

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

19th November, 2009.

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 44 of 2009

PERSONS WITH DISABILITES BILL 2009

ARRANGEMENT OF SECTIONS

SECTION

PART 1

PRELIMINARY

1. Short title and commencement.
2. Interpretation.
3. Act not in derogation of any other law.

PART II
GUIDING PRINCIPLES

4. Guiding principles.

PART III
THE NATIONAL COMMISSION ON DISABILITIES

5. Establishment of the Commission.

PART IV
REGISTRATION

6. Registration of persons and organizations.
7. Giving false information.

PART V
RIGHTS OF PERSONS WITH DISABILITIES

Sub-Part I
Employment

8. Equal opportunity for employment.
9. Complain to Commission.
10. People with disability to take action.
11. Record of persons with disabilities.
12. Vocational training, skills development and training programmes.
13. Employer to maintain records.

Sub-Part II
Education

14. Free primary and secondary education, trained teachers.
15. Access to quality education.
16. Integration to persons with disabilities in schools.
17. Assistance to students with disabilities.
18. Special education.
19. Research.

**Sub-Part III
Health**

- 20. National Health programme.
- 21. Rehabilitation programme.
- 22. Rehabilitation Centres..

**Sub-Part IV
Housing and Water**

- 23. Accommodation and water.

**Sub-Part V
Auxiliary Social Services**

- 24. Auxiliary social services.

**Sub-Part VI
Sports and Recreation**

- 25. Sports and recreation.

**Sub-Part VII
Communications**

- 26. Broadcast media.
- 27. Telephone services.

**Sub-Part VIII
Accessibility**

- 28. Mobility of persons with disabilities.
- 29. Admission to premises, provision of services.
- 30. Mobility of vehicle.
- 31. Public transportation.

**Sub-Part IX
Voting**

- 32. Voting.
- 33. Accessibility to polling stations.

**Sub-Part X
Concealment**

34. Concealment of persons.

**PART VI
MISCELLANEOUS**

35. Legal action by the Commission.
36. Commission to prosecute.
37. General penalty.
38. Supplementary remedies.
39. Burden of proof.
40. Proof of exception.
41. Regulations.
42. Act binds State.

SCHEDULE

Constitution, management and functions of the National Commission on Disabilities

**A BILL
Intituled**

AN ACT to provide certain rights to persons with disabilities; to provide for the promotion and protection and full and equal enjoyment of the rights; to facilitate the enforcement of the rights; to eliminate discrimination on the basis of disability; to provide for the welfare and rehabilitation of persons with disabilities; to provide for the registration of persons with disabilities; to establish the National Commission on Disabilities; and for connected purposes.

A.D. 2009

Enacting by the Parliament of Guyana:-

**PART I
PRELIMINARY**

Short title and commencement.

1. This Act may be cited as the Persons with Disabilities Act 2009 and shall come into operation on a date to be appointed by the Minister by Order.

Interpretation.

2. In this Act -

“adjustment order” means an order giving directions or instructions with respect to adjustments to be made to a building or part of a building by an owner or occupier.

“auxiliary aids and services” include -

- (a) qualified interpreters or other effective methods of delivering materials to persons with hearing impairments;
- (b) qualified reader, taped tests, or other effective methods of delivering materials to persons with visual impairments;
- (c) other similar services and aids that facilitate the learning process of persons with mental disabilities;
- (d) other similar services and aids that facilitate the learning process of persons with physical disabilities; and
- (e) equipment or devices modified to assist persons with disabilities.

