



Republic of Trinidad and Tobago

EOC

Equal Opportunity Commission
Promoting Equality

GUIDELINES



for **EMPLOYERS** on **DISABILITY**
in Trinidad and Tobago



INSIDE FRONT COVER

GUIDELINES

for EMPLOYERS on **DISABILITY**
in Trinidad and Tobago



not every disability
is visible

GUIDELINES for EMPLOYERS on DISABILITY in Trinidad and Tobago

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FOREWORD

Many people will have a disability at some stage in their lives. For some, the disability will be temporary; for others, it may be for their lifetime. The rights of individuals to belong and contribute to a meaningful life should in no way be diminished by the type, degree or impact of a disability. Unfortunately, discrimination, ignorance, neglect, stigma, fear, inter alia, have influenced the living conditions of persons with disabilities (PWDs). Central to this is the failure on the part of employers to remove the barriers that restrict the participation of PWDs in the workplace. Some employers tend to view PWDs as persons who will add little or no value to the workforce and the productivity of the enterprise/organisation. PWDs are challenged with multiple difficulties in exercising their right to work owing to discriminatory policies and lack of necessary workplace infrastructure.

The Constitution of the Republic of Trinidad and Tobago protects the rights of PWDs and provides the foundation for the Equal Opportunity Act, Chapter 22:03 ('EOA'). The EOA established the Equal Opportunity Commission (the 'Commission') to redress inequalities and discrimination in the areas of employment, education, the provision of goods and services and the provision of accommodation. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by Trinidad and Tobago in 2015, sets out its purpose to promote, protect and enable the full and equal enjoyment of all human rights and fundamental freedoms by all PWDs and to promote respect for their inherent dignity.

Consequently, there is a definite alignment between the central purpose of the EOC and the agenda of the UNCRPD. It is with this in mind that we understand that without the propagation of equality and non-discrimination in society the enacting of human rights for PWDs is an impossible task. Under the EOA, PWDs are protected from discrimination based on the status of disability, as well as victimisation and offensive behaviour.

The 'Guidelines for Employers in Relation to Disability' ('Guidelines') has been developed to guide employers of large, medium and small enterprises, public or private to adopt a positive strategy in managing disability related issues in the workplace. The Guidelines are intended to complement the EOC's 2014 publication, 'Guidelines for Employers in Trinidad and Tobago', to assist with the practical implementation of aspects of the EOA relating to PWDs in the workplace. The contents of the Guidelines are based on the principles supporting national and international instruments and initiatives designed to promote the

equal and safe employment of PWDs. It should be viewed as part of a broader equality agenda for PWDs to have their rights recognised in the labour market where they often remain in low status jobs or earn lower than average remuneration.

It is hoped that this document will provide guidance and support for PWDs, employers, employees and trade unions to understand their rights and obligations, to promote and encourage equal opportunities and fair treatment of PWDs.

Lynette Seebaran Suite
Chairman
Equal Opportunity Commission

PART 1

1.0 INTRODUCTION

1.1 Purpose

The 'Guidelines for Employers in Relation to Disability' is to assist employers, employees and trade unions in managing and promoting equal opportunities for and fair treatment of PWDs in the work environment by:

- Ensuring that PWDs have equal opportunities in the workplace;
- Ensuring a transparent and consistent approach to creating equal opportunity for PWDs who are currently employed or seeking employment;
- Ensuring that PWDs are treated respectfully and fairly in all stages of the employment process;
- Promoting a safe and accessible workplace environment;
- Improving employment prospects for PWDs by facilitating recruitment, return to work, job retention and opportunities for advancement;
- Assisting organisations, employers and employees to achieve optimum access and inclusion of employees with a disability in the organisation's workforce, consistent with the principles of human rights and disability discrimination legislation;
- Providing all employees with the opportunity to develop professional learning, understanding, and positive attitudes about disability in the workplace;
- Informing employers and employees of the consequences of not providing equal opportunities in employment such as, discrimination and liability costs, loss of productivity and lower morale, a negative impact on learning and development and damage to the organisation's reputation.

1.2 Target

The Guidelines target employers, employees, trade unions and PWDs so that they can better understand their rights and responsibilities under relevant laws.

1.3 Aims of the Guidelines for Employers and for PWDs

These Guidelines aim to assist:

Employers by helping them to understand -

- Their obligation to implement non-discrimination and affirmative action measures in respect of PWDs in the workplace;
- Their right to generate economically viable organisations which effectively provide services and products, without discriminating against PWDs;
- The opportunities that are afforded to them and their enterprises/organisations through the employment of PWDs;

PWDs by helping them to understand -

- Their right not to be discriminated against in all aspects of employment;
- The affirmative action measures to which they may be entitled through the provision of relevant legislation;
- Their obligation in participating as an informed partner with the employer in the process of employment;
- Their right to the provision of reasonable accommodation if required;
- The opportunities that exist to prepare for entry and advancement in the workplace.

1.4 Prevalence of Disability

The 2011 Trinidad and Tobago Population and Housing Census indicated that there are approximately 52,244 persons living with a disability, which is equivalent to 4% of the total population of 1,328,019. The most common types of disabilities identified through the Census were disabilities related to walking (32%), visual (28%) and speaking (14%). The census indicated that 8,479 PWDs had a job and worked, and 470 had a job but did not work.¹ The data however has not been disaggregated to indicate the participation rate of PWDs in the labour force; therefore, one cannot present an analysis of their under-representation and /or under-employment in the workforce.

¹ Second Report of the Joint Select Committee on Human Rights, Equality and Diversity 2015/2016
<http://www.tparliament.org/reports/p11-s1-J-20160707-HRED-R2Final.pdf>

1.5 Legislative Framework

No specific legislation has been enacted in Trinidad and Tobago to deal with disability or PWDs. Issues affecting PWDs or disability, in general, are resolved through guidance from court decisions and reliance on the several pieces of legislation that speak to equality, non-discrimination and the safety and health of workers and employees injured on the job. Laws pertaining to unfair dismissals, for example, provide some protection to employees and prospective employees with physical disabilities. The Equal Opportunity Act, Chapter 22:03 ('EOA') protects persons from unfair treatment in many areas of public life and disability is specifically identified as one of the seven status grounds on which a person can rely to lodge a complaint of discrimination. The EOA promotes equal rights, equal opportunity and equal access for PWDs. Trinidad and Tobago is guided by the international conventions to which it is a signatory, and is a party to the Convention on the Rights of Persons with Disabilities, which bolsters these protections, as it helps inform the courts' decisions when dealing with discrimination claims. The underlying theme of the following main pieces of legislation as they relate to disability and PWDs is the recognition that PWDs have the same rights and responsibilities as other members of the community, including the right to access employment, the provision of goods and services, education and the provision of accommodation.

- **The Constitution of the Republic of Trinidad and Tobago**

The Constitution of the Republic of Trinidad and Tobago Act, Chapter 1:01 recognises and protects the fundamental human rights and freedoms, '...without discrimination by reason of race, origin, colour, religion or sex ... the right of the individual to equality before the law and the protection of the law and the right of the individual to equality of treatment ...'² Section 4(a) and (b) which afford the right to 'life, liberty (and) security of the person' are of particular relevance;

- **Workmen's Compensation Act (1960)**

Under the Workmen's Compensation Act, an employer is liable to pay compensation for injury or death of an employee arising from a workplace accident. Where death or serious and permanent disablement occurs, the employer remains liable even though the accident may have been caused by the employee's own serious and wilful misconduct. The doors of justice are not closed to such employees and the law provides that the worker's percentage of negligence is assessed and he is awarded accordingly. Further, the payment of workmen's compensation to an employee does not prevent

2 https://www.oas.org/juridico/english/mesicic3_tto_constitution.pdf

the employee from pursuing any other course of action that he might have against the employer (for example, for negligence). The Court, in assessing the damages to be paid to the employee, will, however, take into account the amount paid to him as workmen's compensation;

