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Government of Himachal Pradesh
Department of Social Justice & Empowerment

No. SJE-B-A (4)-16/2018-Vol-I Shimla-2, the Dated 19th, Dec, 2019

NOTIFICATION

The Governor, Himachal Pradesh in exercise of the powers conferred under Section 21 of **The Rights of Persons with Disabilities Act, 2016**, is pleased to notify Equal Opportunity Policy for Persons with Disabilities employees in respect of Department of Social Justice and Empowerment in the State of HP as per **Annexure "A"** with immediate effect:

By Order


(Nisha Singh)
Additional Chief Secretary, (SJ&E) to the
Government of Himachal Pradesh

Endst. No.: As Above

Dated : Shimla, the 19th, December, 2019

Copy endorsed to:-

1. All the Administrative Secretaries to the Government of HP with the request to notify their own Equal Opportunity Policy for the Disabled employees on the analogy of the policy notified by this Department as mentioned above. The Policy so notified may be registered with the Commissioner Disability, HP.
2. The Director SCs, OBCs, Minorities and the Specially Abled With the request to pursue the matter with all departments so that the Equal Opportunity Policy is notified by each and every Department at the earliest.
3. The Controller, Printing and Stationery, H.P. Shimla-5 with the request to publish the same in the official Gazette of the State of HP.
4. Guard file.


Deputy Secretary (SJ&E) to the
Government of Himachal Pradesh



Equal Opportunity Policy in respect of employees of Directorate Empowerment of SCs, OBCs, Minorities & the Specially Abled, Himachal Pradesh.

Background:

The Government of India has enacted Rights of Persons with Benchmark Disabilities (RPwD) Act, 2016. The Section 21(1) states that every establishment shall notify Equal Opportunity Policy and also Section 21(2) of the Act, envisages that every establishment shall register a copy of the said policy with the State Commissioner for the Persons with Disability.

Objective

This Policy aims to safeguard the equality of self determination, dignity and inclusion of Persons with Benchmark Disability employees working in the Directorate as well as at Districts and Tehsil level offices.

The objectives of this policy is to ensure that all the Persons with Benchmark Disability Employees of this Directorate are not only to improve the quality of life of person with benchmark disability, but also to promote and safeguard equality, self-determination, dignity and social inclusion of persons with benchmark disability.

The Persons with Benchmark Disabilities include those who have long-term physical, mental, intellectual or sensory impairments and possesses certificate of disability issued by a competent authority under section 57 of the RPwD Act, 2016.

Applicability

This Policy is applicable to the Employees having Benchmark Disability of the Department. This Policy is consonantly applied throughout the period of employment of the employee right from his recruitment till his/her employment in the Department.

Policy

It is the policy of Directorate for the Empowerment of SCs, OBCs, Minorities & the Specially Abled, Himachal Pradesh, to provide equal employment opportunities, without any discrimination on the grounds of caste, colour, disability, marital status, nationality, race, religion, sexual orientation. The Directorate Empowerment of SCs, OBCs, Minorities & the Specially Abled, H.P. retrieve to maintain a work environment that is free from any harassment based on above considerations.

This Equal Opportunity Policy is subject to applicable regulations, qualifications and merit of the individual. This Policy will consistently be applied throughout the period of employment of the individual, right from the recruitment process till retirement from service.

Equal Opportunity and Non- Discrimination

In accordance with the provisions of the Rights of Persons with Disabilities Act, 2016 and Rules, 2017, it is the policy of Directorate ESOMSA to ensure that the work environment is free from any discrimination against the Persons with Benchmark Disabilities. Further, the Directorate ESOMSA will take all actions to ensure that a conducive environment is provided to persons with benchmark disabilities to perform their role and excel in the same. The Directorate ESOMSA strives towards establishing systems and processes to ensure:

1. That appropriate facilities and amenities would also be provided to persons with disabilities to enable them to effectively discharge their duties in the establishment and no officer/official shall be deprived of his or her personal liberty on the ground of disability.
2. That provision shall be made for an accessible environment, accessible buildings and availability of assistive paraphernalia as required to enable the persons with benchmark disabilities to effectively discharge their duties in the establishment.
3. That a Grievance Redressal Mechanism for addressing the matters related to the employment of persons with benchmark disabilities is available. Deputy Director (ESOMSA) is the Grievance Redressal Officer which will look after all the grievances of the PwDs in the Directorate ESOMSA and the same is accountable to Director ESOMSA.
4. That the various sections in the Directorate and in the respective offices at Districts will ensure that if any grievance does arise & is brought up to the concerned committee/officer with respect to selection of Person(s) with Benchmark disabilities for any position, training, promotion, transfer posting, leave, assistive aid & preference in accommodation allocation etc is dealt with in a fair and equitable manner free from any discrimination.
5. That no opportunities are denied to persons with disabilities merely on the ground of his disability.
6. No discrimination practices are to be engaged in the course of employment of persons with a benchmark disability, including recruitment and career advancement or not to dispense with or reduce in rank an employee who acquires a disability during his or her service. Provided that if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits. Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

Identification of Posts for Reservation

The Directorate for the Empowerment of SCs, OBCs, Minorities & the Specially Abled, H.P. Shimla-9, shall identify the posts reserved for Persons with Benchmark Disabilities as per section 34(1) of the RPwD Act, 2016 that provides of 4% reservation to the Persons with Benchmark Disabilities. The information regarding identified posts and vacancies would be notified and uploaded on the

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website of this Directorate. The identified posts shall be filled up the Directorate ESOMSA as per the directions issued by the State Govt. from time to time and the same shall also be furnished to the employment exchange.

Manner of Selection

The Directorate ESOMSA adopts the selection policy of the State Government regarding filling up of posts reserved for the Persons with Disabilities.

Leave

The Specially Abled employees of this Directorate will be governed by the rules of leave specified by the State Government from time to time.

Liaison Officer

The Administration (Establishment) of the Directorate ESOMSA will ensure a Liaison officer is designated at Directorate level to oversee the provision of required facilities/amenities including the process of recruitment of Persons with Benchmark Disabilities. Such Officer shall be accountable to Director ESOMSA directly. Superintendent Grade-I will be the liaison officer will look after the recruitment of Persons with Benchmark Disabilities.

Complaints/Grievance and their Disposal

A register of complaints/grievances has been maintained in the office and a Grievance Redressal Officer has been appointed to hear the pleading/request/grievances of Persons with Disabilities working in the Directorate ESOMSA.

Responsibility

- Directorate ESOMSA is responsible for utilization of up to date information regarding applicable laws and rules for Persons with Disabilities.
- District Welfare Officers at District level are responsible for giving effect to this policy at district level.
- Tehsil Welfare officers at Tehsil level are responsible for giving effect this policy at Tehsil level.
- Any employee who violates this policy shall be dealt in accordance with applicable rules and laws.
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Communication of Policy

This policy will be available to all employees via the Directorate website.

Maintenance of Record

Records shall be maintained as per the provisions of laws and the rules there under, shall maintain in relation to the matter of employment, facility provided and other necessary information in compliance with the provisions of laws.

This policy shall be displayed on the Departmental/Directorate ESOMSA website or at conspicuous places.
