

Ministerial Response

to the Second Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Challenges Faced by Persons with Disabilities with Specific Focus on Access to Services and Employment

Findings and Recommendations of the Committee relevant to the Ministry of Labour and Small Enterprise Development (MLSED)

Findings – Objective 2

To understand the challenges to access employment faced by persons with disabilities in Trinidad and Tobago

Recommendations

- 4.23 **The Committee recommends that the Ministry of Social Development and Family Services (MSDFS) in collaboration with the Ministry of Labour and Small Enterprise Development (MLSED) conduct research on PWDs and employment.**

The Ministry of Labour and Small Enterprise Development (MLSED) held an initial meeting with representatives from the Ministry of Social Development and Family Services (MSDFS), the Ministry of Public Administration and Communications (MPAC), the Service Commissions Department (SCD) and the National Centre for Persons With Disabilities (NCPD) on November 01, 2016 to discuss the recommendations of the *“Second Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Challenges Faced by Persons with Disabilities with Specific Focus on Access to Service and Employment”* relevant to the MLSED.

According to the MSDFS, in December 2015, the MSDFS revised the composition of its Inter-Ministerial Committee to Promote, Protect and Monitor the Implementation of the United Nations Convention on the Rights of Persons with Disabilities and included the MLSED as a member. However, the MLSED is currently awaiting the resending of an official invitation to join the Committee. The meeting of November 1st 2016 concurred that the Committee was an ideal forum, given its constitution to continue discussions on research on PWD’s and employment. As such, the MLSED intends to propose as an Agenda Item of the Inter-Ministerial Committee the development of a research agenda on Persons with Disabilities (PWDs) to, *inter alia*, highlight PWDs challenges and constraints in gaining employment.

The National Centre for Persons With Disabilities (NCPD) emphasized the need for a comprehensive/clear definition of disability in order to capture relevant data with respect to PWDs and the conduct of a National Survey for PWDs to determine, *inter alia*, if this fraction of the population is an aging one. It was agreed that two (2) definitions (one for “term: and the other for “statistical purposes”) may be required. The NCPD conducts vocational training for 250 PWDs, aid students in finding employment and provide rehabilitation services to persons. The NCPD conducted a Tracer Study two (2) years ago on its past students to, *inter alia*, to find out their progress after graduation such as whether persons were employed, if so, if they were employed in their field of study. The NCPD agreed to share its limited Tracer Study information with the MLSED and MSDFS.

In addition, the MLSED has undertaken and proposes to implement certain initiatives pertaining to the employment of PWDs including:

- National Employment Service (NES) in 2014 embarked on a pilot survey to collect data from institutions, inclusive of the National Centre for Persons with Disabilities (NCPD), and schools on employable persons with disabilities. The pilot survey targeted ninety (90) employers from various industries. Results of the pilot survey indicated a willingness on the part of some employers to employ persons with disabilities whilst others were open to possibilities if a tax incentive/relief was offered. The NES continues to encourage employers to provide greater employment opportunities for persons with disabilities. Further, the MLSED intends to discuss the outcomes of the pilot survey and review the draft questionnaire with the aim of identifying gaps and strengthening relevant areas;
- The MLSED intends to continue work in the implementation of ILO Convention No. 159, Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, which was ratified by Trinidad and Tobago on June 3, 1999. This includes sensitizing employers and trade unions on the employment of PWDs and assisting PWDs in gaining employment in the labour market;
- The MLSED proposes to conduct a Private Sector Vacancy Survey commencing in November/December 2016 which would capture the unfulfilled component of labour demand in Trinidad and Tobago (total number of vacancies) as well as other characteristics associated with this statistic. Once feasible, the Ministry proposes to augment the survey to include a module that would measure the willingness of employers to fill these vacancies with PWDs, determine the amount of PWDs with jobs and the sectors they work in;
- HIV/AIDS Advocacy and Sustainability Centre (HASC) provides technical support and guidelines for addressing HIV and AIDS in the

workplace for employers, employees, government ministries, trade unions and People Living with HIV. The HASC, inter alia, has provided training for the Labour Inspectors in the Labour Inspectorate Unit (LIU) and Occupational Safety and Health (OSH) Inspectors on HIV and AIDS workplace issues, conducts peer education programs and advocates for the development and implementation of workplace policies based on the National Workplace Policy on HIV and AIDS. Further, a Workplace Needs Assessment Survey is one of the tools utilized by the HASC to capture pertinent HIV information from employers, management and staff of organizations. The HASC agreed to share this tool, its research methods and some contact information on organizations it previously and currently works with.

- 4.24 The Committee recommends that the DAU, MLSED 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 Disability Affairs Unit (DAU) of the MSDFS, the MPAC and the MLSED agreed that a Memorandum of Understanding for a disability register/database of PWDs should be developed for consideration by all parties. It was proposed that different databases may be required to suit the needs of its users, such as, a national database and a database specific for employers. It was proposed that the DAU maintain these databases.

