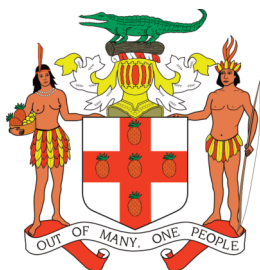


KNOW YOUR FACTS

The Disabilities Act 2014



MINISTRY OF LABOUR
AND SOCIAL SECURITY



Jamaica Council for
Persons with Disabilities



WHY DO WE NEED IT?

To make sure that people who have a disability are treated fairly and equally.



WHAT IS A DISABILITY?

Some people have a partial or complete loss of function in their bodies due to illness, accident or from birth that is permanent. There are also those who permanently learn or develop slower than others. This loss of function or difference in how the typical brain works is described as an impairment. When the impairment affects you so that you are unable to operate effectively in your environment because of the physical or social conditions, then it becomes a disability.

The impairments that often lead to disabilities can be physical, like the loss of a limb, or they can be mental, developmental, intellectual, or sensory (hearing or sight).

“ Persons with Disabilities have a right to take part in all activities in a country. Work. Play. Do Business. ”

The Act is in keeping with the United Nations Convention on the Rights of Persons with Disabilities (UNCPRD). Jamaica has ratified (agreed to) the Convention along with 160 other countries. When there are persons who do not follow what the Act says then PwDs can make a complaint through the Disabilities Rights Tribunal.

Here are some examples of impairments that could lead to a person having a disability :

Physical	Loss of a hand/fingers or leg or being paralyzed from accident or stroke
Mental	Long term severe Depression
Sensory	Blindness or Deafness
Intellectual	Learning and developing more slowly than others; Limitations in reasoning, learning, problem-solving due to slower development of the brain; Down's Syndrome
Developmental	Autism Spectrum Disorders Some persons: <ul style="list-style-type: none">• have trouble learning the meaning of words• do the same thing over and over, like saying the same word• move their arms or bodies in a certain way• have trouble adjusting to changes (like trying new foods or having things moved from their usual places)

- This law will help to protect the rights of Persons with Disabilities (PwDs).
- It will promote individual dignity, freedom of choice and independence of PwDs
- It will help PwDs to be accepted by others as human beings

SO LET'S FIRST GET TO KNOW THE LANGUAGE OF THE ACT!

Here are a few important words in the Act and their meaning:

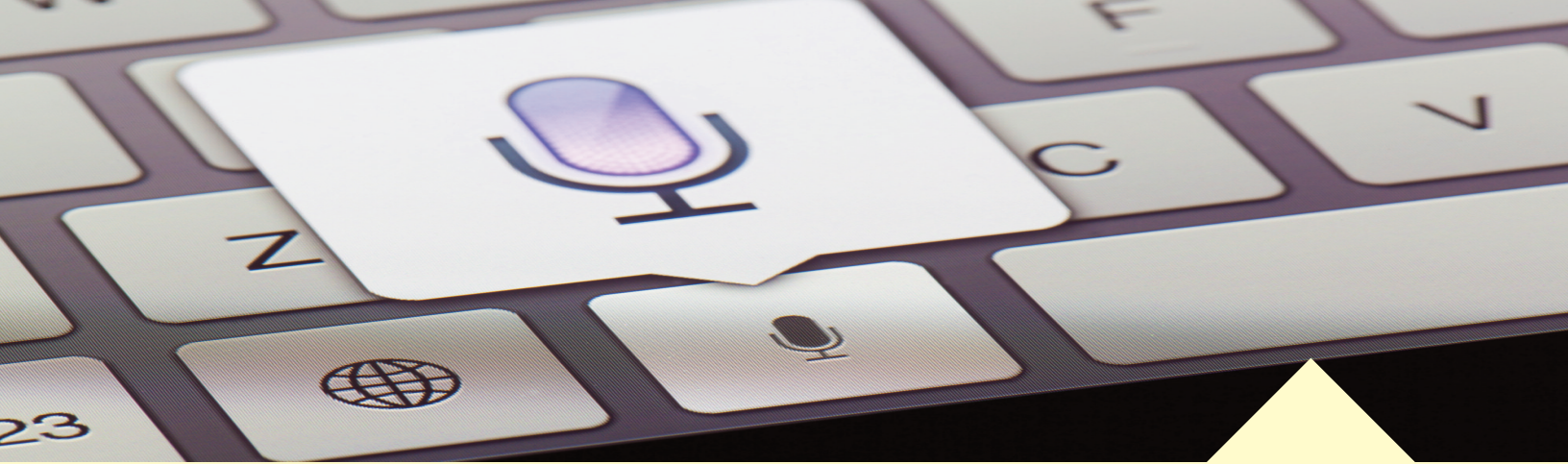
DISCRIMINATION

If you prevent someone from carrying out an activity on an equal basis with other persons just because of her or his disability, this is discrimination under the Act.

This includes all rights enjoyed by other citizens in any area of national life including political, economic, social, cultural, civil, religious, and educational.

For example: The right to get married!





ACCESS

There are three meanings for the word “access” under the Act.

1. To approach, enter and move around within any premises

Example: I had access to the bathrooms because the doors were wide enough for my wheelchair.

2. The freedom to make use of any benefits

Example: I contribute to the NHT so since I qualify to pay my mortgage I was able to access my NHT Benefits at the National Housing Trust

3. To communicate with someone, as well as be able to receive and make use of information

Example: Because they had a sign language interpreter on the weather report, I was able to know that a hurricane was coming. I had easy access to the information.

