DISCRIMINATION AGAINST PERSONS WITH DISABILITIES (PROHIBITION) ACT, 2018

EXPANARORY MEMORANDUM

This Act provides for the full integration of persons with disabilities into society. It establishes the National Commission for Persons with Disabilities and vests the Commission with the responsibilities for their education, health care, social, economic and civil rights.

Arrangement of Sections

Section:

PART I- PROHIBITION OF DISCRIMINATION, AND AWARENESS PROGRAMMES

1. Prohibition of discrimination and penalty.
2. Awareness programs.

PART II -ACCESSIBILITY OF PHYSICAL STRUCTURE

3. Right of access to public premises.
4. Accessibility aids in public building.
5. Accessibility to roads, sidewalks and special facilities.
6. Transitory Period.
7. Building plan.
8. Complaint of inaccessibility.

PART III - ROAD TRANSPORTATION

9. Goods, services and facilities.
10. Accessibility of vehicles.
11. Provision of facilities to persons with disabilities.
12. Reserved spaces.

PART IV - SEAPORTS, RAILWAYS AND AIRPORT FACILITIES

13. Seaports and railways.
14. Assistive service and airline.
15. Special safety briefing of persons with disabilities.

PART V - LIBERTY, RIGHTS TO EDUCATION, HEALTH AND FIRST CONSIDERATION IN QUEUES, ACCOMMODATION AND EMERGENCIES

16. Prohibition of use of persons with disabilities in soliciting for alms and penalty.
17. Right to free education.
18. Inclusiveness of education.
19. Subsidized education for special education personnel.

20. Appropriate mode of education for persons with disabilities.
21. Free healthcare.
22. Certificate of disability.
23. Unlawful procurement of certificate of disability.
24. Provision of special communication at hospitals.
25. Situation of risk and humanitarian emergencies.
26. Service at queues.
27. Accommodation.

PART VI - OPPORTUNITY FOR EMPLOYMENT AND PARTICIPATION IN POLITICS AND PUBLIC LIFE

28. Equal right to work.
29. employment opportunity.
30. Participation in politics.

PART VII - ESTABLISHMENT OF THE NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES

31. Establishment of the National Commission for Persons with Disabilities.
32. Establishment of membership of the Governing Council.
33. Proceedings of the Council.
34. Tenure of office.
35. Cessation of office.
36. Allowances of members.
37. Powers of the Council.
38. Functions of the Commission.
39. Powers of the Commission.

PART VIII - APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF

40. Appointment and duties of the Executive Secretary of the Commission.
41. Staff of the Commission and their remuneration.
42. Appointment and secondment from public service.
43. The structure of the Commission.
44. Pension and gratuity.
45. Funds of the Commission.
46. Power to accept gifts.
47. Power to borrow.
48. Annual estimate and expenditure.
49. Audit.
50. Annual report.
51. Power to acquire land.

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES (PROHIBITION) ACT, 2018

A Bill For

An Act to provide for the full integration of persons with disabilities into society, establish the National Commission for People with Disabilities and vest in the Commission the responsibilities for their education, health care, social, economic and civil rights; and for related matters.

ENACTED by the National Assembly of the Federal Republic of Nigeria –
January 17, 2019 - Commencement

PART1- PROHIBITION OF DISCRIMINATION, AND AWARENESS PROGRAMMES

Prohibition of Discrimination and Penalty

(1) A person with disability shall not be discriminated against on the grounds of his disability by any person or institution in any manner or circumstance.

(2) A person who contravenes subsection (1), commits an offence and is liable on conviction if the person is -
(a) a corporate body, a fine of N1,000,000; and
(b) an individual, a fine of N100,000 six months' imprisonment or both.
(3) Notwithstanding the prosecution, conviction or otherwise of any person for any offence under this Act, the person against whom the crime or wrong is committed may maintain a civil action against the person committing the offence or causing the injury, without prejudice to any conviction or acquittal

Awareness Programs

(2) The Federal Ministry of Information shall make provisions for promotion of awareness regarding the -
(a) rights, respect and dignity of persons with disabilities; and
(b) capabilities, achievements and contributions of persons with disabilities to society.