“auxiliary social services” means the supportive activities in the

delivery of social services to persons with disabilities;

“body function” means physiological functions of body systems, including psychological functions;

“body structure” means anatomical parts of the body such as organs, limbs and their components;

“Commission” means the National Commission on Disabilities established under section 5;

“communication” includes oral-aural communication, sign language, Braille, tactile communication, large print, audio, accessible multimedia, human readers and other augmentative or alternative modes of communication, including accessible information and communication technology,

“disability” means a physical or mental impairment caused by the limitations of the body structure or of one or more bodily functions that restrict the ability to perform ordinary day-to-day life activities;

“discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of any of the rights provided for by this Act;

“employer” means –

- (a) a Ministry, Government Department, state agency or authority;
- (b) a firm establishment, company or body corporate or unincorporated;

“establishment” means an entity engaged in the business of providing goods and services to the general public;

“Executive Secretary” means the Secretary to the Commission appointed under paragraph 3 of the Schedule;

“impairment” means lacking part of or all of a limb, or having a defective limb, organ or mechanism of the body;

“language” includes oral-aural language and sign language;

“member” means a member of the Commission and includes the Chairperson and Deputy Chairperson;

“open employment” means employment which is available to all persons including persons with disabilities;

“qualified person with a disability” means a person with a disability who, with or without reasonable accommodation can in open employment perform the essential functions of the employment position that the person holds;

“reasonable accommodation” means necessary and appropriate modifications and adjustments not imposing a disproportionate burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights on the basis of equality with other persons;

“registered person” means a person with a disability registered under section 6;

“rehabilitation” means the improved capacity of a person with a disability by therapeutic measures and re-education to participate in the activities of a moral life within the limitations of that person’s disability;

“sheltered employment” means the provision of productive work for persons with disabilities through workshops providing special facilities, income-producing projects or homework schemes with a view to giving persons with disabilities the opportunity to earn a living thereby enabling them to acquire a working capacity required for open employment;

“social barriers” include –

- (a) the characteristics of a community, society or group, or of institutions, whether legal, economic, cultural or recreational which limit the fullest possible participation of persons with disabilities in the life of the community, society, group or institution; and
- (b) negative attitudes which tend to identify and exclude persons with disabilities;

“transportation” means transportation by air, land and water or sea that provides the public with general or special service.

Act not in
derogation of
any other law.
Act No. 26 of
1997.

3. This Act is in addition to, and not in derogation of the Prevention of Discrimination Act 1997, which, *inter alia*, prohibits discrimination on the ground of disability, or any other law which benefits persons with disabilities.

PART II GUIDING PRINCIPLES

Guiding
principles.

4. The United Nations Convention on the Rights of Persons with Disabilities shall inform decisions taken in the administration of this Act.

PART III THE NATIONAL COMMISSION ON DISABILITIES

Establishment
of the
Commission.

5. (1) There is established a National Commission on Disabilities.

Schedule.

(2) The Schedule has effect with respect to the constitution, management and functions of the Commission.

PART IV REGISTRATION

Registration.

6. (1) Every person with a disability shall register with the Commission with respect to the disability.

(2) An organisation for persons with disabilities shall register with the Commission.

(3) An existing organisation for persons with disabilities shall, within

six months after this Act comes into operation, apply to the Commission for registration.

(4) The Commission shall determine the form and manner of registration.

(5) The register may be viewed by persons authorized by the Commission.

False
information.

7. A person commits an offence if the person knowingly gives false information to the Commission for the purpose of being registered or for the purpose of acquiring any privilege due to persons so registered and is liable on summary conviction to a fine of one hundred thousand dollars.

PART V RIGHTS OF PERSONS WITH DISABILITIES

Sub-Part I

Employment

Equal
opportunity for
employment.

8. (1) An employer shall not deny a person with a disability, on the basis of the disability, access to opportunities for employment including open employment.

(2) An employer shall not discriminate against a person with a disability in relation to employment by way of advertisements, recruitment, classification of posts, wages, choice for advancement and provision of facilities.

(3) An employer shall ensure that a qualified person with a disability is subject to the same terms and conditions of employment and the same compensation, privileges, benefits, incentives and allowances as a qualified person who does not have a disability.

(4) An employer who fails to comply with subsection (1), (2) or (3) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Complain to
Commission.

9. (1) A person with a disability who feels discriminated by an employer contrary to this Act may complain to the Commission or Chief Labour Officer.