- **The Equal Opportunity Act (2000)**

The Equal Opportunity Act, Chapter 22:03, provides protection against discrimination for persons with a disability. The Act prohibits discrimination against persons on grounds of sex, race, ethnicity, origin, marital status, religion or disability. Part III of the Act deals specifically with employment discrimination. In respect of persons seeking employment, an employer is prohibited from refusing or omitting to offer employment to a person based on the foregoing grounds of discrimination. In addition, the EOA provides that an employer shall not discriminate against an employee with regard to terms and conditions of employment, opportunities for promotion, transfer, or training or any other benefit, facility or service associated with the employment;

- **The Employment Injury and Disability Benefits Bill (2001)**

This Bill seeks to provide for the payment of benefits to employees who suffer disability or death by, or because of injury or diseases arising out, or due to the nature, of their employment and for the payment of benefits to the dependents of such employees. This Bill, when it becomes law, will be a valuable asset to the existing sparse and non-specific legislative landscape governing disability and PWDs;

- **Occupational Safety and Health Act (2004)**

An employer has a general common law duty to take reasonable care for the safety of his employees during the course of their employment, including a duty to provide competent staff, proper plant and equipment, a safe workplace and a safe system of work. In addition to this general common law duty, the Occupational Safety and Health Act ('OSHA') sets out a legislative framework governing health and safety in the workplace. The purview of the Act extends beyond traditional industrial establishments and includes shops, offices and other places of work. OSHA imposes a duty on employers to ensure the safety and health of their employees, as well as persons not in their employment, but who, nevertheless, may be affected by their business undertaking. Aside from imposing this general duty, OSHA lays down a series of regulations in the main areas of safety, fire, health and welfare.

1.5.1 International Framework

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Trinidad and Tobago ratified the UNCRPD and its Optional Protocol on June 25, 2015. The purpose of the Convention is “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”³

International Labour Organisation (ILO)

The principles which inform the Guidelines are those underlying international labour standards, including the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No.159), and Recommendation (No.168), 1983 which was enforced by Trinidad and Tobago on June 3, 1999.

2.0 UNDERSTANDING DISABILITY

There are different definitions of disability in different systems for different types of situations, for example, the definition of disability for pension/ social security benefits would be different from the definition for the purposes of discrimination protection.

With respect to the definition of disability for the purposes of discrimination protection, there are different models, namely, the ‘medical’ model and the ‘social’ model. The medical model sees disability as being the result of a physical condition intrinsic to the individual (that is, it is part of that individual’s own body). The focus of this model is to use clinical or scientific intervention (for example surgery, adaptive technology) to control and/or alter the impairment. The social model expresses the view that the disability is not the problem, but rather it is the systemic barriers, negative attitudes and exclusion by society (purposely or inadvertently), all of which are the contributing factors as to why persons with physical or intellectual impairments would be excluded or marginalised. The focus of the social model is on implementing the changes required in society, for example, through –

Social support

- The way information is presented by using suitable formats (for example braille) or levels (for example simplicity of language) or coverage (for example explaining issues others may take for granted),

³ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

- Physical structures, for example, buildings with sloped access, elevators, etc.

Definition Of Disability	
Old Approach	New Paradigm
A Diagnosis A Medical "Problem" A Person Is Limited And Defined By The Impairment Or Condition	A Social And Environmental Issue That Deals With Accessibility, Accommodations, And Equity Individuals With Temporary Or Permanent Impairments Require Accommodations To Live Full And Independent Lives
Strategies To Address Disability	
Old Approach	New Paradigm
Fix The Individual Correct The Deficit Within The Individual Provide Medical, Vocational, Or Psychological Rehabilitation Services	Remove Barriers: Physical, Intellectual, Cultural And Educational Create Access Through Accommodations, Universal Design, And Inclusive Learning Environments
Role Of Person With Disability	
Old Approach	New Paradigm
Object Of Intervention Patient Research Subject	Community Member Participant In Cultural Discourse Decision Maker, Customer, Patron, Etc.

Synopsis of Disability Model. <http://www.artbeyondsight.org/handbook/dat-new-paradigm.shtml>

2.1 Definitions

- UN Convention on the Rights of Persons with Disabilities (UNCRPD)**
The UNCRPD of 2007 provides guidelines on a broad definition and interpretation for general international guidance to ensure the full, equal and effective participation of PWDs in society.

Article One (Purpose) states that:

"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." However, the use of the term "include" should not be interpreted as excluding those who have short term or fluctuating conditions.

Article Two of the Convention (Definitions) does not include a definition of disability. The Convention adopts a social model of disability, but does not offer a specific definition. The Convention's preamble explains that the Convention recognises: *"...that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others..."* ⁴

- **Americans with Disabilities Act (ADA), 1990** ⁵

In the context of the Americans with Disabilities Act ('ADA'), 'disability' is a legal term rather than a medical one. Since it has a legal definition, the ADA's definition of disability is different from how disability is defined in other jurisdictions.

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person's association with a person with a disability.

- **UK Disability Discrimination Act, 1995** ⁶

The UK Disability Discrimination Act, 1995 offers a more comprehensive definition of disability encompassing both the medical model and the social model. The Act defines disability using the medical model of impairments, but places a requirement on employers and service providers to make "reasonable adjustments" to their policies or practices, or physical aspects of their premises, in accordance with the social model.

- **The Equal Opportunity Act, 2000** ⁷

The Equal Opportunities Act covers all employees - full-time, part-time, casual, temporary, permanent, those working on contract or those applying for a job. Legislation applies to all stages of employment, including recruitment.

The EOA (section 2) defines disability as follows:

- a. total or partial loss of a bodily function;

⁴ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

⁵ <https://adata.org/faq/what-definition-disability-under-ada>

⁶ <http://www.legislation.gov.uk/ukpga/1995/50/contents>

⁷ <http://www.equalopportunity.gov.tt/download-act>

- b. total or partial loss of a part of the body;
- c. malfunction of a part of the body, including a mental or psychological disease or disorder; or
- d. malformation or disfigurement of part of the body.

The EOC has been seeking legislative reform to expand the definition of 'Disability.'

On February 26, 2014, the EOC submitted proposals to the Attorney General of Trinidad and Tobago recommending the expansion of the protection given to PWDs, such as:

- Amending the definition of 'disability' in accordance with international legislation and instruments, for example, the Americans with Disabilities Act and the UK Disability Discrimination Act;
- Including certain medical conditions as disabilities;
- Creating an obligation for an employer to make reasonable accommodation.

The EOC holds that the definition of disability ought to be amended to bring it closer to what is contained in the Americans with Disabilities Act and the UK Disability Discrimination Act, where emphasis is placed on the effect on a person, rather than on their medical condition. Conversely, the proposed amendment with respect to 'reasonable adjustment/ accommodation' would have to be revisited given that to some extent it already exists via the exception for 'unjustifiable hardship'.

3.0 MANAGING DISABILITY IN THE WORK ENVIRONMENT

3.1 Reasonable Accommodation

Employers should adopt a strategy for managing disability/disability-related issues in the workplace as an essential part of their overall employment policy and as part of the human resources development strategy. The Disability Management Strategy (DMS) should include provision for:

- Recruiting jobseekers with disabilities, including those who have not worked before and those who wish to return to work after a period of non-employment;
- Equal opportunity for employees with disabilities;
- Job retention by employees who acquire a disability.

It is important to recognise the principle that PWDs must be empowered to exercise their human rights, particularly in the field of employment. They must have equal opportunities for productive and gainful employment in the labour market. Concomitantly, employment laws and regulations must not discriminate against PWDs and must not raise obstacles to their employment. Active support should occur through a variety of measures, one of which is to encourage employers to make reasonable adjustments to accommodate PWDs.

3.1.1 Link between disability and reasonable accommodation

Employers should reasonably accommodate the needs of PWDs - this is both a non-discrimination and an affirmative requirement. The aim of reasonable accommodation is to reduce the impact of the disability/impairment on the person's capacity to perform the essential functions of the job.

