



GLOBAL RAINBOW
FOUNDATION
Spreading the light of education

HANDBOOK OF RIGHTS FOR PERSON WITH DISABILITY IN MAURITIUS

Bringing out the Ability in (dis)Ability



Message from the Founder-President

“Caring for the disabled is a religion, serving them is like serving God.” Mahatma Gandhi

At Global Rainbow Foundation, we believe it is the right of every person to know about his rights.

The publication of this "*Handbook of Facilities for Persons with Disability in Mauritius*" is in line with our efforts to integrate the differently abled citizens of Mauritius in our society by providing them a thorough knowledge of their rights.

This handbook highlights and simplifies the Disability Act, providing relevant information concerning working environment, transport, and how to address violation of the rights of differently abled persons living and working in Mauritius. According to the 2011 census, Mauritius has 59200 persons living with disability.

People with disabilities live in a world designed primarily for the able-bodied. People with disabilities want to live life no differently than anyone else. They want to be able to go shopping, go to the movies, go out to eat, work, and enjoy life, fully realizing that must be done within the boundaries of their limitations.

Accepting disability and redefining life within the limitations imposed by disease is the biggest hurdle for people with disabilities. Through this handbook we have strived to provide useful information on the adjustments required at national, institutional and individual level, to facilitate the integration of our citizens living with disabilities in our society.

In life, anyone of us can be temporarily or permanently disabled at some point of life. It is our duty to strive at breaking the barriers which isolate people with disabilities.

Let us join together to bring out the ability in (dis)ability.

Prof Armoogum Parsuramen G.O.S.K

Founder-President

Global Rainbow Foundation (A Charitable Trust)

HANDBOOK OF RIGHTS FOR PERSON WITH DISABILITY IN MAURITIUS

PREAMBLE

In Mauritius several legislations apply to persons with disability (PWD) and the pertinent ones are as follows:

1. The Constitution of Mauritius
2. The Training and Employment of Disabled Persons Act 1996 referred to as “Disability Act”
3. The Equal Opportunities Act 2008
4. The National Pensions Act 1976

How do I know I am a person with disability and these legislations are applicable to me?

According to the definition provided in the Disability Act, a “disabled person” means a person who is certified by the Board

(a) to have a long-term physical disfigurement or physical, mental or sensory disability, including a visual, hearing or speech functional disability, which gives rise to barriers or prejudices impeding his participation at an equal level with other members of society in major life activities, undertakings or fields of employment that are open to other members of society; and

(b) to be willing and able to work

**I am well-qualified, but because of my disability no one employs me.
Will the Act help me find a suitable job?**

Q1: What does the Disability Act provide for employment of PWD?

The Disability Act provides for the establishment and maintenance of the register of PWD and of employers which in turn facilitates the recruitment of PWD.

Q2: Do I have an obligation under the Disability Act?

Yes, under the Disability Act, if I want to be employed I must apply to have my name and particulars entered in the register of PWD.

Q3: Does an Employer have an obligation under the Disability Act?

Yes there are several obligations imposed on the Employer.

The Employer must apply to have his name entered in the register of employers and specify in the application a series of requirements as per Section 12 (1) of the Disability Act.

Under Section 13 of the Disability Act, the law imposes every employer to employ a number of PWD and the Board is empowered to ask for explanations to show cause why he does not employ a PWD and a Hearing Committee may be set up to investigate any non-compliance by the employer.

In addition, under Section 14 of the Disability Act, there is a duty on the employer to provide a suitable employment that is a PWD should not be employed to perform such work which having regard to the nature of his disability, is not suitable to the PWD.

Q4: How does the Disability Act protect a PWD from discrimination at work?

Section 16 of the Disability Act prohibits an employer to discriminate against a PWD especially with regard to the advertisement, the recruitment process, determination of wages or leaves or other benefits. A PWD is advised to check that the recruitment practices adopted by any employer are fair and open to PWD.

For instance if a disabled employee's curriculum vitae match the criteria of the post applied for the employer should definitely recruit him or her without any excuses. Prior to the Training and Employment of Disabled Persons Act 1996, many disabled persons were subject to severe discriminations and deprived of necessities. However, in the current times, employers are liable to prosecution if any form of discrimination was to take place against disabled persons in relation to any advertisement of employment, recruitment for and advancement in employment was to take place.

Q5: In which sector does the Act provide for employment for PWD?

According to the Disability Act an “employer” means any person or entity which has in his regular employment 35 or more employees including a statutory body. As it is, the Act states that an employer must be employing at least 3 % of his workforce comprising of PWD. Hence, the Act definitely provides for possibility of obtaining jobs and hence broadens the horizons of PWD.

Q6: What facilities does the Act provide for PWD?

The Act provides for:

The establishment of appropriate vocational centres and other institutions for the training of PWD.

The operation of schemes and projects for the training and employment of PWD

The improvement of the social and economic status and condition of the PWD

The prevention of discrimination against PWD

The education and sensitization of employers on the importance of employing PWD

Q7: How does the Act set out to achieve its goals?

To achieve its goals the Disability Act provides for the following:

Education of disabled persons

Employment of disabled persons

School equipment for disabled children

Prevent discrimination against disabled people through better legislation

Campaigns to bring awareness in people about certain disabilities

Setting up of dedicated authorities at central for control and execution with regards to implementing the Act

Finding ways of preventing disability in the first place can save much agony. What does the Act say about that?