(2) Where the Chief Labour Officer receives a complaint he shall notify the Commission of it.

(3) The Commission may take action or intervene in respect of a complaint

received as it considers fit.

Person with
disability to take
action.

10. Notwithstanding section 9, a person with a disability who is aggrieved by discrimination on the basis of the disability may take any other action to seek redress as the person thinks fit.

Record of
persons with
disabilities.

11. The Minister responsible for Labour shall establish and monitor a record of persons with disabilities who are in possession of various levels of skills and training and shall review that record regularly for the purpose of promoting job placement.

Vocational
training skills
development
and training
programmes.

12. The Ministers responsible for Labour; Human Services and Social Security; Youth, Sports and Culture; and Education shall design, collaborate and implement programmes that –

- (a) provide persons with disabilities with skills to enable them to engage in gainful employment; and
- (b) provide appropriate vocational measures which serve to develop the skills and potential of persons with disabilities and enable them to compete favourably for available, productive and remunerative employment opportunities in the labour market.

Employer to
maintain
records.

13. (1) An employer shall maintain such records in respect of persons with disabilities employed in the establishment of the employer in such form and in such manner as may be required by the Minister responsible for Labour.

(2) An employer shall ensure that the records are open to inspection at the establishment at all reasonable hours by persons who are authorised in that behalf by general or special order of the Commission.

(3) An employer who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of forty thousand dollars for each default and twenty thousand dollars for each day on which the default continues.

Sub-Part II

Education

Free primary
and secondary
education,
trained teachers.

14. The Minister responsible for Education in collaboration with the Commission shall formulate and implement the National Education programme to ensure that —

- (a) persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary and secondary education on the basis of having disabilities;
- (b) training programmes for teachers specializing in disabilities are developed and implemented so that the requisite trained personnel are available for special schools and integrated schools for children with disabilities; and
- (c) special education is made a compulsory component of the teachers' training curriculum offered by institutions established to train teachers.

Access to
quality
education.

15. (1) The Minister responsible for Education, after consultation with the Commission, shall ensure that the special requirements of persons with disabilities are addressed when formulating and implementing educational policies and programmes.

(2) The Minister responsible for Education shall encourage learning institutions to take into account the special needs of persons with disabilities with respect to the entry requirements, pass marks, curriculum, examinations, auxiliary aids and services including accessible formatting, use of school facilities, class schedules, physical education requirements, and other relevant matters.

Integration of
persons with
disabilities in
schools.

Cap.39:01

16. Subject to the Education Act, the Minister responsible for Education shall —

- (a) promote the integration of students with disabilities into the regular school and learning institutions;
- (b) promote the establishment of special schools by the government and the private sector for those persons in need of special education, so that children with disabilities living in any part of Guyana shall have access to these schools;
- (c) equip the special schools with vocational training facilities; and
- (d) encourage the development of a system of support services for special education in schools.

Assistance to
students with
disabilities.

17. The Minister responsible for Education and Minister responsible for the Public Service shall facilitate students with disabilities who are financially challenged but academically inclined who seek to pursue or are pursuing post

secondary or tertiary education and such facilitation may be in the form of scholarships, grants, loans and other incentives to qualified disabled students.

Special
education.

18. (1) The Minister responsible for Education shall establish and maintain a complete, adequate and integrated system of special education for persons with disabilities.

(2) The Minister responsible for Education shall establish –

(a) special education classes in schools and facilitate learning in subject areas including Braille, alternative script, augmentative and alternative modes, means and formats of communication, orientation and mobility skills;

(b) Braille and record libraries or sections within existing national libraries throughout Guyana.

(3) Parliament shall provide funds necessary for the effective national implementation of the special education facilities.

(4) Local Government Authorities shall adopt appropriate measures to facilitate the implementation of the special education programme.

Research.

19. The Commission shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or other materials or items as are necessary to provide persons with disabilities with equal opportunities in education.