- 4.25 The MLSED collaborate with the MSDFS to provide employer training related to PWDs with specific focus on accommodation adjustment, job coaching and areas itemized in 3.27. This would alleviate the number of complaints submitted to the Equal Opportunity Commission by PWDs.**

The MLSED and the MSDFS agreed that both Ministries do not have the capacity to provide employer training related to PWDs. However, it was proposed that a referral system be established whereby the MSDFS, MLSED and other ministries can refer interested employers for training to the relevant Non-Governmental Organization (NGOs). Further discussions on this issue are proposed to be held at the Inter-Ministerial Committee to Promote, Protect and Monitor the Implementation of the United Nations Convention on the Rights of Persons with Disabilities.

- 4.26 The Public Service Commission and the MLSED should review the stakeholder employment recommendations in Appendix VIII.**

Appendix VIII Stakeholder Employment Recommendations:

Government to employ % as they are the largest employer

In 2017, the (Service Commissions Department) SCD would embark on a restructuring exercise whereby the Civil Service Act and all policies would be reviewed and streamlined. Currently, no PWDs recruitment policy exists. In the review of Appendix VIII, the SCD and MLSED expressed concern regarding an implied quota system in the recommendation of “Government to employ % as they are the largest employer”. The SCD would advertise vacancies for all Service Commissions, such as, the Public Service Commission, the Judicial and Legal Service Commission, the Teaching Service Commission and the Police Service Commission and it should be noted that PWDs are employed within these Commissions depending whether the candidate meets the requisite competences.

The SCD highlighted that the Civil Service contains many categories and classifications of jobs and would advertised vacancies internally (within the public service) and externally (to the general public). In the principles of justice and fairness, all persons applying for a position(s) must satisfy the basic requirements and PWDs are treated fairly in interviews. The following were pointed out:

- it may be difficult to implement a “quota system” in the Public Service due to the nature of the work in accordance with its classification. Persons should be hired based on their competencies and not a “quota system”;
- implementing a “quota system” would create a right to work for PWDs and the laws of Trinidad and Tobago do not provide for a right to work. Also, the “quota system” for PWDs would create a conflict as other groups will demand the same system; and
- the concept of “reasonable accommodation” and “unjustifiable hardship” should guide the hiring practices and not a “quota system”.

Advocate for promotion of employment opportunities for persons with disabilities.

Around 2007, the NES embarked on a pilot project to place its PWDs clients in temporary positions in various Government Ministries and organizations. Approximately thirteen (13) PWDs were placed in ministries and organizations.

Provide information and advisory services to employers.

In 2009, the NES of the MLSED hosted a one-day seminar on the integration of persons with disabilities in the workforce. The seminar was geared towards raising the

awareness of Human Resource Officers in both the private and public sectors on the issues pertinent to the employment of persons with disabilities. All of the MLSED's Human Resource Officers and Officers of the NES attended the seminar.

In 2011, the NES embarked on a "*National Forum on Exploring Solutions to Employment Issues in the Current Global Environment*". At this inaugural interaction, the issues of migration, enhancing opportunities for persons with disabilities and improving the attractiveness of low skilled jobs were the topics discussed. The Forum detailed the many initiatives being undertaken to ensure that this demographic had fair and equitable opportunities to exercise their rights to earn a living. An appeal was also made to all employers to make reasonable adjustments within their offices to facilitate persons with disabilities in the workplace.

In addition, the ILO Handbooks on the "*placement of job seekers with disabilities*" – *Elements of an Effective Service* and "*Assisting disabled persons in finding employment*" – *a Practiced Guide*" is used as a guide by Officers of the NES. Officers were also exposed to sign language in an effort to communicate with persons who are hearing impaired.

Findings and Recommendations of the Committee - Objective 5:

Findings – Objectives 5

To determine the legislative framework required to safe guard the rights of persons with disabilities.

Recommendations

- 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 amendment to the Equal Opportunity Act and motor vehicle legislation in Appendix IX and X should be reviewed.**
- 4.35 **The Committee recommends legislation which mitigates against discriminatory hiring practices by employers and the employment challenges itemized at 3.24.**
- 4.36 **The Ministry of Works and Transport review proposed legislative amendments to motor vehicle legislation in Appendix X.**

The MLSED held a consultation on the Basic Terms and Conditions of Work Bill/Code on June 29, 2016 as part of the Labour Legislative Reform Project and is in the process of receiving comments on a Bill/Code. Subsequently, comments will be collated and a second round of consultations will be held in 2017 as the Ministry works towards giving effect to a minimum floor of rights at work for all employees. A collaborative approach is required to effectively achieve this outcome. As such, the Equal Opportunity Commission (EOC) and the NCPD were identified as key stakeholders in this consultative process in the development of this Bill/Code.