



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
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F. No. CC-12017/22/2022-O/o CCPD

Dated: 05th Nov 2024

To,

The Head of the Establishment


Sub: Review of the Guidelines/Template of Equal Opportunity Policy (EOP) as per the Rights of Persons with Disabilities Act, 2016 - regarding

Madam/Sir,

This is with reference to your proposal dated _____ regarding notification/registration of Equal Opportunity Policy (EOP) framed by your organisation under Section 21 of the Rights of Persons with Disabilities Act, 2016 (In short "the Act").

2. In this context, this is to inform you that the issue and process of framing EOP by respective establishments has been considered in this office in consultation with experts. The previous template issued vide this office F.No. 12017/22/2022 dated 24th January 2023 has been reviewed in the light of Section 21 of the Act, read with Rule 8 of Rights of Persons with Disabilities Rules, 2017 (In short "the Rules") and instructions from the appropriate government such as the DOP&T in respect of ministries/departments of the central government, D/o Financial Services in respect of nationalised banks & insurance companies, D/o Public Enterprises in respect of CPSEs, etc.

3. Accordingly, the revised guidelines/template is being issued in the succeeding paragraphs to assist the establishments in framing their EOP with appropriate changes *mutatis mutandis*. For the sake of brevity, instructions of the DoPT have been referred to in these guidelines. Establishments are advised to use the corresponding instructions applicable to their cases. The guidelines are as under: -


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I. **Facilities and amenities provided to persons with disabilities (PwDs):**

- a. Establishments should detail the facilities and amenities that are secured to their employees with disabilities as well as for other PwDs who are likely to visit their premises, in terms of both physical and digital accessibility.
- b. This could include details of physical features such as design (like suitable contrast), construction, fixtures (like clear signages), fittings, furnishings, materials, equipment (like wheelchairs), and other such facilities or amenities for barrier-free movement, in terms Rule 8 of the Rules and appropriate instructions from the appropriate government such as the Office Memorandum No. 36035/44/202 3-Estt(Res-II) dated 02.02.2024 of the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions (DoPT).
- c. In addition, the EOP should also set out common utilities that are available in an accessible manner, including, drinking water, toilets, parking, waiting rooms, elevators, and canteens.
- d. Further, facilities such as accessible workstations, adapted or modified machines/ tools, and availability of information relevant to daily operations in accessible formats may also be indicated in the EOP. Facilities such as auxiliary services, sign language interpreters, availability of trained staff/ appropriate technology for assistance, priority in handling issues/matters concerning PwDs, quiet rooms or sensory-friendly spaces, etc., where available, could also be included in the EOP.
- e. Timeline for periodic review, if any, to check the availability of, or need for introduction or upgradation of facilities or amenities may also be included in the EOP.
- f. The status of compliance with applicable sectoral accessibility standards provided under Rule 15(1) of the Rules may also be included in the EOP. This may be periodically updated to reflect the status of compliance with such standards.

II. **Identification of posts suitable for PwDs and the manner for implementation of reservation for persons with benchmark disabilities in the establishment:**

- a. Establishments to clearly indicate the list of posts identified to be suitable for PwDs, or if the same has not been done so far, the specific timelines fixed for identification of posts suitable for PwDs.
- b. In particular, the EOPs of government establishments should reflect the provisions relating to vacancies for persons with benchmark disabilities,


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interchange of such vacancies, and submission of return on vacancies. The provisions must reflect the procedure set out in Sections 34 and 36 of the Act read with Rules 11, 12, and 13 of the Rules.

III. Reasonable accommodation in the selection of PwDs for various posts:

- a. The EOP should indicate the nature of reasonable accommodation(s) provided to PwDs during the entire process of selection, without any discrimination. Any inquiry about disability should be conducted with sensitivity, without violating the individual's privacy, and solely for achieving the legitimate aim of securing reasonable accommodation for the said individual. For instance, a column may be included in the application form enquiring whether an applicant is a PwD and if so, the nature of the disability and specific needs, if any. Reasonable accommodations could include advertisements in an accessible format on the website, facilities of the scribe, interpreter, and screen readers, and the inclusion of PwD as an expert in the selection committee.
- b. The EOP should specify the measures and practices, if any, instituted by the establishment to prevent the underrepresentation of PwDs in the workforce. For example, measures to ensure that qualification standards, employment tests, or other selection criteria accurately reflect the applicant's aptitude, skills, and factors relevant to the job position. The EOP should expressly indicate that information about a person's disability will not be prejudicial to their application in any manner.
- c. Every establishment covered under Rule 8(3) of the Rules and required to maintain records under Rule 9 of the Rules shall specify in its EOP the form and manner in which such records will be maintained. This specification shall comply with the provisions of Rules 9 and 14 of the Rules. All such records should contain the following particulars:
 - i. the number of PwDs who are employed and the date from when they are employed;
 - ii. the name, gender, and address of PwDs;
 - iii. the nature of disability of such persons;
 - iv. the nature of work being rendered by such employed PwDs; and
 - v. the kind of facilities being provided to such PwDs.