PART II-ACCESSIBILITY OF PHYSICAL STRUCTURE

Right of access to public premises

3. A person with a disability has the right to access the physical environment and buildings on an equal basis with others.

Accessibility Aids in Public Building

4. A public building shall be constructed with the necessary accessibility aids such as lifts (where necessary), ramps and any other facility that shall make them accessible to and usable aids in public

Accessibility to roads, sidewalks and special facilities

5. Road sidewalks, pedestrian crossings and all other special facilities as set out in the First Schedule made for public use shall be made accessible to and usable by persons with disabilities including those on wheelchairs and the visually impaired.

Transitory Period

6. From the date of the commencement of this Act, there shall be a transitory period of five years within which all public buildings and structures, whether immovable, movable or automobile, which were inaccessible to persons with disabilities shall be modified to be accessible to and usable by persons with disabilities including those on wheelchairs.

Building Plan

7. (1) Before erecting any public structure, its plan shall be scrutinized by the relevant authority to ensure that the plan conforms with the building code.
(2) A government or government agency, body or individual responsible for the approval of building plans shall not approve the plan of a public building if the plan does not make provision for accessibility facilities in line with the building code.
(3) An officer who approves or directs the approval of a building plan that contravenes the building code commits an offence and is liable on conviction to a fine of at least N1,000,000 or a term of imprisonment of two years or both.

Complaint of Inaccessibility

8. (1) Subject to section 7, in the event of the existence of a state of inaccessibility or barrier to access of a person with a disability to an environment that he has a right or duty to access, he may, without prejudice to his right to seek redress in court, notify the relevant authority in charge of the environment of the existence of the state of inaccessibility or barrier to accessibility of the environment and the relevant authority in charge shall take immediate and necessary steps to remove the barrier and make the environment accessible to the person with a disability.
(2) A relevant authority in charge that receives the notice in subsection (1) but fails to comply, commits an offence and is liable on conviction, if it is-
a. a corporate body, N10,000 damages payable to the affected person for each day of default; or
(b) an individual, N5,000 damages payable to the affected person each day of default six months' imprisonment or both.

PART III - ROAD TRANSPORTATION

Goods, services and facilities

9. A person, who whether for payment or not, provides goods or services, or makes facilities available, shall not discriminate against another person with a disability by -
A. refusing to provide those goods or services or make those facilities available to him;
A. the terms or conditions on which the provider provides those goods or services or makes those facilities available to him; or
B. the manner in which the provider provides those goods or services or makes those facilities available to him.

C. Prohibition of Discrimination and Penalty

D. Prohibition of Discrimination and Penalty

Accessibility of vehicles

10. (1) Government transport services providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus stops to persons with disabilities including those in wheelchairs.
(2) Every public vehicle shall have a functional audible and visual display of their destination within five years from the commencement of this Act.

Provision of facilities to people with disabilities

11. (1) Transport service providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus stops to persons with disabilities including those in wheelchairs.
(2) Lifts, ramps and all other accessibility equipment in or for vehicles, and at parks or bus stops shall be maintained in operational condition.
(3) There shall be regular and frequent maintenance of all accessibility aids and equipment, and defective ones shall be promptly repaired or replaced.
(4) Before a person with disability boards or alights from a vehicle, the driver shall ensure that the vehicle comes to a stop.
(5) When a person with a disability intends to board a vehicle, all other intending passengers shall wait for him to board before them.

Reserved spaces

12. (1) At public parking lots, suitable spaces shall be properly marked and reserved for persons with disabilities.
(2) For a person with a disability to be entitled to the use of the reserved space in subsection (1), his car shall have been properly identified with the necessary symbol.
(3) A person, organization or corporate body in control of a public parking lot who fails to provide for the reserved spaces in subsection (1), commits an offence and is liable on conviction to a fine of N1,000 for each day of default.
(4) A person without disability who parks a vehicle in the reserved space in subsection (1), commits an offence and is liable on conviction to a fine of N5,000.
(5) A person who intentionally obstructs the reserved space in subsection (1) commits an offence and is liable on conviction to a fine of N5,000.
(6) Subsection (4) does not apply if a person with a disability is a passenger in the vehicle.