3.1.2 What is Reasonable Accommodation?

The following are some definitions of reasonable accommodation/ adjustment -

- Adaptation of the job - including adjustment and modification of machinery and equipment and/or modification of the job content, working time and work organisation, and the adaptation of the work environment to provide access to the place of work, to facilitate the employment of individuals with disabilities.⁸
- Necessary and appropriate modification and adjustment - not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that PWDs enjoy or exercise, on an equal basis with others, all human rights and fundamental freedoms.⁹
- Accommodation - modifications or alterations to the way a job is normally performed, should make it possible for a suitably qualified person with a disability to perform as everyone else. The type of reasonable accommodation required would depend on the job and its essential functions, the work environment and the person's specific impairment.¹⁰

8 Managing Disability in the Workplace, ILO. http://ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normative_instrument/wcms_107777.pdf

9 <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

10 Technical Assistance Guidelines on the Employment of People with Disabilities, Department of Labour <http://www>.

3.1.3 How does it work?

Each individual's impairment, degree and nature of impairment, requirements and choice of accommodation will vary. In addition, the job, the nature of the job and the working environment at each workplace will also vary. As a result, accommodation that is made should be conducive to conditions that positively affect both the employer and the employee with the disability. Reasonable accommodation may be temporary or permanent depending on the nature and extent of the disability.

3.1.4 Examples of Reasonable Accommodation

Reasonable accommodation measures may include:

- Measures to design and adapt workplaces in such a way that they become accessible to persons with different disabilities for example workstation modifications, building a ramp to ensure wheelchair access, and making restrooms accessible;
- Adjustment to work schedules and to the nature and duration of the duties of the employee at work, either on a temporary or permanent basis;
- Adapting existing or acquiring new equipment, for example, computer hardware and software, including voice input/output software for persons with sensory impairments;
- Restructuring jobs so that non-essential functions are re-assigned, for example taking routine but physically demanding filing tasks if they are non-essential, from the duties of a person who uses a wheelchair and reassigning them among other employees;
- Changing training and assessment materials, processes and systems, for example providing training materials, on request, in electronic format, in Braille or on tape for people with visual disabilities; identifying and hiring venues that are accessible to people with disabilities for training sessions that are held outside the workplace;
- Providing specialised supervision, training and support in the workplace, for example interpreters for the deaf, readers for the blind, job coaches for people with intellectual disabilities or personal assistants for people with physical disabilities;
- Providing for persons with an intellectual or emotional disability, as required, support that may include more frequent rest periods, considering the side effects of medication, possible adjustment of the work hours, effect/tolerance of the environmental factors such as noise levels and interruptions and how best it could be managed.

3.1.5 Employers are not obliged to provide reasonable accommodation if it creates an unjustifiable hardship

- According to the EOA sections 8 to 10 shall not apply to the employment of a person with a disability if -
- The disabled person would not be able to carry out the inherent requirements of the job;
- The disabled person would not require special services or facilities in order to perform the job and it would be an “unjustifiable hardship” for the employer to provide them;
- Owing to the nature of the person’s disability and the work in question, he/ she would pose a substantial risk to himself / herself or an unreasonable risk to others.

3.1.6 Defining unjustifiable hardship

“Unjustifiable hardship’ is action that requires significant or considerable difficulty or expense. This involves considering, amongst other things, the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business.”¹¹

After deliberating on the detailed inquiries related to any specific accommodation (effectiveness, costs, and making a conditional job offer), the employer may conclude after an objective assessment that the accommodation creates an unjustifiable hardship on the organisation. The Guidelines, however, encourage employers to make more effort to reduce and eliminate discrimination and to promote affirmative action. If employers can make the case for an unjustifiable hardship, they cannot generalise that to other applicants/employees or workplaces.

Using unjustifiable hardship as a reason not to provide a specific accommodation must involve an objective process. This may involve:

- Identifying the effectiveness of the accommodation;
- Determining whether the implementation of such accommodation will create difficulty/expense that will seriously disrupt the operation of the organisation;

¹¹ Technical Assistance Guidelines on the Employment of People with Disabilities, Department of Labour <http://www.labour.gov.za/DOL/downloads/documents/useful-documents/employment-equity/tagdisability2017.pdf>

- Disabilities or impairments, jobs, equipment, technology and work design are dynamic in nature, that is they are changing all the time. As a result, accommodation also has to become dynamic in nature in order to suit the requirements of a person with a disability at any given point in time. Both employers and employees with disabilities must continuously monitor developments and, where relevant, make appropriate adjustments and arrangements necessary to maintain and improve performance. Therefore, an unjustifiable hardship in one organisation may not apply to another or, an unjustifiable hardship that was identified previously should not influence current or future reasonable accommodation decisions.

3.1.7 Reasonable Accommodation: Guidelines for Employers and PWDs

Employers should:

- Become familiar with 'reasonable accommodation' and how it can assist both the employee and employer;
- Use the criteria for reasonable accommodation either in policy or in their own decision-making it must remove barriers for an individual with a disability, it must assure equal access, and the employer may choose the more cost-effective option;
- Prepare to respond to requests for reasonable accommodation at any time in an employee's relationship with work, that is in selection, training, placement, promotion, job changes, and changes in the environment, the impairment and the person himself/herself. (Employers should be prepared to listen to and respond to requests this is actually an opportunity for employers to openly engage in the process with employees they already know).
- Treat the person with a disability as a primary partner in the process of selecting reasonable accommodation and consult with experts when needed.

PWDs should:

- Familiarise themselves with the term 'Reasonable Accommodation';
- Be able to explain in their own words the type of accommodation they may require relating to the specific nature, degree and severity of their disability;
- Take responsibility to ask for accommodation if they should require any;
- Know that they have the right to ask for accommodation at any stage of the employment process;

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for EMPLOYERS on DISABILITY in Trinidad and Tobago

- Make the final decision about the type of accommodation they may require, but be responsible enough to know that it must be a 'viable' option for both themselves and the employer.

PART 2

4.0 MANAGING DISABILITY IN THE WORK ENVIRONMENT

4.1 Recruitment and Selection

4.1.1 Recruitment

- Non-discrimination should be practised throughout the recruitment process to the benefit of the employer and the equal opportunity for candidates with disabilities. Employers could include a statement about the organisation's commitment to equal opportunity in their recruitment procedures, by inviting applications from people with disabilities, and state that candidates will be considered on the basis of their abilities.
- Employers should ensure that the recruitment process attracts applications from as many qualified people with disabilities as possible. The first step in this process is to develop job profiles and specifications that clearly identify the inherent requirements and essential functions of the job, as well as the skills and capabilities required to perform the job.

4.1.2 Advertisement

- The purpose of the job advertisement is to attract the most suitably qualified persons for a particular vacant position from whom to select
- Advertisements should be clear and concise, but contain enough detail about the inherent requirements of the job so that the potential applicant could make an informed decision.
- Advertisements should not contain any unnecessary criteria that do not pertain to the essential functions of the job, as this may unfairly exclude people with disabilities.
- It is therefore important to develop a job profile and a job specification (previous paragraph under Recruitment) before developing an advertisement, as this will enable the employer to clearly identify the inherent requirements and essential functions of the job, as well as the skills and capabilities needed to perform the job.

- Employers need to ensure that job vacancies are publicised in a format that is accessible to people with different disabilities by providing job application materials in a range of formats.

4.1.3 Selection

- After receiving applications, the employer must engage in a selection process through short-listing applicants, using selection criteria that are fair and non-discriminatory, selection criteria should ensure that they do not inadvertently exclude PWDs.
- The employer must use the same criteria to test the ability of people with disabilities - focus on the specific skills, knowledge and abilities viewed as essential to the functions of the vacancy. Tests should be in a format that is accessible to applicants with a disability.
- The employer should carefully document the selection process to ensure that he/she is in a position to prove that he/she did not discriminate against applicants with disabilities.
- Discrimination in selection criteria relating to a functional impairment is reasonable when the impairment makes it impossible to perform the inherent requirements of the job; for example, when a blind person applies for a job as a driver, it would be fair discrimination to exclude the applicant on the basis of him/her not being able to perform the inherent requirements of the job.
- When selecting a candidate with a disability for a specific job, employers should consider making adjustments in the work environment to ensure that the candidate can perform to the best of his / her ability ability.
- Adjustments should be planned, in discussion with the person with the disability and the relevant disability organisation, and in agreement with the relevant trade union/worker representatives (see previous section).