Take measures for pre-natal, perinatal and postnatal care of the mother and the child

Q8: What steps must be taken by the government for the prevention and early detection of occurrence of disability?

Undertake proper surveys and research on causes of disabilities.

Promote methods of preventing disabilities.

Regular health screening E.g. screen all children at least once a year to identify 'at-risk' cases.

Sensitisation of the general public through strong mediums such as television and newspapers.

Take measures for pre-natal, perinatal and postnatal care of the mother and the child.

I dream of ‘going to school like the other children’. Can the Disability Act make this dream come true for me?

Q9: Is there any duty on the government’s part to provide and promote education among PWD?

To provide education to PWD, the government must

Ensure free education to PWD

Promote the setting up of special schools

Transport facilities for students with disability

Financial incentives must be given to parents of students with disability

Supply of school material such as books, uniforms

Setting up of teacher training institutes

Remove architectural barriers in schools

Modification in the examination system for students with disability

But I can’t travel in any public transport or access most buildings. What about this?

Q10: What should the government do under the Disability Act to prevent discrimination against PWD in using modes of transport?

Government establishments related to the transport sector must:

Adapt public buses and other transports for easy access and use by PWD

Establish severe laws against people practicing discrimination over PWD

Adapt toilets in many public places such as aircraft or waiting rooms for the convenience of PWD

Q11: What should the government do under the Disability Act to prevent discrimination in use of roads by PWD?

The government must provide for:

Auditory traffic signals, engravings on the surface of zebra crossings to assist visually impaired persons.

Slopes in pavements for easy access of wheel-chair users.

Appropriate symbols of disability.

Warning signals at appropriate places.

Q12: What should the government do under the Disability Act to enable PWD to access public buildings?

The government must provide the following in public buildings:

Ramps in all public building ,especially in hospitals ,primary health centers and other medical care and rehabilitation centers.

Adapted toilets for wheel-chair users.

Braille symbols and auditory signals in lifts

Q13: What should the government do under the Disabilities Act for ‘social security’ and ‘rehabilitation’ of PWD?

The government must:

Provide unemployment benefit for PWD

Provide basic requirements

Issue insurance or security scheme for its employees with disabilities

Provide proper appliances to PWD

Who implements the Act? Is there any special office for redress of our grievances?

Q14: Who is the implementing authority under the Disability Act?

The Disability Act provides for a Board which is constituted by the following authorities:

Chairperson to be appointed by the Minister

A representative of the Ministry of Social Security and National Solidarity

A representative of the Ministry for Civil Service Affairs

A representative of the Industrial and Vocational Training Board

The Director of the Medical Unit of the Ministry of Social Security and National Solidarity

A representative of the Ministry of Employment, Manpower Resources and Training

A representative of the Ministry of Industrial Relations

4 persons appointed by the Minister to represent the interests of disabled persons

2 representatives of employers to be appointed by the Minister

Q15: What are the functions assigned to the board?

The functions of the Board shall be to:

Prevent, as provided under section 16, discrimination against disabled persons resulting from or arising out of their disability

Encourage the establishment of appropriate vocational centres and other institutions for the training of disabled persons

Operate and encourage schemes and projects for the training and employment of disabled persons

Improve generally the social and economic status and condition of disabled persons

Perform such other functions, not inconsistent with this Act, as the Minister may, in writing, specify or approve

What can I do to enforce my rights?

Q16: What must a PWD do to enforce the rights created under the Disability Act?

The PWD must:

Make representatives concerned aware if they have been victim of discrimination or if there has been any violation of any right under the Disability Act. Offenders under the Disability Act can be liable for fines and imprisonment

If there is no response or if the response is negative then the person can approach the board and make any representation or appeal.

The PWD should himself be well informed about his rights so as to be able to enforce his rights

Q17: What can be done against violations of the rights under the Disability Act, which affect the PWD?

The following can be implemented:

PWD can approach the training and development Board under the Disability Act in case of discrimination.

The government can implement more severe laws and impose heavy fines in case of violations of the provisions under the Disability Act.

Awareness programs need to be set up to sensitise people about the rights of the PWD.

More support can be obtained from the provisions of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The Government Programme 2010 -2015 states the following: *“Government will further promote the integration of persons with disabilities by facilitating their access to training, education, employment, health, and ensure the protection of the human rights amongst others.”*

Government may review existing legislation to provide better protection of their human and fundamental rights of PWD

The Global Rainbow Foundation (A Charitable Trust)

Global Rainbow Foundation is a registered Charitable Trust recognised by the Government of Mauritius.

It was founded by Prof Armoogum Parsuramen with the following objectives:

To implement projects aimed at poverty alleviation, advancement of education, providing assistance to physically and mentally challenged individuals and relief to vulnerable groups.

To work for the empowerment, integration and rights of differently abled people.

To develop innovative programmes aimed at creating an inclusive society where persons with and without disability walk hand-in-hand and work shoulder-to-shoulder.

To foster a strong partnership with local and international organisations in the development of capacity building programmes in education, health, rehabilitation, social and economic integration.

To ensure equitable employment opportunities for differently abled persons and encourage them to boost up their self-esteem and assume leadership roles.

To conduct innovative activities aimed at changing attitudes, mindsets and stereotyped perceptions towards differently abled persons.

To act as a permanent advocate of those with no voice.