PART IV -SEAPORTS, RAILWAYS AND AIRPORT FACILITIES

Seaports and railways

13 (1) Seaports facilities and vessels shall be made accessible to persons with disabilities.
(2) Railway stations, trains and facilities in the trains shall be made accessible to persons with disabilities.
(3) The transitory provision contained in section 6 shall apply to the provisions of this section.

Assistive service and airlines

14 (1) All airlines operating in Nigeria shall -
(a) ensure the accessibility of their aircraft to persons with disabilities;
(b) make available presentable and functional wheelchairs for the conveyance of persons with disabilities who need them to and from the aircraft;

(c) ensure that persons with disabilities are assisted to get on and off board in safety and reasonable comfort; and
(d) ensure that persons with disabilities are accorded priority while boarding and disembarking from the aircraft.
(2) All airports shall make available for the conveyance of persons with disabilities who need presentable and functional assistive and protective devices to and from the aircraft.

Special safety briefing of people with disabilities

15. Any general information shall be translated into the accessible format appropriate to the person with disability present.

PART V LIBERTY, RIGHT TO EDUCATION, HEALTH AND FIRST CONSIDERATION IN QUEUES, ACCOMMODATION AND EMERGENCIES

Prohibition of use of people with disabilities in soliciting for alms and Penalty

16. (1) A person shall not - (a) employ, use or involve a person with a disability in begging;
(b) parade persons with disabilities in public with the intention of for alms; or
(c) use the condition of disability as a disguise to beg in public.
(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of N100,000 a term of six months' imprisonment or both.

Right to free education

17. (1) A person with disability shall have an unfettered right to education without discrimination
(2) A person with a disability is entitled to free education at the secondary school level.
(3) The Commission shall provide educational assistive devices.

Inclusion of education

18. (1) All public schools, whether primary, secondary or tertiary shall be run to be inclusive and accessible to persons with disabilities, accordingly every school shall have-
(a) at least a trained personnel to cater for the educational development of persons with disabilities; and
(b) special facilities for the effective education of persons with disabilities,
(2) Braille, sign language and other skills for communicating with persons with disabilities shall form part of the curricula of primary, secondary and tertiary institutions.

Subsidized education for special education

19. The education of special education personnel shall be highly subsidized.

Appropriate mode of education for persons with disabilities

20. Government shall ensure that the education of persons with disabilities, particularly children, who are blind, deaf or with multiple disabilities, is delivered in the most appropriate language, mode and means of communication for the individual, and in environments which maximize academic and social development.

Free healthcare

21. (1) The government shall guarantee that persons with disabilities have unfettered access to adequate health care without discrimination based on disability.
(2) A person with mental disability shall be entitled to free medical and health services in all public institutions.

Certificate of disability

22. (1) A person with mental disability shall obtain a Permanent Certificate of Disability from the Commission.
(2) If a doctor suspects disability in the course of treatment of a person who before was not a person with a disability, the doctor may with the approval of the Commission, issue a Temporary Certificate of Disability which shall last for not longer than 180 days.
(3) If the state of disability persists beyond 180 days, the Commission on the recommendation of a doctor, shall issue the person a Permanent Certificate of Disability which shall last for as long as the state of the disability persists.
(4) A person issued with a Permanent Certificate of Disability is entitled to all rights and privileges under this Act.

Unlawful procurement of certificate of disability

23. A person who unlawfully issues or obtains a Certificate of Disability, commits an offence and is liable on conviction to a fine of N200,000 or imprisonment for a term of one year or both.

Provision of special communication at hospitals

24. A public hospital where a person with communicational disabilities is medically attended to shall make provision for special communication.

Situation of risk and humanitarian emergencies

25. In all situations of risk, violence, emergencies and the occurrences of natural disasters, the Government shall take all necessary steps to ensure the safety and protection of persons with disabilities taking cognizance of their peculiar vulnerability.

Service at queues

26. (1) In queues, persons with disabilities shall be given first consideration and, as much as possible, be attended to outside the queue.
(2) A person who contravenes this section commits an offence and is liable on conviction to a fine of N50,000.00 a term of six months' imprisonment or both.

Accommodation

27. If accommodation is being provided by schools for their students, employers for their employees, service providers for their customers, organizations for their members, government for the people and in any other circumstance whatsoever, persons with disabilities shall be given first consideration.

