

Appendix

Response to the Recommendations of the Joint Select Committee on Human Rights Equality and Diversity on Challenges Faced by Persons with Disabilities.

Background:

On Monday June 06, 2016, the Ministry of Social Development and Family Services was requested to be represented at the enquiry of the Joint Select Committee on Human Rights, Equality and Diversity at the Office of the Parliament. The Permanent Secretary, Mrs. Jacinta Bailey Sobers; Acting Deputy Permanent Secretary, Mr. Dennis Williams; Acting Chief Technical Officer, Mr. Vijay Gangapersad; Senior Research Officer, Mr. Michael Reid; Research Officer 1, Ms. Catherine Ferreira ; and Research Assistant, Ms. Tessa Pascall attended the enquiry.

The objectives of the enquiry were to:

- Understand the challenges to access services faced by persons with disabilities in Trinidad and Tobago including but not limited to facilities, transport, employment, education—primary, secondary and tertiary—health;
- Understand the challenges to access employment faced by persons with disabilities in Trinidad and Tobago;
- Examine the current revisions to the national policy on persons with disabilities;
- Determine the status of stakeholder consultations with respect to the review of the national policy on persons with disabilities;
- Determine the legislative framework required to safeguard the rights of persons with disabilities; and to
- Understand the physical framework and procedures to engage non-governmental organizations and the private sector to partner with the public sector on persons with disabilities issues

The Key issues discussed as stated on page (50) fell under the following headings:

- a) Review of the National Policy on Persons with Disabilities
- b) Accessibility to the Social Services and the Built Environment
- c) Legislative Agenda
- d) Staffing of Units within the Ministry of Social Development and Family Services .i.e. The Disability Affairs Unit and the Monitoring and Evaluation Unit
- e) The Lack of consultation between the Ministry, the Disability Affairs Unit and non-governmental organizations of/for persons with disabilities.

It included

- I. The reasons for the delay in the Review of the National Policy on Persons With Disabilities;
- II. The possibility of discussions between the Ministry and PWDs to adopt the United Nations Convention on the Rights of Persons with Disabilities as the national policy rather than commence the review on the current Policy;
- III. The mandate of the Disability Affairs Unit (DAU);
- IV. The inability of PWDs to access some of the offices of the Ministry of Social Development and Family Services;
- V. The high cost of drugs for persons suffering with mental illness;
- VI. A review of the provisions for the Disability Grant;
- VII. The difficulties to define the word "disability";
- VIII. The lack of a Monitoring and Evaluation Unit at the Ministry to follow-up with all non-governmental organizations that receive Government grants and subventions;
- IX. The budgetary allocation of the Ministry of \$10 Billion and the percentage that is utilised for grants; and

- X. The lack of consultation between the Ministry, DAU and the non-governmental organizations.

The main recommendations of the Report to address issues faced by persons with disabilities were as follows:

- Increase awareness and sensitization;
- Build and strengthen the capacity of Special Education Teachers and Sign Language Interpreters;
- A comprehensive review of the legal framework;
- Greater physical access; and
- Enhance accurate collection of statistics.

In light of this the Ministry of Social Development and Family Services submits its comments on the recommendations with respect to the challenges faced by persons with disabilities, as follows:

1. Accessible and Usable Buildings and Facilities - National Standard TTS/ICC/ANSI A117.1

Accessibility to the built physical environment ensures the full participation of persons with disabilities in society. Accordingly, the following measures will be adopted:

- Development of an environment that is barrier-free and accessible for all;
- Amendment of existing legislation (or drafting of new legislation, as necessary) to ensure universal access;

In Fiscal 2017, the Disability Affairs Unit proposes to hold consultations with NGOs, implementing Ministries and other public sector agencies with responsibility for physical access. In addition, The Ministry of Social Development and Family Services has identified as one of its main Public Sector Investment Programme projects, addressing the physical accessibility of all

the Ministry's offices. In this regard the Ministry notes and concurs with the stakeholder recommendations outlined on pages 19-21 of the Report.

The Ministry of Social Development and Family Services strongly recommends that the National Standard TTS/ICC/ANSI A117.1, Accessible and Usable Buildings and Facilities be adopted by the Ministry of Planning and Development as an enforceable regulatory document. This would mitigate against the building access challenges faced by PWDs.

2. Accessibility to Transport (ELDAMO Services) – Recommendations 4.9: 4.11

[The Committee recommends that the Ministry of Works and Transport evaluate the ELDAMO service and seek client feedback in order to improve, create a definition and a policy framework for the service..... The Ministry of Works and Transport redesign City Gate, bus stops and bus terminals to improve the level of access to PWDs.]

The Disability Affairs Unit was invited to a Consultation at the Ministry of Works and Transport on Friday 7th October, 2016 to discuss challenges and make recommendations for the improvement of the ELDAMO Service. Since its inception, the ELDAMO service has conducted 98,285 client trips. At present there are 810 regular users of the service, 340 of whom are users of wheelchairs and 213 are elderly persons. The challenges experienced by the Public Transport Service Corporation (PTSC) with the services were noted.