IV. Employment-related training facility:

- a. The EOP should detail the specific training to be provided to PwDs and all other employees as per Sections 39 & 47 of the Act, both in the form of induction or integration training upon recruitment, or job-specific inclusive technical training, or training for technological adaptation, keeping in view their distinct needs.


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- b. Similarly, post-recruitment and pre-promotion training needs for employees with a disability may also be detailed in the EOP, which may also specify whether these training are inclusive of all employees or exclusively for employees with disabilities. The EOP may also detail the procedure for placement of an employee with disability with an experienced employee on assuming/ resuming responsibility for a post, as suggested by Office Memorandum No. 36035/44/202 3-Estt(Res-II) dated 02.02.2024 issued by the DoPT.

V. Promotions:

- a. The EOP should specify that any inquiry about an employee's disability, after recruitment, is solely for the convenience of such employee in terms of providing reasonable accommodation at the workplace; the inquiry should be undertaken with sensitivity, without violating the individual's privacy. Moreover, such inquiry should not be used to the prejudice of the employee with a disability in the course of the employment or in the selection process for promotion.
- b. Government establishments' EOPs could contain the policies and practices instituted for ensuring equal opportunities and preventing discrimination against employees with disabilities in matters of promotion, as mandated by Section 20 of the Act, including the steps undertaken for providing reasonable accommodations to employees with disabilities in matters of promotion. This may include the procedure laid down to extend reservations in promotion to persons with benchmark disabilities as per the directions in Office Memorandum No. 36012/1/2020-Estt.(Res.-II) dated 17.05.2022 issued by the DoPT read with OM No. 36012/1/2020-Estt (Res.II) dated 28.12.2023, in terms of the proviso to Rule 11 of the Rules.
- c. The EOPs of private establishments could also set out measures to ensure due career progression for PwDs and evaluate their performance in a manner that is sensitive to the barriers faced by them.

VI. Preference in transfer and posting:

- a. Policy of the establishment regarding preference in transfer and posting of employees with disabilities, in terms of Section 20(5) of the Act, if any, should be mentioned in this part of the EOP. This may include provisions recommended in Office Memorandum No. 36035/44/202 3-Estt(Res-II) dated 02.02.2024 issued by the DoPT and should be in accordance with the law laid down on transfer of employees with disabilities. Specifically, transfer orders should abide by the following parameters:
 - i. the order should be non-discriminatory;


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- ii. the concerned employee should, ordinarily, be exempted from rotational transfer;
- iii. at the time of transfer or promotion, a PwD should, preferably, be moved to a place of their preference, subject to administrative constraints, if any;
- iv. the employer should ensure that a PwD is posted to a place where required medical and infrastructural facilities are readily available; and
- v. the employer should refrain from posting a PwD to a place that is far away from her or his residence, resulting in, amongst other things, difficulties in commuting between residence and workplace.
- vi. Policies instituted by the establishment to prevent transfer/ posting as a consequence of discrimination or prejudice against any employee with a disability, and to prevent their victimization, may also be included in this part of the EOP.

VI. Special leave, preference in allotment of residential accommodation if any, and other facilities:

- a. Other accommodations provided by the establishment to employees with disabilities like special leave, preference in allotment of residential accommodation, etc., if any, should be mentioned in the EOP. In case of government establishments, it should include important, relevant provisions from circulars issued by the DoPT.
- b. The EOP may also contain provisions and procedures instituted for providing other accommodations to employees with disabilities, such as:
 - i. disbursement of transport allowance;
 - ii. allotment of accessible residential accommodation near the place of posting to prevent long distance commute; and
 - iii. preference for allotment of ground floor accommodation or renovation of existing housing premises to make them conveniently accessible to PwDs, where accessible housing is unavailable, as recommended in Office Memorandum No. 36035/44/202 3-Estt(Res-II) dated 02.02.2024 issued by the DoPT.
- c. Policies for diversity and inclusivity in the workforce, career advancement and retention of employees with disabilities such as flexible work arrangements, part-time or modified work schedules, wherever available, may also be included in the EOP.