4.1.4 Interviews

- Interviews should be objective and unbiased. Interviewers should avoid assumptions about the abilities of persons with disabilities. Employers should consider ways of enabling candidates with disabilities to participate and perform at interviews on an equal basis with other candidates, for example, by permitting a sign language interpreter to be present.

- In issuing invitations to an interview, employers could encourage candidates to state, in advance, any specific needs or accommodations they may require in order to participate in the interview.
- If on the applicant's CV a disability is disclosed, the employer may inquire from the applicant on the type of reasonable accommodation that is required to participate fairly in the interview; for example, the employer may inquire whether assistance is required to complete forms if the applicant disclosed blindness or partial sightedness. Alternatively, the employer may inquire whether a sighted guide will accompany the applicant. Another example, involves an applicant who is deaf, where the employer must inquire whether the applicant will require an interpreter or whether one will accompany the applicant.
- In the event of an applicant with a disability arriving at the interview, with the employer not having had any prior knowledge of the disability, flexibility should be exercised; for example, if the applicant has mobility impairment and the interview venue is on the second floor where there is no lift, the employer could agree to either move the venue or reschedule the interview in order to make reasonable accommodation available. This principle should be applied irrespective of the nature, degree or severity of the impairment or disability.
- The interview panel should be provided with guidance on the interview and selection process of persons with disabilities.
- Interviews should focus on the applicant's ability to perform the essential functions of the job, irrespective of the nature, degree or severity of the disability.
- When the applicant arrives at the venue, the employer must familiarise the applicant in relation to seating arrangements, toilet facilities and exits from the building.
- No further detailed discussion should be entered into regarding the need for or costs of reasonable accommodation to perform the essential functions of the job at this stage of the recruitment process. The employer should rather focus on the provision of reasonable accommodation to enable the applicant to participate equitably during the interview.

The following are some further examples of reasonable accommodation that may apply when interviewing applicants with various types of disabilities.

Types of Disability	Possible Reasonable Accommodation
Physical	Buildings more than one storey high should have a lift/ elevator. Buildings that have stairs should have ramps to accommodate the needs of people with mobility impairments. Accessible toilet facilities should be close to the interview venue. In the case of older buildings where there are no lifts, interviews should be on the ground floor.
Deaf	The interview panellists should address the deaf and not the interpreter, maintaining eye contact with the candidate.
Totally Blind	The interview panellists should not engage in non-verbal gestures or whispers.
Partially Sighted	The employer should inquire as to the degree of lighting needed by the interviewee during the interview.
Intellectual Disability	Interviews could be conducted on a one to one basis as opposed to a panel of people. Interview questions should be kept short and simple. The interviewer should exercise patience.

Adapted from 'Technical Assistance Guidelines on the Employment of People with Disabilities.' <http://www.labour.gov.za/DOL/downloads/documents/useful-documents/employment-equity/tagdisability2017.pdf>

5.0 EMPLOYEE INDUCTION AND PLACEMENT

Induction is the process through which a new employee learns how to function efficiently within a new organisational culture by obtaining the information, values and behavioural skills associated with his/her new role in the organisation. Placement is the process through which the person with a disability is appointed to a job within an organisation.

Guidelines to facilitate the induction and placement processes include the following-

- Employers should arrange an induction to the company and the work environment for each newly recruited worker with a disability, in like manner as it is done for others.

- Employers should ensure that information essential to the job and workplace, such as, job instructions, work manuals, staff rules and regulations, and health and safety procedures is communicated to employees with disabilities in a formats that assures that they are fully informed.
- The employer needs to consult with the employee on what type of reasonable accommodation might be needed during the induction training, for example, an employee who is blind, arriving on the first day, might request assistance with workplace orientation training. The employer needs to arrange for a suitable person to conduct workplace orientation training to familiarise the new employee with the environment. Alternatively, the new employee who has a mental disability might need to have certain concepts simplified or repeated. The employer must reasonably accommodate this request for example providing individualised training. On the other hand, an employee who has a visual impairment might need reading material to be available in large font. The employer should reasonably accommodate this request. The employer should brief someone to act as a guide and mentor during the first few weeks, accompany the new recruit to lunch breaks and, perhaps, answer informal queries.
- Comprehensive orientation and induction training should include disability sensitisation training and should follow the placement of PWDs into the workplace. It may be that very few persons have had the opportunity to work with PWDs and colleagues might perceive the new team member with a disability as being different. It is essential that the new employment relationship deal with prejudices and stereotypes which might exist. The induction training is therefore an opportunity to guarantee that all the stakeholders are provided with the tools to succeed in this new relationship, which must be based on mutual respect, understanding and equality.

5.1 Induction Training

- The induction training programme must be accessible and make provision for reasonable accommodation.
- The induction training programme should enable the employee to reach productivity standards more efficiently.
- It should provide the employee with enough information to understand what is expected and how the tasks must be performed. It should contribute to reducing staff turnover during the early stages of employment.
- It should assist in creating a positive attitude towards the employer.
- The induction training programme should not exclude any new recruit on the basis of disability and should address the following:

- An overview of the organisation
- An overview of policy and procedures
- Compensation and Fringe benefits
- Safety regulations
- Labour relations
- Facilities
- Functions of the department/section
- Tasks and responsibilities
- Rules and regulations
- Viewing of the workplace
- Introduction to employees
- Accessibility to all Persons with Disabilities
- Braille and large font(s) for persons with visual impairments, physical access for persons on wheelchairs, and simple repetitiveness and certain other adaptations for persons with a mental disability.

5.1.1 How to include appropriate disability sensitisation in induction and other training

A disability sensitisation programme should:

- Sensitise co-workers to the type of disability through the process of adult education, interaction and group participation;
- Equip employees with the tools and skills to overcome attitudinal and communication barriers;
- Create an open environment to address and eliminate stereotypes and prejudices;
- Provide adequate information and training to allow everyone to communicate effectively and understand each other.

5.1.2 Guidelines for Employers

- Planning for successful placement is critical for starting the job correctly for both the employer and employee. Employers should plan carefully, with the

person with a disability as a partner, and with external expertise if required, to anticipate any issues that might arise.

- The areas to plan for, amongst others, include assignment of duties, job classification, compensation, accessibility and provision of reasonable accommodation, terms and conditions of employment, training and career advancement.
- Employers should keep their recruitment process under review, to ensure that it is accessible to people with different types of disabilities. The organisation should undertake regular reviews of the effectiveness of measures to promote employment opportunities for PWDs, and take steps to improve the effectiveness of these measures. These reviews should be carried out in consultation with employers and the workers representatives, as well as representatives of PWDs.

5.1.3 Guidelines for PWDs

- Persons with disabilities should be prepared to talk about their personal experiences of living with their disability and explain their disability-specific requirements to their employer and co-workers. This, however, should happen in an enabling environment that would allow them to disclose information
- Persons with disabilities should know that they have the right to be treated equally in the placement process but be responsible enough to ask for accommodation to enable them to participate equitably.
- Persons with disabilities should be prepared to take a leading role in disability awareness programmes.
- Persons with disabilities should have a clear understanding of the difference between incapacity to perform the essential functions of the job and disability.

6.0 TRAINING AND CAREER ADVANCEMENT

Whatever the disability an employee may or may not have, he/she should be actively engaged in planning his/her own career development. The employer must ensure that all training courses are fair and without discrimination. Training courses and career advancement opportunities must be accessible to employees with disabilities. In this regard, the following conditions are applicable:

- To make the training courses accessible, the employer must take into account the particular needs of employees who have a disability;
- Information about career development and promotional opportunities should be made available and communicated in a range of formats accessible to workers with different disabilities in the enterprise. Particular attention should be paid to accessibility;
- Workers with disabilities should be encouraged to apply for promotion, particularly where it appears that they may be reluctant to do so because of an impairment or other obstacle arising from their disability, or perceived obstacles in their working environment;
- In considering workers for promotion, employers should take account of their prior experience, if any, competencies, current performance and capabilities, in addition to formal qualifications suitable to the essential requirements of the job.

6.1 TRAINING SCENARIOS AND SOLUTIONS

The following scenarios with possible solutions outline the special needs of employees with disabilities during training:

Situation

Peter is blind and needs to use the company's new in-house computer programme.

