**RIAL/OAS -Bilateral Cooperation US-Jamaica Exchange on Disability Legislation, and Enforcement**

**Washington, DC**

**FINAL REPORT**

**BRIEF DESCRIPTION OF ACTIVITY**

During the period October 17 to 21, 2016 a delegation comprised of three (3) senior members of the staff of the Ministry of Labour and Social Security, Jamaica (namely Dione White-Jennings and Camille Bennett-Campbell) and its Department, the Jamaica Council For Persons with Disabilities (namely Christine Hendricks) participated in an insightful series of meetings and discussions with personnel from the various Departments responsible for enforcement mechanisms under disability legislation in the United States.This activity took place under the auspices of the Inter-American Network for Labor Administration (RIAL) of the Organization of the American States (OAS).

The specific objectives of the Bilateral Co-operation between Jamaica and the United States were to:

1. Exchange information about various enforcement agencies in the United States and Jamaica in the promotion and protection of the rights of persons with disabilities.
2. Discuss lessons learned in the establishment of enforcement mechanisms for persons with disabilities.
3. Assist Jamaica with establishing an effective enforcement and protection mechanism for persons with disabilities.
4. View first hand the work being carried out by such mechanisms.
5. Adapt or adopt best practices for the Jamaican context.

In total Six enforcement and compliance agencies and the university providing tertiary level education to students who are Deaf shared with us the tireless work of ensuring the accordance of civil and human rights to persons with disabilities to which we could relate. It was recognized, however; that regardless of the status of a country – developed or developing – some challenges remain in disability rights enforcement.

The team was introduced to a number of key personnel as well as the role and function of the U.S. Department of Labour, US government agencies, and programmes the history of Civil Rights legislation in the United States was very helpful in setting the context for our visit and study tour. The information provided a solid foundation for the various meetings by explaining the role of these entities providing an overview of the various Government and independent enforcement agencies and the historical development of laws and enforcement non-discrimination and equal employment opportunity legislation in the United States. This included but not limited to a discussion of the complaint mechanism in place; how discrimination complaints are investigated and adjudicated; how compliance reviews are conducted; the provision of technical assistance and training to internal and external stakeholders.

We also received useful information on the efforts to promote the inclusion of persons with disabilities in the workplace and how the coordination with employers and all levels of Government is effected to meet this goal.

We appreciated the importance of the Affirmative Action and the continued and intentionally planned public awareness and training in the process. We were further appreciative as we were engaged in the details of the work in relation to redress and deterring of violations. This engagement also underscored the need for us to adequately train investigators.

We were provided with some practical exposure to what processes and documents are available to the team and the work to be accomplished in Jamaica in making the environment barrier free.

Gallaudet University provided another remarkable opportunity for partnership based on the broad range of programs for persons who are Deaf and the upcoming online course for Sign Language Interpreters. The fact of interacting with professional individuals who are Deaf was inspirational, and it made us envision the possibilities through scholarships for Jamaicans in the medium to long term.

**MAIN RESULTS AND FINDINGS**

The lessons learned for adoption or adaptation are as follows:

1. Public education and sensitization are critical to the effectiveness of the implementation of the Disabilties Act.The Jamaica Councils For Persons with Disabilities (JCPD) is responsible for public education under the Disabilties Act. The bilateral discussions emphasized that the JCPD cannot effect the cultural changes necessary to ensure that persons with disabilties are included in all facets of society, on its own. .We therefore, are adopting the importance of identifying champions of Disability in the public, private and disability sectors and instituting a trainer of trainers programme ensuring others are brought on board to ensure the dissemination of the information in urban and rural areas in Jamaica.
2. The complaints procedures outlined and the established structure of the Equal Employment Opportunity Commission and Access Board proved useful to the Jamaican context as we are in the process of establishing systems and procedures for the JCPD which will be the disability enforcement organization under the Disabilties Act. We will be exploring the extent to which the complaints procedures can be adopted or used as a guide in developing our own complaint mechanism.
3. The acceptance of the need for the training of investigators formed a highlight of the sessions as we identified the critical role this training would play in the formation of the established JCPD.
4. The number and capacity of Sign Language Interpreters in Jamaica is woefully inadequate. We will be exploring possiblities for partnership with Gallaudet University, as same will be necessary to ensure the development and sustainability of this career. The possibility exists for a co-operation with institutions currently providing sign language lessons at a basic level for certification at a more specialized and higher-level.
5. Accessible tourism products are a necessity for Jamaica at this time as the Ministry of Tourism is in the process of making public beaches barrier free. The information from the Access Board becomes essential in this endeavour and will provide useful information for this venture.

**NEXT STEPS**

1. The JCPD recently drafted a three-year communication strategy for dissemination of information on the Disabilities Act and the new JCPD to various stakeholders. The current programme can, therefore, include the ideas shared at EEOC of literally‘flooding’varying spaces with information in different media.
2. We have already started the process of identifying ‘Champions of Disability’ for the first set of the train the trainer initiative on the Disabilities Act. This initiative should begin internally in the new year with the staff of the JCPD and some members of the Board of Mangement.
3. Introducing the Gallaudet University programme to the Jamaica Association for the Deaf (JAD) can open the avenue for the introduction and further of conversations between both entities for the start of building the capacity of the current cadre of Sign Language Interpreters.
4. EEOC has provided access to the information they utilize regarding the complaints process and the procedures applied from the time of filing to settlement and documentation. Information regarding remedial action taken and follow-up necessary was also shared and proves useful in the procedures to be utilized in the establishment of the Legal and Compliance Division in the next 1 ½ to 2 years. We will prepare a Draft Compliants process and procedure in the short term.
5. Finalize the Terms of Reference for the Establishment of the Disabilities Rights Tribunal and liaise further with the US-Department of Labour in the roll out of its eatablishment.
6. Send a communique to the Ministry of Local Government and Community Developmentregarding the time sensitive need for the promulgation of the Building Act which will give effect to the Building Code which will also facilitate access and use by persons with disabilities.

**EVALUATION OF THE ACTIVITY AND RECOMMENDATION**

From all indications the bilateral co-operation was beneficial and the value will be proven in the ensuing months and years. Despite the inability to meet with all the organizations, in particular, the Washington Metropolitan Transit Authority (WMATA) the experience was invaluable. The objectives and expectations in the main were achieved. We would have found helpful to see a Disabilities Tribunal in operation and to meet with actual clients who have filed complaints and received redress and how the mechanism, process and outcomes impacted their lives. We look forward to any follow-up activity that can be facilitated by the RIAL, OAS or US State Department and, or the US Department of Labour which would positively impact the implementation efforts of the disability enforcement mechanism in Jamaica and advance our work further. We, therefore, anticipate the follow-up activities and the accomplishment of the work to come by this team and our partners.

Submitted by:

Dione Jennings, Chief Technical Director, Social Security

Camille Bennett-Campbell, Senior Director of Legal Services

Christine Hendricks, Executive Director, Jamaica Council For Persons with Disabilities.