

DIRECTORATE GENERAL OF HEALTH SERVICES

GOVT. OF NCT OF DELHI

F-17, KARKARDOOMA, DELHI-110032

F.NO.24/19/EOP/Disability/DGHS/HQ/2021/91-93

14/6/24
Dated: 26/04/2024

Equal Opportunity Policy for Persons with Disabilities under the Rights of Persons with Disability Act, 2016 ("RPwD Act")

1. Preamble and Overview:

"Whereas, Parliament has enacted The Rights of Persons with Disabilities Act, 2016 (Act No. 49 of 2016) to give effect to United Nations Convention on the Rights of Persons with Disabilities and for the matters connected therewith or incidental thereto.

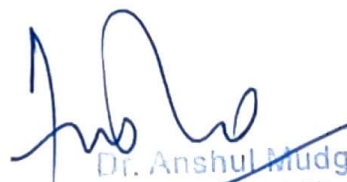
Whereas, Section 21 of the Rights of Persons with Disabilities Act 2016 mandates that:

- Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of Chapter IV of the Act of 2016, in the manner as may be prescribed by the Central Govt.
- Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner as the case may be.

Whereas the Central Government has provided equal opportunity policy by way of the Rights of Persons with Disabilities Rules 2017 and Govt. of NCT of Delhi made the rules for Persons with Disabilities and published Delhi Rights of persons with disabilities Rules, 2018.

Now, therefore, in pursuance to the mandate of Section 21 of the Rights of Person with Disabilities Act 2016 and Rule 8,9 and 10 under Chapter-IV of the Rights of Person with Disabilities Rules, 2017 and as incorporated under Rule 12, 13 and 14 under Chapter-V, of the Delhi Rights of Person with Disabilities Rules, 2018, **Directorate General of Health Services (DGHS), GNCTD**, hereby notifies Equal Opportunity Policy (EOP) for Person with Disabilities as follows:"

- 1.1 This Equal Opportunity policy is framed in compliance of the provisions of the RPwD Act, 2016. DGHS, GNCTD commits to comply with the said Act in true letter and spirit.
- 1.2 DGHS, GNCTD, recognizes the value of a diverse workforce and is committed to provide equal opportunity to persons with disabilities in employment and creating an inclusive workplace and work culture in which all employees are treated with respect and dignity.
- 1.3 DGHS, GNCTD, will strive to ensure that its workforce is representative of all sections of the society and govt. guidelines/ instructions pertaining to reservations are implemented in letter and spirit.



Dr. Anshul Mudgal
In-charge, Disability Cell
DGHS (HQ), GNCTD
F-17, Karkardooma, Delhi-32

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2. Policy Statement:


- 2.1 DGHS, GNCTD is committed to eliminate all forms of unlawful discrimination (which includes direct discrimination, indirect discrimination and denial of reasonable accommodation), bullying and harassment of Persons with Disabilities.
- 2.2 DGHS, GNCTD continuously strives to ensure that all its facilities, technologies, information and privileges are accessible to Persons with Disabilities.
- 2.3 DGHS, GNCTD encourages candidates with different disabilities to apply for the vacancies notified from time to time.
- 2.4 DGHS, GNCTD follows an inclusive evaluation process by ensuring that a person with disability is provided with suitable flexibility and accommodation that may be required so that she/ he may be evaluated fairly. Any information shared by the employee on disability / medical condition remains confidential.

3. Scope: Persons with Disabilities

- 3.1 The Policy covers all Persons with Disabilities. They could be job applicant's regular/ contractual employees, trainees contractual. It also covers those employees who acquire disability during their work tenure.
- 3.2 The Policy also applies to all aspects of employment; be it recruitment, training, working conditions, salaries, transfers, employee benefits and career advancement.