Solution

The employer provides individual training for Peter to use any adaptations or special equipment used in the workplace.

Situation

Jane has chronic back pain and needs to attend a long training programme.

Solution

The trainer allows her to take frequent breaks.

Situation

An employee with an intellectual disability requires medication at a certain time of the day and needs to attend a long training programme. This person also requires a minimum period of rest during the day.

Solution

The training course is scheduled to include adequate break periods during the day.

Situation

An employee who is deaf needs to attend a training programme.

Solution

A sign language interpreter is provided during the training programme. When audio-visual materials are used, captions are provided.

Situation

An employee with a reading disability needs to attend a training programme.

Solution

The trainer provides material where concepts are sequenced, clarified and simplified to accommodate the PWD.

Situation

An employee with a physical disability needs to attend a training course.

Solution

The trainee is allowed to bring a personal care attendant to the course.

Situation

An employee with a visual impairment needs to attend a training course.

Solution

The training material is made available in large print and/or as an audio file.

6.1.1 If the employer is using an external training provider

- The employer is required to ensure that the training and training materials are accessible to all its employees, including staff with disabilities.
- If an employer contracts for the use of training facilities such as hotels or conference centres, the employer is responsible for ensuring accessibility and other necessary accommodation.
- Employers should consider adjusting time schedules, venues and programmes to facilitate and maximise the participation of persons with disabilities in training intended for their career development.
- It is advisable that any contract with a company or facility used for training include a provision requiring the other party to provide necessary accommodation. However, if the contractor is unable to provide the necessary accommodation, the employer remains responsible for providing the accommodation, unless it would cause an unjustifiable hardship.

The employer should accommodate employees who have become disabled while employed to allow them to remain in their present job or take a different job, for example, through retraining.

6.1.2 Training to ensure career advancement

- Employees with disabilities should be provided with equal access to participate in training. Training opportunities cannot be denied because of the need to make a reasonable accommodation, unless the accommodation would constitute unjustifiable hardship.
- Persons with disabilities should be consulted during the career and succession processes.

6.1.3 Performance Appraisal

- The performance appraisal of workers with disabilities should be conducted in accordance with the same criteria applied to others holding the same/similar jobs.
- Performance evaluations need to be conducted without consideration of the reasonable accommodation provided. It is imperative that an evaluation is carried out on the basis of on a person's performance of the essential functions of the job and not on the non-essential functions.

7.0 RETENTION OF EMPLOYEES WITH A DISABILITY – ADOPTING A DISABILITY MANAGEMENT STRATEGY (DMS)

When employees leave work as a result of a disabling injury or illness, it is not simply a matter of adding up the medical bills and income replacement costs to determine the impact of disability on the workplace. Essentially, knowledge and experience are lost, workplace efficiency decreases, customer relations suffer and productivity declines.

Issues to consider in adopting a DMS:

- Employers are encouraged to embrace a Disability Management Strategy (DMS).
- Where existing employees acquire a disability while in employment, employers can continue to benefit from their accumulated expertise and experience by taking steps to enable them to retain their employment.

- Disability Management (DM) is and should continue to be a workplace prevention and remediation strategy. It seeks to provide for early intervention following the onset of a disability by using co-ordinated, cost-conscious, quality case management and rehabilitation services that reflect an organisation's commitment to continued employment of those experiencing functional work limitations.
- The concept of DM is a simple one, coordinating occupational and non-occupational disability benefits, for example, absence and paid leave programmes, with a focus on early return to work. Moreover, DM programmes also co-ordinate health and behavioural health care, health promotion, disease management, medical case management services and employee assistance programmes (EAPs).

These considerations are all aimed at improving overall workforce health, easing the administrative burden, and providing a seamless set of benefits for workers with disabling injuries and illnesses-

- In seeking to facilitate job retention or return to work by a disabled employee, employers should be aware of possible options. In some cases, the employee may be able to return to the same job as before, with no changes. In other cases, some adjustments may be required to the job itself, to the workstation or the working environment. It may also be necessary for the person to move to a different job in the workplace.
- The DMS should include measures to promote job retention in each of the preceding forms. These may include training or retraining for the person concerned, the provision of information to supervisors and co-workers, the use of devices and appliances, the right to access to other supports as appropriate, as well as modifications in the procedures needed to perform the job so that any existing condition is not exacerbated.
- In developing measures for the redeployment of workers with disabilities, employers should take into account the occupational preferences of those workers and consult with worker representatives, if necessary.
- When a worker acquires a disability, the employer should ensure that accommodation measures are fully considered in order to utilise the residual potential and skills of that worker.

7.1 The primary DM functions that intersect with national legislation

- Access to benefits - Many DM programmes coordinate access for employees to disability/income replacement benefits. When an employee is injured or becomes ill, such person should be directed to the DM programme to determine which

of the disability benefit options (e.g. sick leave, salary continuance, workers' compensation, short term or long-term disability, retirement disability) are reasonable and appropriate.

- Development of job modification and return-to-work options - One of the core functions of the DM is to facilitate an employee's return to work as soon as medically appropriate. Not only does the employer regain the services of a trained employee, but also with the employee back in the working environment, this often further acts as a catalyst to recovery. Non-discrimination is achieved by providing reasonable accommodation for disability-related limitations that restrict employees' ability to work. Most companies develop human resource policies and supervisory training materials to reinforce and support the return-to-work process with guidance from the DM programme.
- Identification of essential job functions - The essential job functions are the foundation upon which the qualifications and competencies of employees with disabilities are evaluated to determine whether reasonable accommodation options exist. An essential job function is a set of tasks that comprises the most important activities of a job - they are not job skills, individual job tasks, or job descriptions. Therefore, in making return-to-work recommendations, a person must determine which essential job functions must be accomplished in order for modified work to be successful and productive.
- Consultation with employees- Engaging employees with disabilities in meaningful discussion of their work options is a basic tenet. Supervisors must feel comfortable that they understand the nature of an employee's work limitations. Both parties must have a stake in the success of any job modification and/or return-to-work plans. The earlier the dialogue between the two parties after an employee's disability becomes evident, the better. The DM programme should provide the link between employees, physicians and line supervisors to facilitate the discussion and resolve any issues that may arise in the course of developing a return-to-work plan.
- Early return-to-work - Return-to-work or reasonable accommodation options, amongst others, include transitional work (temporary changes in job duties or techniques during periods of recuperation); modified work (changes in work tasks, schedules, methods, or equipment) or alternate work (reassignment to a different job if accommodation cannot be made in the original position). The reasonable accommodation process should be followed, even if restrictions are expected to be temporary, in order to make appropriate return-to-work decisions.

- The job should be analysed to determine the essential job functions. This will identify and clarify any disability-related restrictions, which will assist to generate a set of return-to-work options that will meet the work restriction requirements of the employee with a disability. Thereafter, the option that best balances the employee's needs and the company's expectations for productive work assignment and their business needs will be selected.

7.1.1 Termination of Employment

- Termination of employment must be fair in terms of both labour practice and employment equity.
- If an employer is unable to retain the employee who becomes disabled or who is no longer able to do the job, he/she may consider terminating the employment relationship in accordance with the relevant law.
- The selection criteria used in dismissing employees for operational reasons must be examined to ensure that they do not unfairly discriminate against persons with disabilities. Where possible, every attempt should be made to retain persons with disabilities.

7.1.2 Guidelines for PWDs

- Persons with disabilities should familiarise themselves with the relevant legislation that governs dismissal procedures.
- Persons with disabilities must request reasonable accommodation during any of the processes related to termination or application for benefits in respect of related legislation.
- Persons with disabilities must know that they cannot be dismissed on any grounds of disability without the employer first having followed the statutory procedures that must precede such a dismissal.

8.0 CONFIDENTIALITY

The privacy of personal and health information disclosed by a job applicant should be maintained in accordance with the Data Protection Act, 2011. Information regarding any disability, reduced function or impaired health status should be kept by the employer.

Failure to protect confidential personal information about a person's disability may leave an employer open to discrimination and/or privacy complaints. Disclosure is only permissible after having obtained the consent of the individual concerned or as required by law.

9.0 COMPLAINTS

The Equal Opportunity Commission (EOC)

The EOC provides an avenue for redress for complaints of disability discrimination in the workplace. The EOC is empowered to receive, investigate and conciliate complaints of discrimination in the workplace in circumstances where the disability is the ground for the discrimination. Disability is an explicit ground for protection under the EOA. This facility is available at no cost to the complainant.

The Legal Unit will investigate the complaint and the employer can be compelled to respond or face criminal prosecution. Once the investigation is completed, the matter is forwarded to the Conciliation Unit that facilitates the parties to reach an agreement. Should the matter remain unresolved after conciliation, the complainant has the option of taking the matter to the Equal Opportunity Tribunal, which has all the powers of the High Court to award damages, order reinstatement, issue injunctions and decide any other remedy the Tribunal deems just.

Complaints of discrimination based on disability in the workplace can be made to the EOC online, via the website www.equalopportunity.org.tt , or by visiting its office located at Nos. 55 to 57 Manic Street, Chaguanas.

10.0 APPENDIX A - ACCESSIBILITY

An accessible environment is a key element for the realisation of a society based on equal rights. Lack of access is one of the greatest barriers to participation faced by PWDs in all manner of activities.

The Trinidad and Tobago Bureau of Standards (TTBS) declared the **National Standard TTS/ICC/ANSI A117.1, Accessible and Usable Buildings and Facilities in 2014** and formally launched the same standard in July 2015 at the Hyatt Regency. This standard is a voluntary one and can only be enforced if adopted by a Ministry and/or agency as a regulatory document.¹²

It is imperative that employers design an access handbook on accessibility for PWDs for use by management, maintenance personnel and all staff. The purpose of the access handbook is to provide a simple way of listing and explaining the features and facilities of a building, which must be maintained and/or improved in order to ensure access for everyone, and should include particulars with respect to:

PARKING SPACES

- Make sure that parking spaces for people with disabilities are accessible. Check:
- That parking spaces and drop-off points are kept clear for people who need them
- The surface and lighting around the building and on the paths that PWDs use to get to the building
- That the main entrance door is correctly designed, and that at least one entrance is accessible if the main entrance is not.

STEPS AND RAMPS

- Steps and ramps should be available at any public service area that is steeper than 1:20 or refer to the national standard.

STEPS AND LIFTS

Steps

- Avoid putting steps within a floor in a building where possible. Where steps are necessary, provide a ramp or platform lift as appropriate.

¹² <http://www.ttparliament.org/reports/p11-s1-J-20160707-HRED-R2Final.pdf>

Lifts

- Provide accessible lifts in all new buildings that have more than one floor.
- Make sure that the lifts are designed to best practice guidelines.
- Check the lifts' operation regularly. Keep the lifts clear.

CORRIDORS AND DOORS

Check that:

- Corridors and routes are not obstructed by deliveries, machinery, or anything else
- Doors are kept open where possible
- Doors that are closed are easy for customers to open
- Doors are wide enough for all customers.

SIGNS

- Public buildings should have signs to let customers understand where they need to go. The signs should:
 - Be designed according to best practice guidelines,
 - Have Braille or raised lettering wherever possible,
 - Have writing that is large enough for your customers to read,
 - Use appropriate symbols,
 - Not be 'home made',
 - Be placed where your customers will be able to see them easily and not walk into them.

RECEPTION AREAS AND WAITING ROOMS

- Reception areas and waiting rooms should be designed and maintained to best practice guidance. Provide correctly designed seats. A mixture of types and sizes of seats is best. Some customers may need to use armrests and others may not.

INTERCOMS, QUEUING SYSTEMS, TICKET OFFICES, INFORMATION DESKS

- Consider how you customers will be informed that they are next in line. Remember that some customers might not be able to:
 - Read visual information
 - Hear audio information or intercoms.
 - Reach tickets or intercoms that are very high, very low, or awkwardly positioned.
 - Understand complicated language or jargon.
 - Plan the location, output, and language of your intercoms, queuing systems, ticket offices, or information desks carefully.

- If your intercom, queuing system, ticket office, or information desk is inaccessible to some of your customers, your staff can help by speaking—or giving written information to customers.

TOILETS

- Provide toilets that customers with disabilities can use. Follow best practice guidance. Provide an alarm system in accessible toilets and test it regularly to make sure that a member of staff will help somebody in an emergency.
- Make sure that accessible toilets are not used for storing cleaning equipment, deliveries or anything else.
- Provide sanitary bins in accessible toilets and put them where they will not obstruct wheelchair users.

LIGHT

- The light in public buildings should be distributed evenly. There should be no great variations in lighting levels and the light should not be too bright or too dark. Avoid glossy, shiny and polished surface finishes and keep reflections, shadows, and glare to a minimum.

VISUAL CONTRAST

- Use differences in colour and colour intensity to create visual contrast. That will help persons with vision impairments to -
 - Distinguish between walls and floors
 - Distinguish between door backgrounds and fittings
 - Avoid hazards
 - Find their way around the building.

EMERGENCY PROCEDURES

- Regularly review your evacuation procedures and safety statement.
- Make fire procedure instructions available to all staff and visitors. Make sure that those instructions are in formats and a language that each person can understand. Those instructions should include:
 - Fire escape signs
 - Location of signs
 - Fire point identification
 - Statutory fire and first aid signs

- Signs indicating escape routes for people with disabilities.
- Provide both visual and auditory alarms in the building.
- Provide and maintain emergency equipment as necessary.
- Place emergency equipment no more than 1200mm above floor level. This includes:
 - Fire blankets
 - Break-glass alarm points
 - Communication equipment
 - Fire extinguishers (heavier types should have their base no more than 650mm above the floor).
 - Inspect all emergency equipment regularly.
 - Ensure that all fire signs are maintained and comply with international standards.
 - Make sure you have an emergency evacuation plan recorded in your Safety Statement.

Remember -

- In planning to improve accessibility, employers should consult with the disabled worker and with specialist services, which might include organizations of persons with disabilities, and refer to any criteria established by the competent authorities.
- Emergency planning should ensure that persons with disabilities are able to safely and effectively evacuate the workplace to an area of safety.

Below is a list of websites that can be used as a resource guide on accessibility.

Important Websites on Accessibility

1. www.nda.ie The National Disability Authority Homepage.
2. <http://www.nda.ie/NDALinks.nsf> Links to a number of Irish Disability Organisations.
3. <https://www.scss.tcd.ie/Alexis.Donnely/1e8/lecture2/PartM/partmbr.pdf> Technical Guidance Documents for the Building Regulations 2000.
4. www.idd.ie The Institute for Design and Disability Homepage who offer professional services on design for all, disability advocacy and consultancy.
5. www.eca.lu The European Concept for Accessibility Homepage.
6. <http://universaldesign.ie/> Centre for Excellence in Universal Design was established by the National Disability Authority (NDA) in January 2007 under the Disability Act 2005.
7. <http://www.design.ncsu.edu/cud/resources/resources.htm> The Centre for Universal Design resource page.

GUIDELINES

for EMPLOYERS on DISABILITY in Trinidad and Tobago

8. www.cae.org.uk The Centre for Accessible Environments (CAE) is an information provider and a forum for collaborative dialogue between providers and users on how the built environment can best be made or modified to achieve inclusion by design.
9. www.access-association.org.uk The Access Association's aim is to improve access and facilities for people with disabilities and consequently for all people who would benefit from an accessible environment.