Sub-Part III

Health

National health
programme.

20. The Minister responsible for Health in collaboration with the Commission shall formulate and implement the National Health Programme for the following purposes to –

(a) prevent disability, whether occurring pre-natally or post-natally;

(b) recognize and diagnose a disability early;

- (c) facilitate early rehabilitation of persons with disabilities;
- (d) enable persons with disabilities to receive free rehabilitation and medical services in public or government-owned or operated health institutions;
- (e) avail essential health services to persons with disabilities at an affordable cost;
- (f) provide field medical personnel for public health institutions for the benefit of persons with disabilities;
- (g) facilitate access by persons with disabilities to information on health issues in a format that is accessible to all persons with disabilities.

Rehabilitation
programme.

21. (1) The Minister responsible for Health, in consultation with the Commission, shall ensure that the special requirements of persons with disabilities are addressed in the formulation and implementation of rehabilitation and other health policies and programmes.

Rehabilitation
centres.

22. The Minister responsible for Health shall establish rehabilitation centres where these centres would be necessary throughout Guyana, and the Ministry of Health shall include in its annual appropriation the necessary funds for the operation of these centres.

Sub-Part IV Housing and Water

Accommodation
and water.

23. The Minister responsible for Housing and Water, in the formulation and implementation of the National Housing and Water programmes, shall collaborate with the Commission to include provisions to address accommodation and access to water for a registered person.

Sub-Part V Auxiliary Social Services

Auxiliary
social
services.

24. The Minister responsible for Human Services and Social Security shall ensure that persons with disabilities who are in vulnerable situations are encouraged to function and participate in community affairs by facilitating.

- (a) the acquisition of prosthetic devices and medical intervention;

- (b) specialized training activities designed to improve functions of persons with disabilities with respect to their communication skills;
- (c) development among persons with disabilities of a positive self- image through the provision of counselling, orientation and mobility in order to strengthen their daily living capability;
- (d) family care services geared towards developing the capability of families to respond to the needs of the persons with disabilities;
- (e) substitute family care services and facilities for abandoned, neglected, abused and unattached persons with disabilities who need an alternative form of care based on their individual needs;
- (f) family after care and follow-up services for the continued rehabilitation in a community-based setting of persons with disabilities who are discharged from residential care or rehabilitation centres;
- (g) day care services for children with disabilities of pre-school age.

Sub-Part VI

Sports and Recreation

Sports and
Recreation.

25. The Minister responsible for Sports and Culture, in the formulation and implementation of the national sports programme, shall coordinate with the Commission to ensure that —

- (a) public and private sports and cultural facilities are accessible to persons with disabilities;
- (b) persons with disabilities at sports, recreational and cultural activities are provided for;
- (c) training of specialists in sports, games and culture for persons with disabilities is provided;
- (d) there is improvement of existing facilities and equipment to provide for the participation of persons with disabilities in sports, recreational and cultural activities;

- (e) there is development and implementation of sports and physical fitness programmes specifically designed for persons with disabilities taking into consideration the nature of their disabilities.

Sub-Part VII Communications

**Broadcast
media.**

26. (1) Within ten years of the coming into operation of this Act the person in charge of every national television station shall provide a sign language inset or subtitles in at least one newscast programme daily and special programmes covering events of national significance.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

**Telephone
services.**

27. (1) Within five years of the coming into operation of this Act, every telephone provider shall provide and install special telephone devices or units for the hearing-impaired and ensure that they are commercially available to enable the hearing-impaired to communicate through the telephone system.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

Sub-Part VIII Accessibility

**Mobility for
persons with
disabilities.**

28. (1) The Commission shall collaborate with public or private sector agencies to ensure the attainment of a barrier-free environment that will enable persons with disabilities to have access to public or private buildings and establishments.

(2) Within five years of the coming into operation of this Act, the Central Housing Authority shall publish and enforce over the next five years building codes and guidelines for the construction and renovation of buildings, institutions, establishments, or public utilities in order to allow barrier-free access to persons with disabilities.

