

TERMS OF REFERENCE

CONSULTANCY FOR FINALIZATION OF CODES OF PRACTICE FOR EMPLOYMENT

JAMAICA COUNCIL FOR PERSONS WITH DISABILITIES

1.0 BACKGROUND

The passage of the Disabilities Act, 2014 represents the commitment of the Government of Jamaica to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which Jamaica ratified in March 2007 to ensure the protection of the rights of Persons with Disabilities (PWDs). This international agreement was formulated in recognition of the fact that the potential of PWDs was not being realized and that they were being denied their human rights and kept on the margins of society in all parts of the world.

In October 2014 the landmark Disabilities Act, was passed in Parliament and assented to by the Governor General on October 31, 2014.

The Act seeks to promote, protect and ensure the full and equal enjoyment by persons with disabilities, of privileges, interests, benefits and treatment, on equal basis with others. The Act describes a *"Person with a disability" as including a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society, on an equal basis with other persons"*

This legislation seeks to ensure the full participation of PWDs in all facets of society. However, the following areas have been expressly addressed in the Act:

- Protection from Discrimination – Section IV
- Education and Training – Section V
- Housing and Premises – Section VI
- Political Office and Public Life – Section VII
- Health Care and Facilities – Section VIII
- Employment – Section IX
- Public Passenger Vehicles – Section X

The Act also establishes the Jamaica Council for Persons with Disabilities (JCPD) as a body corporate charged with the responsibility of ensuring proper monitoring of the implementation of the Act, including the taking of complaints from PWDs and the conducting of investigations *inter alia*. The Act also allows for the PWD to apply for redress where there has been a breach of the provisions of the Act or any established Codes of Practice.

The Act will come into effect on a date to be appointed by the Honourable Minister of Labour and Social Security shortly. The Act is applicable to the Crown as well as all other stakeholders and individuals in the private and public sector as such the Codes must provide the practical guidance to

ensure the full inclusion of all persons with disabilities with their varying needs for reasonable accommodation *inter alia*.

Emanating from preliminary consultations held between November 2014 and January 2015, with persons and groups from the disability community, Ministries, Agencies and Departments, is relevant information to inform the Codes of Practice and forms a base from which this work is to be finalized.

RATIONALE

The Disabilities Act Section 6e mandates the Jamaica Council for Persons with Disabilities to prepare Codes of Practice for the avoidance of discrimination on the grounds of a person's disability. ***According to Section 9:***

The Council shall -

- a) Prepare Codes of Practice for guidance on matters under this Act; and***
- b) Review those Codes of Practice and where appropriate, make alterations thereto.***

The full inclusion of persons with disabilities has its greatest impact through education, training and employment. As such these are the areas for which the first codes will be developed. The following therefore outlines the objective and scope of work to be fulfilled under this Consultancy.

OBJECTIVES

The JCPD seeks to recruit a Policy Development Specialist with skills and competencies in research, relevant technical and policy information required in the preparation of the draft Codes of Practice in respect of Employment for presentation to Chief Parliamentary Council (CPC) and the Parliament of Jamaica. The Gap Analysis Discussion Paper which emanated from a previous consultancy has identified the Gaps in Employment and forms a base from which this work is to be finalized.

2.0 SCOPE OF WORK

1. Review the Gap Analysis Discussion Paper on Employment to inform the drafting of this Code of Practice for Employment.
2. Prepare and submit an Inception Report which details the methodology/approach to the assignment and a related work implementation plan.
3. Conduct research on existing laws and policies to determine provisions to be included in the Codes of Practice having regard to relevant local, regional and international laws, policies and Conventions.
4. Consult with the Ministry of Labour and Social Security, organizations representing employers, non-government and private sector providers of education services, trade

unions and any other relevant stakeholder groups to facilitate the finalization of the Codes of Practice for Employment.

5. Facilitate stakeholders’ consultations with disability sector partners to present and discuss Draft report before submission of final draft Codes of Practice on Employment.
6. Finalize the Codes of Practice incorporating the various recommendations received from the respective stakeholders’ consultations and submit to the JCPD for final review and sign off.

Submission to be done in duplicates in hard and soft copies

3.0 CHARACTERISTICS OF CONSULTANCY

3.1 DURATION

The Codes of Practice for Employment must be prepared within six (6) months of receiving an agreed contract. This is to ensure that the document is approved and signed off by the relevant parties

3.2 TYPE OF CONSULTANCY

Individual - the Consultant is required to provide his/her own resources in carrying out the duties of this consultancy.

3.3 TYPE OF CONTRACT

The contract sum covers all the costs associated with the implementation of the consultancy

3.4 DELIVERABLES AND REMUNERATION

Payments will be made to the Consultant on submission of deliverables based on the following schedule.

DELIVERABLES	TIMEFRAME FOR DELIVERY	% Disbursement of Total Consultancy Price	PERIOD OF REVIEW
INCEPTION REPORT	Projected one week from signing of the contract	10%	Five (5) Business Days
1 st DRAFT CODES OF PRACTICE	4 weeks from start of contract		Ten (10) Business Days

REVISED FIRST DRAFT	2 Weeks after receipt of response	40%	Ten (10) Business Days
2 nd DRAFT CODES OF PRACTICE FOR EMPLOYMENT	2 Weeks from response of 1 st draft		Twenty (20) Business Days
REVISED 2 ND DRAFT	2 Weeks after receipt of response		Ten (10) Business Days
FINAL DRAFT CODES OF PRACTICE FOR EMPLOYMENT	February 15, 2019	50%	Five (5) Business Days
		TOTAL 100%	

Payments will be made by cheque in Jamaican currency on the recommendation of the Executive Director of the JCPD, approval of the Chief Technical Director and upon certification by the relevant parties in the MLSS.

3.4 REPORTING REQUIREMENTS

The Consultant will report directly to the Executive Director of the Jamaica Council for Persons with Disabilities (JCPD) with final approvals from the Chief Technical Director in the Ministry of Labour and Social Security upon certification by the JCPD Board.

4.0 QUALIFICATIONS & EXPERIENCE

Eligible Consultants should have the following qualifications and experience:

- 4.1 Knowledge on the needs of persons at various levels and with varying disabilities based on interaction with the community as well as experience or knowledge concerning the Convention on the Rights of Persons with Disabilities; the International Labour Organization (ILO) Convention and other related Conventions and Protocols having worked in the sector for at least 10 years;
- 4.2 Postgraduate qualifications in the Social Sciences, Public Administration, Public Policy, Law, Development Studies or other related fields;
- 4.3 Knowledge and experience in the area of employment having completed the development of at least one (1) code of practice or similar work over the last 5 years;

- 4.3 Knowledge and experience of strategic planning and policy development having worked in the area for 10 years and having lead technical responsibility for the development of at least 2 policies related to the area of disabilities and/or social protection;
- 4.4 Excellent research, communication and presentation skills and having completed at least two (2) research projects over the last 5 years.