APPENDIX B - LANGUAGE

The style guide is intended for professionals and members of the public who are seeking the appropriate and accurate language to use when writing or talking about people living with disabilities. The guide covers general terms and words on physical disabilities, hearing and visual impairments, mental and cognitive disabilities and seizure disorders. Consider these guidelines when communicating with or about disabled people. **Remember - when in doubt, ask the person involved or the relevant authority on the disability.**

Language Guidelines

Collective terms and labels

- The word 'disabled' is a description, not a group of people. Use 'disabled people' not 'the disabled' as the collective term.
- However, many deaf people whose first language is ASL or BSL consider themselves part of 'the deaf community' – they may describe themselves as '**Deaf**', with a **capital D**, to emphasise their deaf identity.
- Avoid medical labels. They say little about people as individuals and tend to reinforce stereotypes of disabled people as 'patients' or unwell.
- Do not automatically refer to 'disabled people' in all communications – many people who need disability benefits and services do not identify with this term. Consider using 'people with health conditions or impairments' if it seems more appropriate.
- Any word that replaces a person's identity is often considered to be inappropriate: someone has an impairment and is not 'a dyslexic' or 'an epileptic'
- Special needs: disabled people are not 'special' and therefore do not have 'special needs.'
- Hard of hearing/deaf: describes lip-readers who may have residual hearing.
- Deaf: describes people who belong to a Deaf community and use sign language.
- Specific learning difficulties: describes people who have a range of issues including dyslexia, dyscalculia or dyspraxia (now also described as forms of neurodiversity)

Positive not negative

- Avoid phrases like 'suffers from' which suggest discomfort, constant pain and a sense of hopelessness. Phrases such as 'blind as a bat'; 'deaf as a post' are unacceptable.

Use common sense

- Listen to how PWDs talk about their abilities and experiences.
- Observe their behaviour.
- Listen to the language and terminology used by PWDs.
- Most importantly - talk to PWDs! Ongoing dialogue will help them to feel welcomed and supported. It will help you to learn about their issues.

Meeting PWDs

- You should -
Not make assumptions about the presence/absence/effect of an impairment.
- Communicate in advance of the meeting (if possible);
- Avoid giving assistance before your offer has been accepted;
- Ask what kind of assistance would be most useful;
- Not be offended if your assistance is refused;
- Listen to the person's instructions/comments;
- Make physical contact where this is appropriate for example guiding the hand of a blind person to the back of the chair, offering your arm if he/she ask you to guide him/her.
- Speak directly to the person with a disability and not through a third party. Avoid asking, 'does he/she take sugar?'
- Speak clearly: do not shout;
- Make eye contact;
- Respect confidentiality, privacy and personal boundaries/space.

Some tips on behaviour

- Use a normal tone of voice, do not patronise or talk down to PWD
- Never attempt to speak or finish a sentence for the person with whom you are speaking.
- Address disabled people in the same way that you talk to everyone else.
- Speak directly to a disabled person, even if he/she has an interpreter or companion with him/ her.

Inclusive Language: acceptable words to use and those to avoid

Abnormal/abnormality

Recommendation: The word abnormal or abnormality is acceptable when describing scientific phenomena, such as abnormalities in brain function. However, avoid using abnormal to describe a person.

Avoid referring to someone who does not have a disability as a “normal person” as it implies that people living with disabilities are deviant or strange. “Typical” is a better choice.

Afflicted with/stricken with/suffers from/victim of

Recommendation: It is preferable to use neutral language when describing a person who has a disability, simply stating the facts about the nature of the disability, for example, “He has muscular dystrophy” or “He is living with muscular dystrophy.”

Alzheimer’s disease

Recommendation: The proper term is Alzheimer’s disease, never Alzheimer’s. Refer to the subject as “someone who has Alzheimer’s disease” or “someone who is living with Alzheimer’s disease” rather than using “suffers from” or “afflicted with.”

Amputation/amputee

Recommendation: “Someone with an amputation” or amputee are both acceptable.

Attention-deficit disorder (ADD)/attention-deficit hyperactivity disorder (ADHD)

Recommendation: Refer to someone as having attention-deficit disorder or attention-deficit hyperactivity disorder. Use “attention-deficit disorder” or “attention-deficit hyperactivity disorder”.

Autism/autism spectrum disorder

Recommendation: Refer to someone as having autistic spectrum. Ask individuals how they prefer to be referred to. Many prefer to be referred to as autistic, while others prefer to be referred to as “an autistic person” or a person with autism.

Bipolar disorder

Recommendation: Refer to someone as having bipolar disorder

Birth defect

See entry on **defect**.

Blind/limited vision/low vision/partially sighted/visually impaired

Recommendation: Use the term blind only when the person has complete loss of sight and the term legally blind when the person has almost complete loss of sight. Other terms also may be acceptable. It is best to ask the person which term he/she prefers. Commonly used terms include:

Limited vision: Acceptable when a person is not legally or completely blind

Low vision: Acceptable when a person is not legally or completely blind

Partially sighted: Used most often in British publications but acceptable if a person is not legally or completely blind

Visually impaired: This is general term describes a wide range of visual functions, from low vision to total blindness. It is generally acceptable, although, like the term '**hearing impaired**', some may object to it because it describes the condition in terms of a deficiency.

Cerebral palsy

Recommendation: It is acceptable to describe a person as “someone with cerebral palsy” or “someone living with cerebral palsy.” When describing specific symptoms, it is always best to ask the person what terms he or she prefers.

Spastic/spaz: Spastic cerebral palsy is a common type of cerebral palsy in which the movements of people with the disorder appear stiff and jerky. It is acceptable to refer to someone as having spastic cerebral palsy, but it is derogatory to refer to someone as spastic or a spaz.

Cochlear implant

Recommendation: When referring to a cochlear implant, avoid describing it as a corrective device or one that would restore a deaf person to mainstream society. Instead, define it as an electronic device that can assist a person who is deaf or hard of hearing in understanding speech.

Congenital disability

Recommendation: It is preferable to state that someone is “a person with a congenital disability,” “a person living with a congenital disability,” “has had a disability since birth,”

or “was born with a disability.” Avoid the terms defect, birth or defective when describing a disability because they imply the person is somehow incomplete or sub-par.

Deaf

Recommendation: Lowercase when referring to a hearing-loss condition or to a deaf person who prefers lowercase. Capitalize for those who identify as members of the Deaf community or when they are describing themselves. Deaf should be used as an adjective not as a noun; it describes a person with profound or complete hearing loss. Other acceptable phrases include “woman who is deaf” or “boy who is hard of hearing.”

Deaf-blind

Recommendation: Use the term the person prefers.

Deaf and dumb/deaf-mute

Recommendation: Avoid these terms as they are often used inaccurately and can be offensive.

Defect/birth defect

Recommendation: Avoid using defect or defective when describing a disability. Instead, state the nature of the disability or injury.

Deformed/deforimity

Recommendation: Avoid using deformed as an adjective to describe a person. Deformity can be used in some contexts, such as a deformed limb, although it is preferable to describe the specific disability or cause.

Dementia/senility

Recommendation: Refer to someone as having dementia. Use people-first language when describing someone with dementia, such as “a person with dementia” or “a person living with dementia.” Avoid describing someone as being demented or senile.

Depression

Recommendation: Refer to someone as having depression only if the information is relevant* to the story and if the person has been formally diagnosed by a licensed medical professional. Specify the type of disorder if it is known. The terms depressed, depressing,

and depressive are acceptable in other contexts when the person being referenced does not have a medically diagnosed condition.

Diabetes/Diabetic

Recommendation: Avoid referring to an individual as a diabetic (a noun). Instead, use people-first language, stating that someone has diabetes, is living with diabetes or has been diagnosed with diabetes rather than referring to him or her as a diabetic.

Developmental disabilities

Recommendation: While it is acceptable to use the term developmental disabilities, it is preferable to use the name of the specific disability whenever possible.

Disabled/disability/Disabled People

Recommendation: It is best to use language that refers to the person first and the disability second. For example, “The writer, who has a disability” as opposed to “the disabled writer.” When possible, refer to a person’s specific condition. Instead, consider using such terms as “the disabled person” or “person with a disability.”

Down syndrome

Recommendation: The proper term for the disorder is Down syndrome, not Down’s syndrome or Down’s syndrome. Use people-first language, stating that someone “is a person with Down syndrome,” “has Down syndrome,” or “is living with Down syndrome.” Avoid using terms such as “suffers from” or “afflicted with” in association with the condition.

Dwarf/little person/midget/short stature

Recommendation: Avoid using the terms vertically challenged and midget. Terms such as “someone with restricted growth or short stature” is acceptable. It is best to ask people which term they prefer to describe them.

Dyslexia/dyslexic

Recommendation: Use people-first language, stating that someone has dyslexia or is living with dyslexia, rather than referring to him or her as “a dyslexic person.” Avoid using dyslexic as a noun (i.e. “She is a dyslexic.”).