**Admission to
premises,
provision of
services.**

29. (1) A person in charge of any public premises or any provision of services or amenity shall not deny a person with a disability, on the ground of the disability,

admission to the premises or the provision of the service or amenity unless the denial is motivated by a genuine concern for the safety of the person with the disability.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

Mobility of
vehicle.
Cap. 51:02

30. The Commission shall collaborate with relevant agencies to formulate policies which shall be included in the Motor Vehicle and Road Traffic Act in order to facilitate appropriate adaptations and modifications to motor vehicles driven by persons with disabilities and to ensure that these persons, where permitted by law, are allowed to drive motor vehicles.

Public
transportation.

31. The Commission shall collaborate with the Minister responsible for Transport to formulate a public transportation policy which shall provide for persons with disabilities and which policy shall be implemented on the order of the Minister.

Sub-Part IX

Voting

Voting.
Cap 1:02

32. (1) Without limiting the provisions of the Representation of the Peoples Act on proxy voting, where persons with disabilities are unable to vote independently they shall be allowed assistance by another person of their choice in voting at national and local government elections.

(2) Persons with disabilities and their assistants shall together be allowed access to the polling booth.

(3) (a) The assistant of the person who has a disability shall mark the ballot for that person in compliance with the instructions of that person.

(b) The person assisting shall swear in a formal document under oath to fill out the ballot strictly in accordance with the instruction of the voter and not to reveal the contents of the ballot.

(c) An assistant of a person with a disability who violates paragraph (b) commits an election offence and is liable on conviction in accordance with the provisions of the Representation of the Peoples Act in respect of offences.

Accessibility of
polling stations.

33. The Guyana Elections Commission shall ensure that barrier-free polling stations or arrangements are provided for persons with disabilities.

**Sub-Part X
Concealment**

Concealment of
persons.

34. (1) A parent, guardian or next of kin shall not conceal a person with a disability in a manner as to deny that person the opportunities and services available under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

**PART VI
MISCELLANEOUS**

Legal action by
the Commission.

35. The Commission may take appropriate legal action where the Commission believes that —

(a) a person, entity or establishment is engaged in a practice which is discriminatory under this Act; and

(b) the discrimination is an infringement of the rights of persons with disabilities.

Commission to
prosecute.

36. (1) The Commission may institute or cause to be instituted prosecutions for the purpose of enforcing the provisions of this Act and the Commission shall designate or authorize a person as it considers fit to appear and conduct prosecutions on its behalf.

Cap 8:02, etc.

(2) All complaints under this Act may be heard and determined and all offences, penalties or other remedies may be prosecuted and enforced in the manner provided by the Summary Jurisdiction Acts.

Cap 10:02

(3) Any order for the payment or recovery of damage or other compensation shall be enforceable in the same manner as an order for the payment of compensation under the Summary Jurisdiction (Procedure) Act.

General penalty.

37. Where a person commits an offence which is prescribed in this Act and a penalty is not provided for the offence, the person is liable on summary conviction to a fine of one hundred thousand dollars.

Supplementary
remedies.

38. Without prejudice to other remedies that may be available in a court, a person who is aggrieved by an act or omission of an employer in contravention of this Act, shall be entitled to apply to the court convicting that employer for that contravention, for any of the following remedies —

(a) damages from the employer, for any loss caused directly or indirectly as a result of the contravention; and

(b) an order directing the employer to redress the contravention including an order, if the employer and the aggrieved person agree, to reinstate the aggrieved person.

Burden of
proof.

39. Except where otherwise provided in this Act, a person alleging a violation of this Act shall bear the burden of presenting a prima fade case of discrimination or of an offence related to discrimination under this Act, and the burden of proof shall then shift to the respondent to disprove the allegations.

Proof of
Exception.

40. Where any provision of this Act has been excepted from conduct that is unlawful under this Act or that is a contravention of this Act, the onus of proving the exception lies upon the party claiming the exception.

Regulations.

41. (1) The Minister responsible for Health may make regulations for carrying out the provisions of this Act relating to the areas for which the Minister has responsibility including the rehabilitation of persons with disabilities under section 23.

(2) The Minister Responsible for Labour may make regulations for carrying out the provisions of this Act relating to the areas for which the Minister has responsibility.

(3) Without limiting the generality of subsection (1), the regulations may provide for —

(a) the form and the manner in which employers must maintain records pursuant to section 14;

(b) inspection of records pursuant to section 14.

(4) The Minister responsible for Human Services and Social Security may make regulations for carrying out the provisions of this Act relating to the areas for which the Minister has responsibility including schemes to provide aids and appliances to persons with disabilities under section 26.

Act binds State.

42. This Act binds the State.

SCHEDULE sections 2 and 5
**CONSTITUTION, MANAGEMENT AND FUNCTIONS OF THE
 NATIONAL COMMISSION ON DISABILITIES**

1. (1) The Commission shall consist of twelve members appointed by the President, of whom —

- (a) five members, one member nominated by and from each of the Ministries with responsibility for Health; Education; Labour; Human Services and Social Security; and Foreign Affairs;
- (b) three members, two of whom are persons with disabilities, nominated by and from non-governmental organisations that are directly and solely concerned with the welfare and advancement of persons with disabilities;
- (c) one member nominated by and from organizations dealing with human rights;
- (d) one member nominated by and from an organization representing organized labour;
- (e) one member nominated by and from an organization representing the private sector; and
- (f) one member who has extensive experience as a care giver of persons with disabilities.

2. (1) There shall be a Chairperson and Deputy Chairperson of the Commission whom shall be elected by and from the members of the Commission.

(2) The functions of the Chairperson are —

- (a) to preside over the meetings of the Commission;
- (b) to supervise the management and administration of the affairs of the Commission;

Membership of
the Commission.

Chairperson and
Deputy
Chairperson.

whom shall be elected by and from the members of the Commission.

(2) The functions of the Chairperson are —

- (a) to preside over the meetings of the Commission;
- (b) to supervise the management and administration of the affairs of the Commission;
- (c) to ensure that the decisions and policies of the Commission are implemented;
- (d) to represent the Commission;
- (e) to accept and administer on behalf of the Commission, gifts, grants or donations;
- (f) with the approval of the Commission, to enter into and execute any contracts as may be necessary in pursuit of the Commission's functions; and
- (g) with the approval of the Commission, to appoint any committee or other body as may be necessary for the efficient discharge of the functions of the Commission.

The secretariat
of the
Commission.

3. (1) The Commission shall have a secretariat that shall provide services for the carrying out of the functions of the Commission.

(2) The Secretariat shall be headed by an executive secretary to be assisted by a deputy executive secretary, both of whom shall be appointed by the Commission.

(3) The Commission shall employ the technical, administrative and other personnel required by the Secretariat, as well as determine their functions.

Functions of
the Executive
Secretary.

4. (1) (a) The Executive Secretary shall be an ex-officio member of the Commission and shall serve in a full-time capacity.

(b) The Executive Secretary shall be the chief administrative officer of the Secretariat and shall exercise general supervision and control over the staff of the Secretariat.

(2) The Executive Secretary shall ensure execution of the functions of the Commission in accordance with this Act and manage and administer the affairs of the Commission.

Functions of
the
Commission.