4. Definitions as per the RPwD Act, 2016:

- 4.1 "Discrimination" in relation to disability, means any distinction, exclusion, restrictions on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation.
- 4.2 "High Support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life and treatment and therapy.
- 4.3 "Persons with Disabilities" means a person with long term physical, mental, intellectual or sensory impairment which, in inter-action with barriers, hinders his full and effective participation in society equally with others.
- 4.4 "Persons with benchmark Disabilities" means a person with not less than forty percent of a specified disability where specific disability has not been defined in measurable terms, as certified by the certifying authority.


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4.5 "Reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to Persons with Disabilities the enjoyment or exercise of right equality with others.

5. Policy Details:

Facilities and amenities provided to the Persons with Disabilities to enable them to effectively discharge their duties in the establishment are as following:

5.1 Physical Infrastructure:

DGHS, GNCTD aims to ensure that the office physical infrastructure (buildings, furniture, facilities and services in the building) and the premises adheres to the accessibility standards of PwD's as prescribed by the Government of India.

We have provisioned accessibility and disable friendly environment in the directorate premises by providing

- Tactile paving/ path
- Ramps
- Grab Bars
- Wider doorways
- Adequate number of Lifts in the building with 24X7 power backup and liftman to enable access to building and workplace and disabled friendly toilet.

The construction, maintenance and upkeep of the directorate premises lie with the Public Works Department of GNCTD. The Directorate will ensure strict compliance or accessibility as per RPwD Act 2016 through PWD.


5.2 List of posts Identified establishment; suitable for persons with disabilities in the establishment:

The GNCTD has already identified posts in all groups- A, B, C for persons with disabilities which could be easily performed by them and these posts are filled by the GNCTD & DSSSB in consultation with concerned departments i.e. H&FW Deptt, Services Department, Planning Deptt. and Finance Department etc. of GNCTD & DSSSB.

5.3 Additional Financial assistance:

In accordance to the guidelines and instructions issued by the government from time to time following additional financial assistance are provided to the persons with disabilities:

- PWD employees/ workers are given transport allowance at double the normal rate + DA thereon as per Ministry of Finance Department of Expenditure, OM Number 21/3/2017-E.IIB dated 12.07.2018.


Dr. Anshul Mudgal
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- Employees can use own/ hired car for LTC, if employee or family members, is physically challenged and disabled.
- Physically challenged and disabled are entitled for Income Tax exemption as per Govt. Rules.
- Children Education Allowance (CEA) for 'Divyang' Children of Govt. employee is granted at double the normal rates of CEA prescribed.
- Special allowance for child care for women with disables and education allowance for disabled children of Govt. employees.

5.4 Special Casual leave:

The persons with disabilities working in Directorate are availing Special Casual Leave for 4 days in a calendar year for specific requirement in accordance to OM No. 25011/1/2008-Estt (A) dated 19.11.2008 and OM No. 36035/3/2013-Estt. (Res) dated 31/03/2014 by the DOPT, GOI.

Further, there is also a provision of 10 days Special Casual Leave in a calendar year subject to exigencies of work for the employees with disabilities for participating in Conference/Seminars/Training/Workshop related to disability and development related programs in accordance to No. 28016/02/2007- Est. (A) Dated 14.11.2007 issued by DOPT, GOI.

5.5 Post recruitment and Pre-promotion Induction training:


The employee with disability on appointment/ promotion shall be placed with an experienced employee for at least one month on resuming responsibilities of the post. This would help him/ her to pick up skills required to perform the job and also the adaptations that may be required in individual cases.

5.6 Preference in transfer and posting:

As far as possible, the persons with disabilities be exempted from the shifting duties/ rotational transfer policy and be allowed to continue in similar job, where they would have achieved the optimum performance. Further, choice of preference in place of posting at the time of transfer/ promotion may be given to the persons with disability subject to the administrative constraints. Instructions/ Guidelines issued by the GNCTD and Department of Personnel and Training, GOI from time to time will be followed.