PART VI-OPPORTUNITY FOR EMPLOYMENT AND PARTICIPATION IN POLITICS AND PUBLIC LIFE

Equal right to work

28 (1) A person with disability has the right to work on an equal basis with others and this includes the right to an opportunity to gain a living by work freely chosen or accepted in a work labor market and work environment that is open.
(2) A person who contravenes subsection (1), commits an offence and is liable on conviction to nominal damages of a minimum of N250,000 payables to the affected person with disability.
(3) Where a company contravenes subsection (1)
(a) the company commits an offence and is liable to nominal of a nominal minimum of N500,000 payables to the affected person with disability; and
(b) any principal officer of the company involved in the violation is liable to N50,000 damages payable to the affected person with a disability.

Opportunity for employment

29. All employers of labor in public organizations shall, as much as possible, have persons with disabilities constituting at least 5% of their employment.

Participation in politics

30. (1) Persons with disabilities shall be encouraged to fully participate in politics and public life.
(2) The government shall actively promote an environment in which persons with disabilities can effectively and fully participate in
(a) the conduct of public affairs without discrimination;
(b) non-governmental organizations and associations concerned with the public and political life of the country; and
(c) activities and administration of political parties.

PART VI - ESTABLISHMENT OF THE NATIONAL COMMISSION FOR PERSONS WITH DISABILITIES

Establishment of National Commission for people with disabilities

31. (1) There is established the National Commission for Persons with Disabilities (in this Act referred to as "the Commission') to be placed under the Presidency.

(2) The Commission-
(a) is a body corporate with -
(i) perpetual succession,
(ii) a common seal; and
(b) may sue and be sued in its corporate name; and
(c) may acquire, hold and dispose of property, movable or immovable.
(3) The head office of the Commission shall be in the Federal Capital Territory, Abuja.

Establishment and membership of governing council

32. (1) There is established a Governing Council for the Commission (in this Act referred to as the "the Council") which shall conduct the affairs of the Commission.
(2) The Council shall consist of -
(a) a part-time chairman;

(b) one person with a disability from each geopolitical zone;
(c) a representative each from the Federal Ministry of.
(i) Education,
(ii) Health,
(iii) Sports,
(iv) Women's Affairs,
(v) Housing,
(vi) Transport,
(vii) Environment,
(viii) Labor and Productivity,
(ix) Justice, and
(ix) Finance; and
(d) a representative each from the National Human Rights Commission and the National Planning Commission.

(3) The Chairman of the Council and one representative each from the 6 geo-political zones, shall be appointed by the President subject to the confirmation of the Senate.

Proceedings of the council. Second Schedule
33. The supplementary provisions set out in the Second Schedule to this Act shall have effect concerning the proceedings of the Council and the other matters contained in the Schedule,

Tenure of office
34. The Chairman and members of the Council shall each hold office-
(a) for a term of four years and may be re-appointed for a further term of four years and no more; and
(b) on such terms and conditions as may be specified in their letters of appointment.

Cessation of office
35. (1) A person ceases to hold office as a member of the Council if he-
(a) becomes bankrupt, or compounds with his creditors;
(b) is convicted of a felony or any offence involving dishonesty or fraud;
(c) is disqualified from his professional qualification;
(d) is guilty of serious misconduct concerning his duties; or
(e) resigns his appointment by a letter addressed to the President.
(2) If a member of the Council ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term.
(3) A member of the Council shall be removed by the President on the recommendation of the Council if he is satisfied that it is not in the interest of the Commission or the public that the member continues in that office.

Allowance of members
36. Members of the Council shall be paid allowances and expenses as the Government may direct

Power of council
37. The Council shall have power to.
(a) manage and superintend over the affairs of the Commission;
(b) make rules and regulations for the effective running of the Commission;

(c) employ the staff of the Commission on such remunerations or allowances as payable to persons in similar organizations in the country;
(d) enter into contract as may be necessary or expedient for the discharge of its duties and ensure efficient performance of the functions of the Commission; and
(e) receive, disburse and account for funds of the Commission.

