**Submission by Jamaica (Ministry of Labour and Social Security)**

 **on Article 27 of the United Nations**

# **Convention on the Rights of Persons with Disabilities: Work and Employment**

The Convention on the Rights of Persons with Disabilities (CRPD) was established in an effort to promote universal inclusion of the community of persons with disabilities (PWDs). The Government of Jamaica (GoJ) as a signatory to the CRPD, has made significant strides domestically for the inclusion of PWDs within its structure through its sector plan and legislative frameworks. One such area is the PWDs right to work and employment. It is on this premise that the GoJ in respect of section 27 of the CRPD has engaged in several projects to promote the employment of PWDs through applicable measure.

The GoJ is revamping its legislative framework through the Jamaica Council for Persons with Disabilities (JCPD) a department under the Ministry of Labour and Social Security (MLSS) with the responsibility for all matters relating to disabilities. The JCPD who is mandated to advocate for the rights of PWDs to be free from discrimination in all sphere, has provisions through its rehabilitation program which provides employment support and job placements of PWDs. Currently, the organization has two workshops which provides skill training in artistry. The JCPD has also partnered with several non-governmental organizations (NGO) such as the Abilities Foundation to train PWDs for the workforce.

The JCPD under guidance of the MLSS has developed several legislative documents to govern both public and private sectors for the inclusion of the community of PWDs. In GoJ effort to fulfill its international obligations with respect of section 27 of the CRPD that is free from discrimination on the basis of disability matters such as recruitment, career advancements, equal pay and occupational health and safety in the work setting to achieve an inclusive labour market.

The Jamaican Constitution section 13, Charter of Fundamental Rights and Freedom, highlights the right of each citizen to be free from discrimination and to be treated fairly. The GoJ on signing the CRPD, in an effort to ensure non-discrimination and equality for its people passed the Disabilities Act (2014) of Jamaica. The Act provides a legal framework for PWDs for equal access to services and opportunities such as the right to employment. The Act also establishes the JCPD as a Body Corporate and the competent authority with the responsibilities of implementing and monitoring the legislation in advocating for the community of PWDs. It also addresses areas such as the prevention of employment discrimination against applicants and employees on account of disability, duty of the employer to make adjustments and the redeployment of employee. Therefore, GoJ is committed to break down barriers and hindrances that instigate discrimination in employment and regulates that employers must make reasonable arrangements for their employees with disabilities so that they are afford the same opportunities of that of their non-disability counterpart.

There are currently several domestic legislations and policies examining employment, where areas in these legal documents are ambiguous in respect of the protection of PWDs. The GoJ is currently amending several major legislations, regulations and policies to address these deficiencies.

To protect the right of PWDs on an equal basis with others, the Disabilities Act (2014) was developed and passed mandating the Codes of Practices as a practical guide in the deterrence of discrimination in compliance to the CRPD. The Codes of Practice for Employment for PWDs was developed to regulate the general responsibilities of employers, competent authority, trade unions and employees with disabilities. Therefore, the Jamaican Disabilities Act, Labour Relations Code and the Employment Code of Practice correlates in creating an inclusive work environment for PWDs. These national legal documents objective is to ensure that PWDs within the realm of employment are provided with the same opportunities as others. This milestone will allow Jamaica to be one of the few Caribbean territories complying with both the international and domestic obligations.

The GoJ has also drafted the Disabilities Rights Tribunal (DRT) where aggrieved PWDs can seek adjudication and settle complaints against all forms of discrimination. Additionally, the Government's a National Policy for Persons with Disabilities since 2000, The Vision 2030

Jamaica National Development Plan of 2009, which includes a specific Disabilities Sector Plan along with The Disabilities Act more accurately reflect among other things protect, promote and fulfil among other rights those relating to employment of persons with disabilities.

Vision2030 National Development Plan Sector Plan adopt the mantra of the Sustainable Development Goals (SDGs) that, "No one is left behind" in order to create a country as a place ofchoice to live, work, raise families and do business for all social groups. The sector plan will promote employment and career advancements for PWDs throughout the workforce.

The Sector Plan is built on the premise of integration with multiple stakeholders and strategic interventions and alliances. The operationalization of projects and programmes nationally and at community levels while exists there needs to be the use of disability checklists, from the project and programme design level. This will encourage greater engagement and employment of persons with disabilities in addressing social development issues. Disability checklists will help to promote a heightened level of sensitivity, and realize greater genuine inclusion of the experiences and perspectives of persons challenging disabilities and their advocates, there will be less than optimal and often limiting outcomes for these citizens.