The following recommendations were proposed by the stakeholders:

- i. The provision of Para Transit Assistants through the intervention and funding of the Ministry of Social Development and Family Services.
- ii. Removal of risk through the development of an operating policy, legal framework, rules and regulations, and conformity to international best practice. This would involve the development of a registration process to compliment the dial a ride model that can strategically capture other client information such as:
 - a. Specific client condition/s which could further determine suitability for the service.

- b. Specific client location, ease of access for the bus, crime hot spot awareness, confirmation of road conditions and trips/ schedule/ traffic/ access times.
 - c. GPS location tagging to increase redundancy and accuracy regardless of the driver assigned for a trip.
 - d. The ability to provide a contractual document to be signed by the client, next of kin or guardian to ensure understanding and compliance to ELDAMO rules and regulations.
- iii. A strategic expansion of the ELDAMO fleet funded through a multi stakeholder arrangement or through the financial intervention of the Ministry of Social Development and Family Services.

3. Establishment of a Disability Affairs Unit –Recommendation 4.12

[The Committee proposes that a Disability Affairs Unit be established within each tertiary institution to assist students and the administration in resolving keys issues at the particular school.]

The Ministry of Social Development and Family Services concurs with this recommendation.

4. [The Ministry of Social Development and Family Services should review the stakeholder education recommendations in Appendix I to VI] - Recommendation 4.18

The Ministry will develop a comprehensive education and sensitization plan for Persons with Disabilities.

5. The Committee recommends that MSDFS in collaboration with the MOLED conduct research on PWDs and employment – Recommendation 4.23

The Ministry has liaised with the Ministry of Labour and Enterprise Development to undertake the necessary research. Meetings have already been held between the Ministries to draft a memorandum of understanding to guide the way forward for this initiative.

6. Establishment of a Register/Database of persons with Disabilities – Recommendation 4.24

[The Committee recommends that the DAU, MOLED and MPA collaborate to establish a disabilities register/database of PWDs to allow for ease of access by employers and to provide for data collection and monitoring of the number of PWDs employed in the private and public sector between national census dates.]

The Ministry of Social Development through the Disability Affairs Unit has commenced the development of a National Register of Persons with Disabilities. The Register will contribute towards ensuring that socio-economic planning and programming for the national community of persons with disabilities is evidenced-based, which would enable greater precision in the targeting of programmes, improvement in the allocation of resources, and elevation of the standard of living for citizens with disabilities.

Phase 1 of the development of the Register, which commenced in October 2016, involves the development and dissemination of a questionnaire to the community of NGOs providing services for persons with disabilities. The NGOs would be required to obtain data from their clients who may/ may not be in receipt of Disability Assistance Grant, Senior Citizens Pension, or any other service from the Social Welfare Division.

The Register would also allow the Ministry of Social Development and Family Services to access information on the status of employment of persons with disabilities, as outlined in recommendation 4.23.

The Ministry has liaised with the Ministry of Labour and Enterprise Development to undertake the necessary research.

7. The Ministry of Labour and Enterprise Development collaborate with the MSDFS to provide employer training related to PWDs with specific focus on accommodation adjustments, job coaching and areas itemized in 3.27. This would alleviate the number of

complaints submitted to Equal Opportunity Commission by PWDs. – Recommendation 4.25

The Ministry commenced discussions with the Ministry of Labour and Enterprise Development to undertake the necessary measures. Meetings have already been held between the Ministries to draft a memorandum of understanding to guide the way forward for these initiatives.

8. National Policy on Persons with Disabilities – Recommendation 4.28

[The Committee recommended that the Ministry should urgently consider CODO's proposal and prepare a revised policy document within the next two (2) months for public consultation]

Trinidad and Tobago ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in July 2015. The National Policy on Persons with Disabilities was reviewed in September 2016 to ensure that it reflected the requirements of the UN Convention on the Rights of Persons with Disabilities.

It was the Ministry's view that, given that there was general agreement among members of the disabled community on the provisions of the Convention, and in view of the need to expedite completion of the draft, the Ministry proceeded to draft the revised policy document. The draft document has been disseminated to the stakeholders for their consideration and comments.

9. Legislative Agenda – Recommendation 4.34

[The Committee recommends that the Ministry of the Attorney General and Legal Affairs collaborate with the MSDFS and the Equal Opportunity Commission to ensure the Equal Opportunities (Persons with Disabilities) Amendment Bill (listed on the Legislative Agenda during September 2017 to 2019) is tabled. The proposed legislative amendments to the Equal Opportunity Act and motor vehicle legislation in Appendix IX and X should be reviewed.]

The Ministry of Social Development and Family Services is part of an inter-ministerial team that has been invited by the Ministry of the Attorney General and Legal Affairs to assist in the amendments of the Equal Opportunity Act to include areas pertinent to persons with disabilities. In addition, the team is mandated to compare the deficiencies in local legislation in relation to the UN Convention in order to assist in the drafting of new or amended legislation for accessibility and equality for persons with disabilities (inclusive of Motor Vehicle Legislation). Critical areas of focus are as follows:

a) Definition of a Disability

A "Disability" is defined in the Convention as, *"persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."*

- Cancer, HIV/AIDS and Multiple Sclerosis are deemed disabilities
- Visual impairments are deemed disabilities: where the person is certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist

The EOC is not in agreement with the addition of HIV/AIDS as a "status" of disability under the Act, since it would stigmatize persons with the ailment and may result in unequal treatment of such persons.

b) Proposed Amendments suggested by the MSDFS

- The Articles relevant to Health, Income Maintenance and Social Security, Rehabilitation, Recreation, Culture and Sports, Education and Training, may best be dealt with under policy as opposed to legislation. The issue of accessibility may be best dealt with under legislation and may or may not include access to education if it can be established that the present Education Act is deficient.
- Consideration should be given as to whether the policy on persons with disabilities is to be in fact a legislative policy or a policy that includes legislation.

- The EOA stipulates that if, in order to carry out the requirements of a job, disabled individuals “...*require services or facilities that are not required by persons without a disability and the provision of which would impose an unjustifiable hardship;*” the employer is not required to accommodate that disabled employee. This statements does not provide reasonable accommodation of a person with a disability. The Equal Opportunity Act leaves the disabled unprotected from unrestrained discrimination by non- disabled persons.
- The EOA should provide for the assessment of unjustifiable hardships experienced by persons with disabilities, including financial or any other detriment likely to be suffered by persons with disabilities, as well as the reasonableness of accommodations extended to persons with disabilities.

10. Committees operating under the Disability Affairs Unit – Findings 4.40

[The Committee noted that there are two (2) committees for the operations of the Disabilities Affairs Unit. One (1) committee monitors the implementation plans for the United Nations Convention on the Rights of Persons with Disabilities and the second committee makes implementation plans for the United Nations Convention on the Rights of Persons with Disabilities. The second committee is also expected to conduct sensitization training for Ministries and agencies.]

There is one Committee; the committee for the implementation of the United Nations Convention on the Rights of Persons with Disabilities. The Disabilities Affairs Unit is the Secretariat of the Committee for the United Nations Convention on the Rights of Persons with Disabilities.

11. Staffing of Units within the Ministry of Social Development and Family Services .i.e. The Disability Affairs Unit and the Monitoring and Evaluation Unit – Findings 4.41.

[The Committee expressed great concern when MSDFS indicated that there is one (1) member of staff in the Monitoring and Evaluation Unit and the absence of a Director and a strategic plan for the Disabilities Affairs Unit. The Committee was informed that human resource constraints have impacted the performance of the Disabilities Affairs Unit and Ministry's ability to assessments of programmes and divisions for a number of years. In the absence of a Monitoring and Evaluation Unit, the Ministry has noted output assessments based on achievement reports received and project indicators determined by the Social Investigations Division. It was stated that within the next two to three months that vacancies within the Monitoring and Evaluation Unit are expected to be filled.]

The Ministry of Social Development and Family Services is currently in the process of recruiting appropriate staff for the vacancies which exist within all its Divisions and Units. Assessments are currently being conducted for several positions.

12. Sensitization and Awareness Programmes – Recommendation 4.45

[The Committee recommends that the Ministry of Social Development and Family Services conduct regular Sensitisation and Awareness Programmes on PWDs with specific target groups including, teachers and students, Ministry of Health employees and Public Service Transportation Corporation, public servants and the general public.]

The Disability Affairs Unit has continually offered public sensitization and awareness programmes. A series of stakeholder sensitization workshops regarding employment was conducted by the DAU

- The DAU has conducted specific sensitization workshops for recruitment agencies in the private sector to encourage the employment of persons with disabilities.
- The DAU collaborated with the Ministry of Labour to conduct a Human Resources Symposium in 2014, which included employment of persons with disabilities.
- In 2016 the Unit conducted Appreciating Persons with Disabilities in Fatima College for the staff and students.

The Ministry will prepare a comprehensive education and sensitization plan for key stakeholders.

13. Collaboration with NGOs of/ for persons with disabilities –Recommendation 4.46

[The Committee recommends that there should be regular meetings amongst the stakeholders mainly the DAU, CODO and other NGOs to improve collaboration on matters affecting PWDs and to provide a platform for increased public-private partnerships.]

The Ministry Of Social Development and Family Services recognizes the importance of collaboration with NGOs, the private sector and public sector agencies. In this context, the Ministry collaborates/engages with partners as follows:

- The Ministry provides annual subventions to NGOs providing services to persons with disabilities.
- The NGO community is represented on the UNCRPD Committee chaired by the Ministry of Social Development and Family Services
- As a critical aspect of the consultative process of revising the National Policy on Persons with disabilities to conform with the United Nations Convention on the Rights of Persons with Disabilities, the Ministry has distributed a draft of the Revised Policy to key stakeholders for their consideration and comments, following which the Ministry proposes to engage stakeholders in a formal consultation to finalize the document.

The Ministry of Social Development and Family Services commits to scheduling quarterly meetings with the umbrella organizations and representatives of key stakeholder groups of the community of persons with disabilities.

MINISTRY OF SOCIAL DEVELOPMENT AND FAMILY SERVICES