REASONABLE ARRANGEMENTS

This refers to any special adjustments and devices that may have to be used, made, or included so that persons with disabilities can enjoy their rights and fully participate in the advancement of society.

For example:

- Ramps & Wide Doorways
- Sign Language Interpreter
- Technology that can assist.





DISPROPORTIONATE OR UNDUE BURDEN

If the “reasonable arrangements” are going to cost way too much to put in place, then this may cause an undue burden on the person or company who has to do it.

But you can’t just say that it will be an undue burden. Under the Act you have to prove it.



For example: If a landlord has to widen a bathroom door and add support rails to accommodate a person with a disability he may be able to prove that it is an undue burden because of the small rent that he will be

charging or that he simply cannot afford to do it.

HOW THE RIGHTS OF PwDs WILL BE PROTECTED

The Disabilities Rights Tribunal

The Disabilities Rights Tribunal is the body that has been put in place to settle complaints that have to do with discrimination and other breaches of the Act. A three- person Division of the Tribunal led by the Chairman or Deputy Chairman, will normally hear these complaints and decide the case either for the PwD (the aggrieved), or the person or organization against whom complaint has been made. The Tribunal will make such Order as it thinks fit having reviewed the evidence presented and based on the rights of both parties as stated in the Act.

The role of The Jamaica Council for Persons with Disabilities (JCPD) Under the Act

The JCPD has several important roles in championing the rights of PwDs. These are:

- Advisory – to advise both Government and the disabilities sector about issues on disabilities
- Advocacy – to champion the rights of PwDs
- To maintain a confidential Register of PwDs. This helps to make planning for and mobilizing PwDs more effective
- Public Awareness & Education
- To conduct Research
- To monitor the implementation of the Act by:
 - conducting Disability Access Audits – for example inspection of Buildings for physical access
 - investigation of complaints
- To provide Legal Assistance to PwDs for Tribunal issues

Disability Certificate This is the official certification for Persons with Disabilities registered with the Jamaica Council for Persons with Disabilities (JCPD). Only registered PWDs can get benefits such as disability stickers for parking or access to the 5% of NHT housing that is reserved for PWDs.

A QUICK LOOK AT SOME KEY AREAS IN THE ACT!

The Right to Education & Training

An educational or training institution cannot refuse to register or accept a person into the institution because of his/ her disability.

In addition:

- The institution must make sure that a PwD can have reasonable access to the education or training.
- Students or trainees should be able to get into classrooms as easily as possible or be provided with learning materials in a way that best suits their individual needs.
- The student or trainee should be able to enjoy the services enjoyed by other students. They should not be placed at a disadvantage in getting these services.
- The institution must make reasonable arrangements and give the student or trainee the support they need to be able to get their education.



The Right to Employment

An employer cannot discriminate against a PwD who is qualified for employment by:

- Offering the PwD different terms and conditions of employment such as wages because of their disability.
- Not providing the employee with a disability with the same opportunities and benefits as other employees. For example not promoting an employee because of his/her disability.
- Dismissing or suspending the employee because he/she is or has become disabled.



Employers must make reasonable arrangements for their employees with disabilities so that they are not at a disadvantage at the workplace.

The employer can only treat an employee differently because of their disability if this treatment can be justified or cannot be avoided. For example, the employment contract might say that any employee who fights on the job will be fired.



If the PwD fights on the job, then firing the PwD is justified. However, it must be noted that if the PwD is being fired for something other than what is stated in the Employment Code of Conduct, the employer must prove that treating the PwD differently is justified or cannot be avoided.

The Right to Adequate Healthcare and Accessible Facilities



PwDs have a right to the same affordable services as other members of the population. This includes sexual and reproductive services and products.

PwDs must also have access to the same standard of care as others in society

The Right to Housing and to be able to enter Premises

New Public or Commercial buildings must be built in a way that they are accessible to a PwD and must be able to be used by them. This includes entrances and bathrooms.

Older buildings should be altered to make them accessible and usable by a PwD. However if it can be proven that the changes are not workable or would cause an undue burden then the building



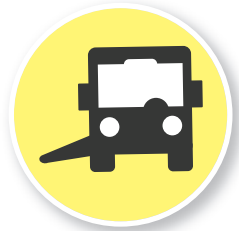
would not have to be changed, and this would not be considered to be discrimination

The Right to Access Public Passenger Vehicles

The Government must provide the public with Public Passenger Vehicles that allow PwDs to travel around for business or pleasure like everyone else in society.

The Right to Participate in Public Office and Political Life

Persons with Disabilities cannot be prevented from voting independently or with the help they prefer. They should also be able to take full part in political life or to be a part of civic organizations or hold public office.



These are just a few of the rights that are protected in the Act. There are many more. We are all encouraged to read the Act and learn as much as we can.



What can You do?

Advocate for all Jamaicans to learn about the rights of Persons with Disabilities.

- Tell your family and friends what you have learnt
- Encourage your employers and co-workers to read the Act
- Report any cases of discrimination against PwDs or breaches of the Act to the JCPD

Where to get a copy of the ACT?

Jamaica Council for Persons with Disabilities (JCPD)

18 Ripon Road, Kingston 5

Tel: (876) 968-8373/ 926-9374-5

Online : moj.gov.jm

Braille copies of this document available at the Jamaica Society for the Blind and the JCPD.



**Jamaica Council for
Persons with Disabilities**

EDUCATING • ADVOCATING • EMPOWERING

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