Persons with disabilities (PWDs) Jamaica are more likely to be poor and their households more exposed to economic shocks, they face lower levels of health (face higher health expenses). Lower levels of educational attainment, stigma, discrimination and social exclusion based on inherent perception of inequality, fear, ignorance and myths.

The GoJ conducted several surveys to assess the employment of PWDs within the labour force. The National Labour Market Survey, Guide to Employment Opportunities in Jamaica, MLSS 2017 noted some key findings including, that persons with disabilities in Jamaica are largely unemployed or underemployed, low levels of employment-approx. 1% (11,000) of employed labour force (1.1M). It also notes that 68% of respondents confirmed that their companies did not have anyone employed that has a disability. 56% of respondents stated that they had no established policies to facilitate PWDs and 60% said there was no policy to facilitate persons who had become disabled throughout the course of employment. This study indicated that Jamaica needs to adequately in integrate the employment of PWDs in both the private and public sector.

Structural and societal barriers continue to impact greater inclusion of persons with disabilities (including the Deaf), involvement in the labour market. Many of these persons are challenged by typical environments and require more reasonable arrangements, accommodation and support in a variety of ways. This inclusion, from education and training through to employment and job security, can be costly. More resources are required to prepare physical environments, provide digital and other technologies and assistive devices, facilitate communication, and ensure protection of worker rights. The practical reality for many persons wanting to be employed is quite challenging as they usually have lower levels of educational attainment and skills and so many are relegated to low wage employment and unskilled labour. Others who are able to obtain vocational skills certification or tertiary qualifications tend to be limited in the scope for employment or self-employment. Overall, relatively weak attachment of persons with disabilities to the labour market impacts on their income security, and increases the threat of poverty in their circumstances. Such situations require States parties to the Convention to adopt measures to ensure that their obligations to respect, protect and fulfil the human rights of persons with disabilities with regard to article 27 of the Convention are met. The COVID 19 pandemic has revealed even more inequalities and zoomed in on the extent of exclusion that the vulnerable persons, in particular PWDs face on a daily basis. In this regard, access to information, essential services, support services, as well as employment and workforce integration are key in the context of Article 27.

The National Social Protection Committee through its consultative Policy Brief Why 'Disable' Development: Is Inclusion Exclusive? has highlighted some practical guides that would require active consideration and implementation of some key recommendations that would enable 'disable' development. These can be incorporated to include in the events of pandemics as the one we face in particular by persons with disabilities in promoting employment and workforce integration. Some include:

1. Public education and sensitization to reduce discrimination and stigma
2. Programmes and provisions that utilize the apprenticeship-type work environment to
3. mentor and stabilize the contribution and input of persons with disabilities as the job is learned
4. Allowing for, and accommodating specific supports and infrastructure to include digital and other technologies and assistive devices, facilitate communication, and ensure protection of worker rights to facilitate the productivity of workers with disabilities
5. Strengthening rehabilitation, vocational and other training programmes to offer customized services for persons with differing disabilities
6. Implementing more self-employment programmes and microfinance schemes to assist labour market participation
7. Involving representative (advocacy) organizations in the job market experience, which serves to increase the understanding and socialization towards persons with different disabilities
8. Strengthening social protection coverage for persons with disabilities and their families; income security for the present and for the future is the core of social protection
9. Training that goes hand-in-hand with employment has been found to be more effective for persons with disabilities; it can also open the door for apprenticeships and on-the job programmes to lead to more permanent job attachment
10. Structured job matching programmes customized to meet needs of both employers and employees
11. Establish policies to facilitate persons who had become disabled throughout the course of employment
12. Social enterprise models, providing employment using pertinent business models and market determination, while advancing a common social good
13. Promoting decent work and worker protection and rights for persons with disabilities, in both public and private sectors
14. Incentivizing private sector entities to employ and accommodate persons with disabilities, as well as implementing appropriate sanctions for job discrimination based on disability rather than competence, should be an approach

The GoJ continues to pave the way to create an inclusive society for PWDs in all mainstream. The Disabilities Act with its subsidiary documents, Codes of Practices were created as practical guidelines and governance for an inclusive and non-discriminatory society. Particularly, in light of the recent COVID-19 pandemic, measures will have to be actively considered such as bridging the digital divide to ensure inclusion of persons with disabilities. Therefore, the legislative and national policies are vital elements to the response of discrimination in employment and occupation; in addition to providing provisions on the employment related rights which has a practical impact on opportunities for jobseekers and workers with disabilities, is in sync with Article 27 of the CRPD and the tenets to "safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation."