**The National Disability Act 2014**

**Vision Statement**

The Vision Statement for PWDs for Vision 2030 Jamaica is:

***“A society that is inclusive, accessible, provides opportunities for all and recognizes the rights, freedoms and responsibilities of persons with disabilities in the process of nation building”***

(Persons with Disabilities Draft Sector Plan, 2009)

* On Tuesday July 22, 2014, The House of Representatives has passed the long-awaited legislation to fight against discrimination on the grounds of disabilities.
* The National Disabilities Act proposes, among other things, that no employer should discriminate against a person on the grounds of disability if the person is qualified for the job.
* Additionally it will establish the Jamaica Council for Persons with Disabilities a statutory body.
* The Bill also makes provision for persons with a disability to be entitled to the enjoyment of privileges, interest, benefits and treatments as every other Jamaican.
* The Act came about 14 years after the country adopted a National Policy for Persons with Disabilities.
* The new law makes provisions for changes to buildings, to facilitate persons with disabilities. This will mean that newly constructed buildings will be required to have facilities for the disabled and older building will be required to construct these facilities.

Sleight, K. (2014) Lower House Passeses Disability Act. Retrieved from <http://rjrnewsonline.com/local/lower-house-passes-disabilities-act>

The Gleaner, (2014) The Long-awaited Disabilities Act Passed. Retrieved from <http://jamaica-gleaner.com/power/54397>

**The National Disability Act 2014**

1. **Part 1 –Preliminary that deals with how the Act may be otherwise titled how it should be interpreted and the objects of the Act.**

The Principal Objects of the Act are to: (as outlined in Part 1)

* reinforce and promote recognition and acceptance within Jamaica of the principle that a person with a disability, has the same fundamental rights as any other person in Jamaica;
* promote individual dignity and individual autonomy, including the freedom of choice and independence of a person with disability;
* ensure full and effective participation and inclusion in the society for persons with disabilities on an equal basis with others;
* prevent or prohibit discrimination against a person with a disability; and
* promote respect for differences and acceptance of persons with disabilities as part of human diversity and humanity.
1. **Part 2 – Jamaica Council for Persons with** **Disabilities**

The legal body to act on behalf of persons with disabilities carrying certain functions such as: (including but not limited to)

* advising the Minister on matters pertaining to persons with disabilities in an effort to promote effective measures for:
* prevention of circumstances causing disabilities
* rehabilitation of PWD
* public education concerning disabilities; and
* improvement in living conditions of PWD by facilitating their social and economic development.
* advising the Minister on
* current trends, policies and programmes concerning disabilities; and
* developments internationally, regarding the rights of PWD with a view of improving the service delivery to, and the status of, persons with disabilities;
* monitoring the operation of such trends, policies and programmes, and reporting to the Minister the results of such monitoring
* conducting public education programmes about the Act and highlighting the requirements thereafter;
* preparing codes of practice for the avoidance of discrimination of the ground of a person’s disability;
* make recommendations to the Minister regarding the enforcement of the Act and other national measures for the avoidance of against PWD.

These are among other functions.

1. **Part 3 – *Disabilities Rights Tribunal* which is** the body to carry out functions such as dealing with specific complaints and carry out dispute resolution procedures or make referrals to the Council.
2. **Part 4 – Protection from Discrimination**
* PWD shall be entitled to the enjoyment of privileges, interests, benefits and treatment, whether directly, or through contractual, licensing, or other arrangements.
* PWD shall not, by any reason of such disability, be subject to any form of discrimination.
1. Part 5 – **Education and Training**

**Section 26 – :**

(1) An educational or training institution shall not deny a PWD from being enrolled at, or attending, the institution, by reason of their disability.

(2) – An educational or training institution shall provide the support necessary to ensure that, in relation to the institution, a PWD

* has the most reasonable access to the education or training provided;
* has access to facilities in the least restrictive environment and best suited to the individual needs.
* is not placed at a disadvantage in relation to the services provided
* is provided with reasonable arrangement and receives the support required to effectively facilitate his education.

 (3) Caregivers shall monitor persons within their care as far as is practicable and

 file complaints to the Council where PWD are subjected to discrimination.

 (4) An educational or training institution shall have regard to the provisions of any

 applicable code of practice as stipulated by the Council under section 9 and take

 steps to comply therein.

1. **Part VI – Employment**

Deals with employment of persons with disabilities and includes non-discrimination provisions and an obligation on the employer to make adjustments to the workplace to ensure that the employee is not at a disadvantage. It also provides for the redeployment of an employee to a position that is at equivalent to their previous position.

1. **Part V11 – Political Office and Public Life**

Deals with the right of PWD to participate in programmes, activities or work that relate to political office.

1. **Part V111 – Health Care and Facilities**

Deals with access to and nondiscrimination of PWD as it relates to health care facilities and services.

1. **Part 1X – Premises and Housing**

Accessibility and usability of rent or lease property.

1. **Part X – Public Passenger Vehicles**

Accessibility and usability of public passenger vehicle by PWD as far as is practical.

1. **Part X1 – Miscellaneous**

Other important area relating to PWD are addressed