VIII. Provisions for assistive devices, barrier-free accessibility:

- a. The EOP should detail out the provisions provided to the employees with disabilities as per their needs and requirements to facilitate them in discharging their functions. These provisions may include auxiliary aids, assistive devices (wheelchairs and special furniture), alternative methods, as



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well as specialised software (such as low vision aids, hearing aids with battery, speech synthesisers, screen readers, software scanners, computer, and other hardware, etc.).

- b. Provisions for cyclical review to check the availability or need for introduction of enhanced/upgraded versions of the methods/ devices/software described above could also be included in the EOP.

IX. Appointment of liaison officer by the establishment:

- a. The EOP should contain particulars regarding the appointment of a liaison officer in the establishment to look after the recruitment of PwDs and the provision of facilities and amenities for them as prescribed by Rule 8(3)(e) of the Rules. This may include details such as the procedure for the appointment of the liaison officer, their tenure, powers, functions, and manner of operating.
- b. The establishment should mention the name of the liaison officer appointed along with their designation and contact details. There should be a provision for updating the details of the liaison officer from time to time.
- c. Facilities for sensitization and training of liaison officers regarding disability equality and etiquette, in consultation with the Office of the Chief Commissioner for Persons with Disabilities, wherever prescribed, in terms of Office Memorandum No. 36035/44/202 3-Estt(Res-II) dated 02.02.2024 issued by the DoPT may also be elucidated in this part of the EOP. This may also contain particulars of the mandated training and courses, if any, that liaison officers are required to undergo to remain updated with the developments in the realm of disability rights and technologies available for the assistance of PwDs to fulfill their duties effectively.

X. Procedure for grievance redressal:

- a. The EOP should contain particulars such as composition, tenure, powers, and functions of the grievance redressal officer/ body or a disability committee, where available, to prevent, address, and resolve instances of discrimination at the workplace against employees with disabilities.
- b. Specifically, in the case of government establishments, the procedure for appointment of a grievance redressal officer, the nature of complaints that can be filed before such officer, and other procedural particulars should be outlined in the EOP, in accordance with Section 23 of Act read with Rule 10 of the Rules.
- c. Moreover, where the head of a government establishment or a private establishment employing twenty or more persons, receives a complaint from



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an aggrieved person regarding discrimination on the ground of disability, such complaint should be resolved in accordance with the procedure set out in Rule 3(2) of the Rules.

XI. Sensitisation:

- a. The establishment's policies and efforts for staff sensitization and awareness generation may be included in the EOP. This may contain particulars about sensitization trainings and awareness drives scheduled or undertaken to educate all employees and managers, especially those without disabilities regarding disability-related issues to prevent discrimination; ensure that all rights and accommodations available to employees with disabilities are secured to them in implementation, particularly in the context of invisible disabilities, such as autism or psychosocial disabilities; and to foster a more inclusive workplace culture.
- b. The minimum number of such sessions or trainings to be scheduled per year should be made a part of the establishment's EOP as well as the annual calendar, with at least one such session being accounted for every year.
- c. Endeavors by the establishment to collaborate with Disabled People's Organisations (DPOs) to account for practical realities and lived experiences in their policies, if any, should also be contained in this part of the EOP.

XII. Accommodations for caregivers:

- a. The EOP may elaborate on the accommodations and provisions, if any provided to employees who are caregiver(s) of persons/ dependents with disabilities. This may include child care leave, child care allowance, educational allowance for children with disabilities, and exemption from the routine exercise of transfer/ rotational transfer (as recommended by Office Memorandum No. 42011/3/2014-Estt.(Res) dated 08.10.2018 issued by the DoPT and reiterated at Para I of the Office Memorandum No. 36035/44/202 3-Estt(Res-II) dated 02.02.2024).

XIII. Procedures pertaining to the EOP:

- a. The EOP itself should elaborate on the processes, if any, instituted to ensure that it is easily and readily available to all PwDs. This may be ensured by making it available in multiple languages and formats such as braille, audio format, through sign language interpreters, etc.
- b. The EOP should also contain information about the policies and practices of the establishment to disseminate the EOP and build awareness about it.
- c. Guidelines, policies, and procedures of the establishment for periodic assessment and revision of the EOP, if any, should be included.


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4. Accordingly, you are requested to suitably modify the EOP in respect of your organization and re-submit the same to this office by _____ for further consideration and registration.

Yours faithfully,



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(Praveen Prakash Ambashta)
Dy. Chief Commissioner