Function of Commission

38. The Commission shall— (a) formulate and implement policies and guidelines as appropriate for the education and social development of persons with disabilities;
(b) prepare schemes designed to promote social welfare of persons with disabilities and the estimate of cost of implementing such schemes;
(c) promote and uplift the general social well-being of persons with disabilities by encouraging the public to change their attitude toward persons with disabilities;
(d) make available not less than 5% of the work force to qualified persons with disabilities;
(e) enlighten the public and encourage persons with disabilities;
(f) collect data and records on special education of persons with disabilities, which shall be a regular exercise so that the persons with disabilities are identified, and enumerated for planning and treatment;
(g) ensure that all facilities in each community all over the Federation shall be built or modified, where and when feasible, to accommodate special needs of persons with disabilities;
(h) ensure the monitoring, evaluation and realization of government pol objectives on persons with disabilities
(i) facilitate the procurement of scholarship awards for persons with disabilities up to university level;
(j) establish and promote inclusive schools, vocational and rehabilitation centers for the development of persons with disabilities;
(k) liaise with the public and private sectors and other bodies to ensure that the peculiar interests of persons with disabilities are taken into consideration in every government policy and activity;
(l) issue insignia of identification with persons with disabilities;
(m) in collaboration with other relevant government agencies and professional bodies in the building industry, enforce compliance with public buildings codes impose necessary sanctions and make appropriate orders;
(n) receive complaints of persons with disabilities on the violation of their rights;
(o) support an individual's right to seek redress in court, investigation, prosecution or sanctioning, in appropriate cases, the violation of the provision of this Act;
(p) ensure research, development and education on disability issues and disabled persons;
(g) collaborate with the media to make information available in an accessible format for persons with disabilities; and
(r) procure assistive devices for all disability types.

Powers of commission

39. (1) The Commission shall have the power to do any lawful thing, which will facilitate the carrying out of its functions and in particular may-
(a) enter into a contract for the education and welfare of persons with disabilities:
(b) purchase or acquire any assets, business or property considered necessary for the proper conduct of its functions;
(c) sell, let, lease or dispose of any of its property;
(d) undertake or sponsor research where necessary for the performance of its functions; and
(e) train managerial, technical or other category of staff to run the affairs of the Commission.

(2) The power conferred on the Commission may be exercised by it or through any of its employees or agents authorized on that behalf by the Commission.
(3) The Commission shall not be subject to a direction, control or suspension by any other authority or person in the performance of its functions under this Act except the President.

PART VIII -APPOINTMENT AND DUTIES OF THE EXECUTIVE SECRETARY AND OTHER STAFF

Appointment and Duties of the Executive secretaries of the commission

40. There shall be an Executive Secretary for the Commission who shall -
(a) have such qualification and experience as appropriate for a person required to perform the functions of that office;
(b) be a person with a disability; and
(c) be responsible to the Council for the execution of the policies and administration of the daily affairs of the Commission.

Staff of the commission and their remuneration

41. The Council shall appoint for the Commission such number of employees as may, in the opinion of the Council, be expedient and necessary for the proper and efficient performance of the functions of the Commission.

Appointment and secondment from public service

42. (1) The Council may appoint for the Commission, either directly or by secondment from any Public Service of the Federation, such number of employees as may, in the opinion of the Council, be required to assist the Commission in the performance of any of its functions under this Act.
(2) The person seconded under this section, may elect to be transferred to the service of the Commission, and any previous service the person may have rendered in the Public Service shall count as service to the Commission for any pension subsequently payable by the Commission.

Structure of commission

43. There shall be established, in the head office of the Commission, such departments as may be deemed necessary for the effective and efficient functioning of the Commission.

Pension and gratuity. Act No 4, 2018.

44. The staff of the Commission are entitled to pension, gratuity, and any other retirement benefit following the Pension Reform Act.

Funds of commission

45(1) The Commission shall establish and maintain a fund into which shall be paid and credited-
(a) all subventions and budgetary allocations from the Federal Government of Nigeria; and
(b) such money as may be granted to the Commission by anybody or institution within or outside Nigeria.
(2) The Commission shall defray all expenditures incurred by it including -
(a) cost of administration;

(b) payment of salaries, fees, or other remuneration, allowances, pensions and gratuities payable to members and employees of the Commission; and
(c) anything done in connection with any of its functions.
(3) The Council shall cause the account of the Commission to be audited quarterly and shall be externally audited once every year.