5. The functions of the Commission are to –

- (a) serve as the national focal point on matters relating to persons with disabilities;
- (b) facilitate the continuous evolution of a comprehensive policy towards alleviating the problems faced by persons with disabilities;
- (c) promote and protect the rights of persons with disabilities;
- (d) educate employers and the public and make recommendations for improved employment practices in relation to persons with disabilities;
- (e) facilitate the provision of assistance for persons with disabilities to obtain redress if they are discriminated against or if their rights are being violated or infringed;
- (f) monitor implementation of, and make recommendations for compliance with, international instruments to which the State is a party for the benefit of persons with disabilities;
- (g) formulate policies, recommend and monitor implementation of legislation and measures to enhance and protect the status of persons with disabilities;
- (h) promote consultation and co-operation with and among organisations involved with persons with disabilities;
- (i) recommend technical assistance for the support of persons with disabilities, and to promote a barrier-free environment;
- (j) carry out or cause to be carried out research and studies concerning persons with disabilities;
- (k) enlist the aid of persons, including persons with disabilities, as may be

necessary to give expert advice in order to facilitate its functions;

(1) register, for the purposes of this Act –

- (i) persons with disabilities;
- (ii) institutions or associations controlled or managed by the Government, State or Local Government authorities that provide services for the rehabilitation and welfare of persons with disabilities;
- (iii) places at which services for the rehabilitation of persons with disabilities are provided; and
- (iv) persons with disabilities whose conditions require consistent medical attention for the purpose of subsidised medical assistance provided by the Ministry of Health;

(m) issue adjustment orders to facilitate the rights of persons with disabilities;
and

(n) facilitate the enforcement of the rights of persons with disabilities.

6. The funds of the Commission shall consist of the following –

- (a) funds voted by Parliament; and
- (b) funds which the Commission may receive as a result of public and private appeal from local and international donors or agencies.

7. (1) The financial year of the Commission shall be for the period of one year commencing on January 1st in every year.

(2) The Commission shall ensure that proper accounts and other records are kept with respect to the revenue and expenditure of the Commission, and shall also ensure that within three months after the end of each financial year, a statement of the accounts of the Commission is prepared and audited by an external auditor appointed by the Commission.

8. (1) A member of the Commission shall hold office for a term of three years

Funds of the
Commission.

Annual
Accounts.

Term of office.

and shall be eligible for reappointment for a further term of office of three years.

(2) The term of office of a member who is appointed in the member's official capacity or as the nominee of an organisation shall expire as soon as the member ceases to hold the office by virtue of which the member was appointed, or ceases to represent the organisation which nominated that member for appointment.

Registration.

9. A member of the Commission may resign from the membership of the Commission by writing under the hand of that member addressed to the President.

Removal from office.

10. Subject to the approval of the President, two-thirds of all the members of the Commission may vote at a meeting of the Commission for the removal of a member where the member's conduct is considered inimical to the proper functioning of the Commission.

Disqualification from membership.

11. A person shall not be a member if that person —

- (a) is of unsound mind and is so declared by a competent court;
- (b) has, at any time, been convicted of an offence under this Act or of moral turpitude or dishonesty;
- (c) has, in the opinion of the President, so abused the membership as to render the continuance of it detrimental to the interests of the Commission, persons with disabilities or the general public; or
- (d) without reasonable excuse in the opinion of the Commission has been absent from three consecutive meetings of the Commission or from four meetings in aggregate in any one year.

Vacancy.

12. (1) Where the office of the Chairperson of the Commission becomes vacant the members present shall elect one of the members as Chairperson for the unexpired term of the office of the Chairperson.

(2) Where a vacancy occurs in the membership of the Commission it shall be filled by the appointment of another representative of the entity or non-governmental organisation that nominated the representative for appointment, or by the appointment of another person with experience as a caregiver of persons with disabilities, as the case may be.

Meetings of the
Commission.

13. The Commission shall meet once in every month and upon the request of the Chairperson or at least three members of the Commission addressed to the Chairperson.

Quorum.

14. At a meeting of the Commission seven members including the Chairperson or Deputy Chairperson shall form a quorum.

Power to
regulate
procedure.

15. The Commission shall regulate its procedures in accordance with rules prescribed or determined by the Commission.

Annual reports.

16. (1) The Commission shall prepare an Annual Report of its activities which shall be transmitted to the President and all government and state agencies and organisations involved in the work of the Commission.

(2) A copy of the Annual Report of the Commission shall be laid before the National Assembly.