Epilepsy/epileptic fit

Recommendation: Use people-first language, stating that someone has epilepsy, is living

with epilepsy or has been diagnosed with epilepsy rather than referring to him or her as an epileptic.

The term seizure is the preferred term when referring to the brief manifestation of symptoms common among those with epilepsy. Avoid stating that the person had a fit or an epileptic fit.

Handicap/handicapped

Recommendation: Avoid using handicap and handicapped when describing a person. Instead, refer to the person's specific condition. The terms are still widely used when citing laws, regulations, places or things, such as handicapped parking, although many prefer the term accessible parking.

Hard of hearing

Recommendation: Hard of hearing is usually acceptable. However, use the term the person prefers.

Hearing impaired/hearing impairment

Recommendation: For those with total hearing loss, deaf is acceptable. For others, partial hearing loss or partially deaf is preferred. It is best to ask the person which term he or she prefers.

Insane/insanity/mentally deranged/psychopathology

Recommendation: Use mental health condition or person with a health condition instead of insane, mental health problems, mad, mental patient, sub normal or mentally deranged.

Insane asylum/mental health hospital/psychiatric hospital

Recommendation: Mental health hospital or psychiatric hospital are the preferred terms to describe medical facilities specifically devoted to treating people with mental disabilities.

Intellectual disabilities/intellectually disabled

Recommendation: Use people-first language, stating that someone is "a person with an intellectual disability" or "a person living with an intellectual disability" rather than referring to the person as intellectually disabled.

Invalid

Recommendation: Avoid using invalid to describe a person living with a disability.

Invisible Disabilities

Recommendation: Do not use the term invisible disability without asking the person being discussed. Many people with chronic illnesses do not call themselves disabled. If preference is unknown, specify the condition, for example Jane Doe, who was diagnosed with lupus in 2010.

Lame

Recommendation: Avoid using lame to describe a person living with a disability.

Mental illness/mental disorder

Recommendation: Whenever possible, specify the specific illness a person has rather than mental illness in general. Always refer to someone living with a mental illness as a person first.

Mentally retarded, mentally disabled, intellectually disabled, developmentally disabled

Recommendation: Always try to specify the type of disability being referenced. Otherwise, the terms mental disability, intellectual disability and developmental disability are acceptable. Use people-first language. For example, instead of using “the mentally disabled” as a collective noun, use “people with mental disabilities” or “people living with mental disabilities.”

Multiple sclerosis (MS)

Recommendation: It is acceptable to describe a person as “someone with multiple sclerosis” or “living with multiple sclerosis.” Avoid saying a person suffers from or is afflicted with the disease.

Muscular dystrophy (MD)

Recommendation: It is acceptable to describe a person as “someone with muscular dystrophy” or “someone living with muscular dystrophy.” Avoid saying a person suffers from or is afflicted with the disease.

Non-disabled

Recommendation: Non-disabled or “does not have a disability” are acceptable terms when referring to people who do not identify as having a disability. In general, avoid using able-bodied.

Paraplegia/paraplegic

Recommendation: Avoid referring to an individual as a paraplegic. Instead, say the person has paraplegia. Sometimes people with paraplegia refer to themselves as a “para.” If so, use in quotes.

(Partial) hearing loss/partially deaf

Recommendation: Ask the individual what term he or she prefers. Otherwise, hard of hearing is usually acceptable.

People with disabilities

Recommendation: Ask the person with a disability or disability organizational spokesperson his/her preferred terminology.

Psychotic/psychosis

Recommendation: Use the words psychotic and psychosis only when they accurately describe a medical experience. Avoid using psychotic to describe a person; instead refer to a person as having a psychotic condition or psychosis. Avoid using the terms colloquially, \.

Quadriplegia/quadriplegic

Recommendation: Use people-first language, such as “a person with quadriplegia” or “a person living with quadriplegia” rather than quadriplegic, since this implies that the condition defines them. Sometimes people with quadriplegia refer to themselves as “quads.” If so, use in quotes.

Retarded

See entry on mentally retarded, mentally disabled, intellectually disabled, developmentally disabled.

Schizophrenia/schizophrenic

Recommendation: Refer to someone as having schizophrenia only if a licensed medical professional has formally diagnosed the person. Use people-first language, stating that someone is “a person with schizophrenia,” “a person living with schizophrenia” or “a person diagnosed with schizophrenia” rather than a schizophrenic or a schizophrenic person. Do not use the word schizophrenic colloquially as a synonym for something inconsistent or contradictory.

Seizure

See entry for epilepsy.

Spina bifida

Recommendation: It is acceptable to describe a person as “someone with spina bifida” or “someone living with spina bifida,” followed by a short explanation of what their condition entails.

Stuttering/stammering

Recommendation: The word stuttering is preferred over stammering. Do not refer to an individual as a stutterer. Rather, use people-first language, such as “a person who stutters.”

Suffers from/victim of/afflicted with/stricken with

Recommendation: It is preferable to use neutral language when describing a person who has a disability, simply stating the facts about the nature of the disability. For example, “He has muscular dystrophy” or “he is living with muscular dystrophy.” Avoid descriptions that connote pity.

Wheelchair/wheelchair-bound/confined to a wheelchair

Recommendation: It is acceptable to describe a person as “someone who uses a wheelchair,” followed by an explanation of why the equipment is required. Avoid “confined to a wheelchair” or “wheelchair-bound” as these terms describe a person only in relationship to a piece of equipment. The terms also are misleading, as wheelchairs can liberate people, allowing them to move about, and they are inaccurate, as people who use wheelchairs are not permanently confined in them, but transfer to sleep, sit in chairs, drive cars, etc.

APPENDIX C - DISABILITY ORGANISATIONS IN TRINIDAD AND TOBAGO

Organisation	Contact #
Audrey Jeffers School For The Deaf	658-5479
Autism Parents Association of TT (APATT)	489-1673
Consortium of Disability Organisations (CODO)	621-1636
Down Syndrome Family Network	746-1618
Dyslexia Association of TT	625-5869
Goodwill Industries (employment training programme for PWDs)	625-8867
Human Resource Management of TT (HRMAT)	675-9960/
ILO International Labour Organisation	625-0524
Immortelle Children's Centre for Special Education (multiple disabilities in the moderate-severe range)	625-1935
Lady Hochoy Centres	650-2164
National Centre For Persons With Disabilities Ltd (NCPD)	652-3525
Network and Outreach for Disability Education and Sensitization (NODES)	Jean.Antoine@sta.uwi.edu
Persons Associated with the Visually Impaired (PAVI)	674-0336
Princess Elizabeth School	627-8176
The Autistic Society of TT (ASTT)	646-5506/225-6808
The Aster Foundation of TT (Bi polar Disorder)	637-7583
The Association for the Improvement of Mental Health	225-4325
The ADHD Foundation of TT	681-3483
The Caribbean Kids and Families Therapy Organisation(CKFTO) (speech language and physiotherapy)	http://www.ckfto.org
The Life Centre (autism)	632-7489
TT Association for the Hearing Impaired	623-0613 www.dretchi.org.tt
TT Blind Welfare Association	624-4675
TT Chapter of Disabled People's International (TT/DPI)	228 8115
The National Association for Down Syndrome	678-6638/628-7541
UWI Disability Unit	
Visionary Learning Centre	letsdoitforthechildren@yahoo.com
W.R. Torres Foundation for the Blind	623-0940

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Government of the United Kingdom. 'UK Disability Discrimination Act'. <http://www.legislation.gov.uk/ukpga/1995/50/contents>

International Labour Organisation. ILO Code of Practice: 'Managing Disability in the workplace'. ILO. Geneva http://www.ilo.org/skills/pubs/WCMS_103324/lang--en/index.htm

United Nations. 'Convention on the Rights of Persons with Disabilities and Optional Protocol.' <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

United States Department of Labour. 'Americans with Disabilities Act' <https://www.dol.gov/general/topic/disability/ada>

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GUIDELINES

for EMPLOYERS on **DISABILITY**
in Trinidad and Tobago



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Promoting Equality

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