5.7 Provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities:

Appropriate furniture, wheel chairs (motorized if necessary), software scanners, computer and other hardware, etc. in accordance with their requirement, which would improve their efficiency, shall be provided to PwD's by the Department.


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DGHS (HQ), GNCTD
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High tech/latest technology led assistive devices (including low vision aids, hearing aids with battery) on the recommendation of doctor shall either be provided or the cost of such devices shall be reimbursed as per govt. approved, rates with a specific time period (2 months) to persons with disabilities in accordance the price/durability of the special devices.

The Department would carry out a review in this regard every three years. The employees with disabilities may seek reimbursement of such devices from the office from which they draw their salary. Any employee facing accessibility issues should report to the Head of Office or to the Nodal Officer –Disability of this Directorate.

6. Appointment of Nodal Officer Disability Cell:

The Nodal Officer is responsible for taking initiative, monitor the progress of implementation of UDID disability in the state and providing the requisite support needed to the goal of an inclusive and accessible workplace and reasonable accommodation for the PwD employees of this directorate .


The Nodal Officer shall take necessary action for:

- Ensuring compliance of the notified hospitals to the various directions and advisories issued by Govt. of India/ Govt. of NCT of Delhi/ Office of State Commissioner GNCTD and Social Welfare Dept. GNCTD.
- Developing proactive strategies to prevent discrimination and harassment.
- Addressing the technical and administrative issues being faced by the notified hospitals while issuing the disability certificates to the PwD's.
- Monitoring the work environment to ensure that it is free from discrimination and harassment and encourages inclusion and respect for others.
- Assistance and guidance to the PwD's facing hardship/ challenges during their disability evaluation in the notified hospital.

7. Maintenance of record of persons with disabilities:

7.1 The Administration Branch of the Directorate shall maintain records containing the following particulars, namely,

1. The number of persons with disabilities who are employed and the date from when they are employed;
2. The name, gender and address of persons with disabilities.
3. The nature of disability of such persons;
4. The nature of work being rendered by such employed person with disabilities and
5. The kind of facilities being provided to such persons with disabilities.


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7.2 Directorate shall produce for inspection on demand the records maintained under these rules to the District level Committee on Disability and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with.

8. Appointment of Grievance Redressal Officer:

Directorate has duly appointed a Grievance Redressal Officer in compliance with RPwD Rule 10 NOTIFIED BY MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT Dated 15th June 2017.


8.1 Employees with disability have the right to file a complaint concerning any discrimination with the Grievance Redressal Officer. Any policy violation i.e. when any person with disability is discriminated against or not provided reasonable accommodation or denied access to any facility will be treated as a grievance.

The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely;

- a) Date of complaint.
- b) Name of complainant.
- c) Name of person who is enquiring into the complaint.
- d) Place of incident.
- e) The name of establishment/ person against whom the complaint is made.
- f) Gist of the complaint.
- g) Documentary evidence, if any.
- h) Date of disposal by the Grievance Redressal Officer.
- i) Details of disposal of the appeal by the district level committee and
- j) Any other information.

8.2 On investigation, if the employee against whom the complaint has been made is found guilty of discriminatory behavior, he/she will be dealt in accordance with the provisions of the Act. Possible action against the employee may include a reprimand, detraction of benefits for a definite or indefinite time period, demotion, denial of promotion and suspension or termination for serious offences. Involuntary or indirect discrimination will be resolved through training, counseling and suitable modification of procedures when required to ensure fair treatment.

The above policy covers applicants with disabilities for all the posts in Directorate, regular/contractual employees, trainees etc. It also covers those employees who acquire disability during their work tenure. This policy also applies to all aspects of employment, be it recruitment, training, working conditions, salaries, transfers, employee benefits and career advancement. Review of policy shall be undertaken at regular intervals.


Dr. Anshul Jindal
In-charge, Disability Cell
DGHS (HQ), GNCTD
F-17, Karkardooma, Delhi-32