3) The authorized officer shall ensure that the members of the committee receive training in mainstreaming disability and related issues and have access to expert agencies and including organisations of and for persons with disabilities.

(4) The committee shall meet at least once every quarter and shall submit to the Commission and the Council in every December an annual report of its proceedings and activities.

(5) Every authorised officer shall liaise with the Commission and the Council including forwarding any findings and concerns that may emerge in the course of implementing this Code.

(6) Every authorised officer shall ensure that the public service entity -

- (a) undertakes a baseline survey on disability and related issues;
- (b) formulates an internal disability mainstreaming policy based on the identified gaps;
- (c) mainstreams the Act and the National Disability Policy; and
- (d) implements the internal disability strategy and policies.

#### **24. National legislation and policy**

Every authorised officer and public service entity shall comply with the National legislation and policy on mainstreaming disability throughout the implementation of this Code.

## **25. Audit and Investigation**

- (1) The Commission may institute an audit or investigation of the manner in which a public service entity or an authorised officer has implemented the provisions of this Code.
- (2) The Commission will undertake monitoring and periodic evaluation of effectiveness of the implementation of strategies undertaken in the public service towards mainstreaming disability especially any incentives, technical advisory services and employment policies aimed at promoting opportunities for the employment, job retention and return to work of employees with disabilities.

## **26. Consultation and Cooperation**

- 1) Every public service entity or authorised officer may consult the Commission or the Council or the Institute on any issue relating to implementation of this Code.
- 2) The Commission shall at the request of an authorized officer hear the officer or representative personally in connection with the implementation of this Code.

## **27. Correspondence**

Any correspondence relating to implementation of this Code shall be addressed to the Secretary or in special cases to the Chairman.

## **28. Issues not covered**

Any issue relating to mainstreaming of disability and related issues at the workplace in the public service that is not provided for under this Code shall be dealt with in accordance with such instructions as the Commission may, from time to time, issue.

## **29. Review**

The Commission will undertake review of any provision of this Code from time to time as need may arise and in any event, at periodic intervals of five years.

### **30. Commencement**

This Code came into operation on the date the Commission passed it and shall remain in force subject to such reviews as may be communicated by the Commission from time to time.

Passed by the Commission at the meeting held on the 10<sup>th</sup> day of March 2010

**Titus J. K. Gateere, CBS, MBS**

**Chairman**

**Public Service Commission of Kenya.**