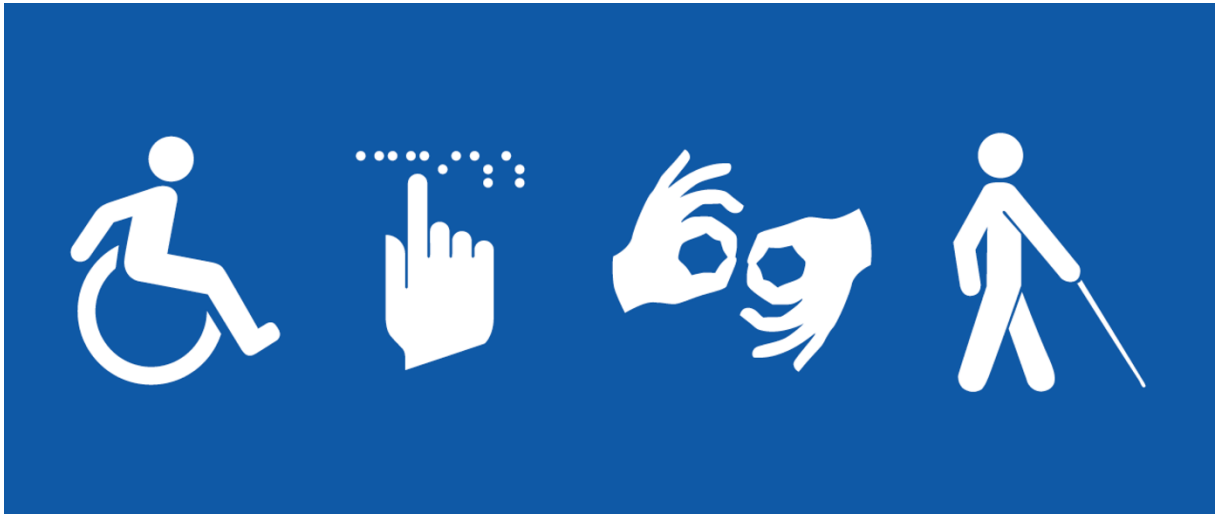


ASPECTS OF THE DISABILITIES ACT

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Who does it include?

The Act defines a person with a disability as a person with a long-term physical, mental, intellectual or sensory impairment which may hinder his or her full and effective participation in society on an equal basis with others.

The Objectives

The principal objectives of the Act are to:

1. promote the recognition and acceptance of the principle that a person with a disability has the same fundamental rights as any other person.
2. promote individual dignity and independence including the freedom of choice.
3. ensure full and effective participation and inclusion in society for persons with disabilities on an equal basis with others.
4. prevent discrimination against a person with a disability.
5. promote respect for differences and acceptance of persons with disabilities.

The Jamaica Council for Persons with Disabilities

The Act establishes the Jamaica Council for Persons with Disabilities, which is responsible for putting into effect the Act's objectives. The functions of the Council include:

- advising the portfolio Minister on matters pertaining to persons with disabilities,

- conducting public education about the Act,
- preparation of codes of practice for the avoidance of discrimination as a result of a person's disability,
- maintenance of a confidential register with the particulars of persons with a disability,
- provide assistance to a person with a disability or the caregiver of such a person in respect of a complaint for a breach of the Act and refer a breach of the Act to the Disabilities Rights Tribunal for settlement of the complaint.

A person with a disability or the caregiver of such a person, in respect of a complaint for a breach of the Act, may no later than two years after the occurrence of an event, make a complaint in writing to the council where the event is in breach of the Act.

Disabilities Rights Tribunal

The Act provides the establishment of a Disabilities Rights Tribunal which is empowered to deal with complaints of breaches of the Act. The Tribunal can make an interim order for action in relation to the complaint to cease or be reversed or not be carried out for a time specified by the Tribunal. The Tribunal can make an award which is retrospective in effect. The award of compensation by the Tribunal must be reasonable and proportionate in the circumstances and are final and conclusive and no court proceedings are allowed to challenge the validity of an award except on a point of law.

The Provisions

The Act contains provisions that:

1. An educational or training institution shall not deny a person with a disability from enrollment or attending the institution by reason of the person's disability. An educational or training institution shall provide the support necessary to
 - a) ensure that person with a disability has the most reasonable access to the education or training provided.
 - b) a person with a disability is not placed at a disadvantage in relation to student services provided.
 - c) to effectively facilitate the education of the person with a disability.
2. The Minister of Education shall provide reasonable arrangements within the education system in order to facilitate the education of persons with disabilities.
3. An employer shall not discriminate against a person with a disability who is otherwise qualified for employment and shall take steps to make reasonable arrangements so that the person with a disability is not put to a disadvantage at the workplace in terms of promotion, transfer, training or employment benefits. Different treatment of the person with a disability is only allowed if justified or cannot be avoided in the circumstance. The employer is required to take steps to make reasonable arrangements to prevent a person with a disability from being put to a disadvantage because of the employment arrangement or features of the premises occupied by the employer.

4. Health care providers shall provide health care without discrimination on the basis of a disability and the health care provided must be of the required standard as provided to other persons and designed to prevent or minimize any further disability.

5. The owner or agent of existing private premises, who has rented or intends to rent such premises, shall, if requested by a person with a disability, make such alterations to the premises in order to ensure as far as reasonably practicable the premises are accessible to and usable by the person with a disability. Such a requirement is not applicable if the owner or his or her agent demonstrates that it is structurally impractical to meet the requirements of the Act or if such requirements would be a disproportionate or undue burden.

A person selling, leasing or otherwise disposing of premises shall not knowingly discriminate against a person with a disability.

6. The Minister responsible for public passenger vehicles shall ensure as far as is practicable, the provision of public passenger vehicles that are accessible to and usable by a person with a disability.

7. The Act shall take full effect and be enforceable on February 15, 2024.