(3) The Commission shall on an annual basis submit reports to the Ministers Responsible for Health; Education; Labour; Human Services and Social Security; and Culture, Youth and Sports on the implementation of the provisions of this Act in their respective sectors.

EXPLANATORY MEMORANDUM

This Bill in effect spells out Article 149 of the Constitution in relation to protection from discrimination on the ground, in particular, of disability. The Bill is in consonance with the United Nations Convention on the Rights of Persons with Disabilities. It elevates a person with disability in so far as it is physically and otherwise practicable to the position of a person without disability.

Part I of the Bill gives the short title, commencement and the interpretation to certain words used in the Bill and emphasises that the Act is in addition to and not in derogation of for instance, the Prevention of Discrimination Act 1997.

Part III establishes a National Commission on Disabilities in relation to which the Schedule has effect with respect to the constitution, management and functions of the Commission.

Part IV provides for the registration with the Commission of every person with a disability. Likewise an organization representing persons with disabilities shall register.

Part V, Sub-Part I, provides for the rights of persons with disabilities in relation to equal opportunity for employment. A person with disability who feels discriminated can complain to the Commission or the Chief Labour Officer and may take any other action to seek redress. The Ministers Responsible for Labour; Human Services and Social Security; and Youth, Sports and Culture shall design and implement programmes to provide persons with disabilities with skills and provide vocational measures to develop their skills to enable them to obtain employment. The Minister Responsible for Labour may provide "sheltered employment" for persons with disabilities.

Sub-Part II of Part V provides that the Minister Responsible for Education shall in the national education programme ensure free primary and secondary education and trained teachers for persons with disabilities so that they are not excluded from the education system. The Minister shall ensure that special requirements of persons with disabilities are addressed when formulating educational policies and he shall promote the integration of the students with disabilities into the regular schools and learning institutions. The Minister shall establish and maintain an integrated system of special education of persons with disabilities.

Sub-Part III of Part V deals with the national health programme for persons with disabilities. Health materials for persons with disabilities are not subject to tax. The Minister shall facilitate the rehabilitation of persons with disabilities and shall establish rehabilitation centres where they are necessary.

Sub-Part IV of Part V enjoins the Minister Responsible for Housing and Water to collaborate with the Commission to include provision to address accommodation and access to water for a registered person.

Sub-Part V of Part V provides for auxiliary social services for persons with disabilities.

Sub-Part VI of Part V provides for sports and recreation whilst Sub-Part VII mandates every national television station to provide a sign language inset or subtitle in at least one of the newscast programme daily.

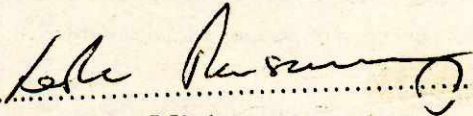
Sub-Part VIII of Part V deals with mobility for persons with disabilities. For instance, the Central Housing and Planning Authority is given a time frame within which it shall publish and enforce building codes and guidelines for the construction and renovation of buildings to allow barrier-free access to persons with disabilities.

Sub-Part IX of Part V provides for the voting of persons with disabilities at national and local government elections. A person with disability will be allowed assistance by another person of his choice and the Guyana Elections Commission shall ensure barrier free polling stations or arrangements for persons with disabilities.

Sub-Part X of Part V makes it a criminal offence for a parent to conceal a person with a disability to deny that person the opportunities and services available under this Act.

Part VI deals with miscellaneous matters. The Commission may take legal action where the Commission believes that discrimination is an infringement of the rights of persons with disabilities. It provides a general penalty where a person commits an offence prescribed by this Act for which no specific penalty has been prescribed. A person who is aggrieved by an act or omission of an employer in contravention of this Act, where that employer has been convicted, is entitled to apply to the Court convicting the employer for damages. The Ministers responsible for the administration of this Act may make regulations for their respective subject areas.

Finally, the Bill provides that the Act binds the State.


 Minister of Health