Powers to accept gifts
46. (1) The Commission may accept a gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift, provided such terms and conditions are not inconsistent with any prevailing law.
(2) The Commission shall not accept any gift if the conditions attached are inconsistent with the functions of the Commission under this Act.

Powers to borrow
47. The Commission may borrow such money as it may require to execute or complete some special projects of the Commission.

Annual estimate and expenditure
48. (1) The Commission shall-
(a) cause to be kept accounts and records of transactions and affairs of the Commission; and
(b) ensure that all payments out of its Fund are correctly made and properly authorized.
(2) The Commission shall ensure that adequate control is maintained over the assets of, or in the custody of, the Commission and over its incurring of liabilities.

Audit
49 (1) The Auditor-General for the Federation shall -
(a) inspect and audit the account and records of financial transactions of the Commission;
(b) inspect records relating to assets of the Commission; and
(c) draw the attention of the Secretary to the Government of the Federation to any irregularities disclosed by the inspection and audit.
(2) The Auditor-General for the Federation may dispense with all or any part of the detailed inspection and audit of any account or record referred to in subsection (1).
(3) The auditor or an officer authorized by him is entitled at all reasonable times to full and free access to all account records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of money by the Commission or to the acquisition received, custody or disposal of assets by the Commission.

Annual report
50. The Commission shall submit -
(a) an annual report of its activities to the office of the Secretary to the Government of the Federation not later than 30th June of each financial year; and
(b) a copy of its audited accounts and a copy of the annual report to the National Assembly.

Powers to acquire land. Cap L5. LFN. 2004.
51. The Commission may, subject to the Land Use Act, acquire any land to perform its functions.

PART IX - MISCELLANEOUS PROVISIONS

Service of Document

52. A notice, summons or other documents required or authorized to be served upon the Commission under the provisions of this Act, any other law or enactment may be served by delivering it to the Executive Secretary or by sending it by registered post and addressing it to the Executive Secretary at the head office of the Commission.

Payment of Judgment Debt
53. Any such money which may be the judgment of any court awarded against the Commission shall be paid from the Fund of the Commission.

Indemnity of Officers
54. A member of the Council, the Executive Secretary, or any officer or employee of the Commission shall be indemnified against any proceeding, whether civil or criminal, in which judgment is given in his favor or in which is acquitted if any such proceeding is brought against him in his capacity as a member of the Council, the Executive Secretary, officer or the employee of the Commission.

Waivers of proof of special damages
55. (1) To be entitled to the damages specifically provided in this Act, it shall be sufficient for a plaintiff or claimant, as the case may be, in a court proceeding to prove the violation of the relevant section of this Act without specific proof of damages.
(2) Nothing in this Act shall prevent a court from accessing and awarding general and special damages in addition to the normal damages provided for in this Act.

Regulation
56. The Council may make regulations to carry out or give full effect to the provisions of this Act.

PART X-INTERPRETATION

Interpretations
57. In this Act-

"accessibility aid" includes any fixture and device that aids accessibility;
"accommodation" in the context of housing, includes residential or business accommodation;”

“assistive device" means any device that assists, increases or improves the functional capabilities of persons with disabilities;
"Commission" means National Commission for People with Disabilities established under this Act;”
"commission agent" means the person who does work for the Commission as its agent and who is remunerated, whether in whole or in part by the Commission;”
"disabled" means having a disability;”
"disability" includes long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others;”
'discrimination" means differential treatment and its verbs and infinite form, discriminate, to discriminate have the corresponding signification;’’
"document" includes any book register or other record of information, however compiled, record or stored;”
"educational authority" means a body of persons administering an educational institution;”

"educational institution" means a school college, university or other institution at which education or training is provided;”
"employee" includes applicant or prospective employee, commission agent, contract worker, independent contractor, or person applying to the commission agent, contract worker or independent contractor;”
'employer" includes prospective employer, principal and a person who engages or proposes to engage a commission agent, contract worker or independent contractor;’
"employer of labor" means an employer as interpreted by the Employee's Compensation Act No. 13, 2010;”
"function" includes duty;”
'government employee" means a person who is appointed, employed or engaged in the public service of, or by a public authority of the Federation, a State, the Federal Capital Territory or a local government, or holds an administrative office;’

"person" includes natural, artificial, juristic or judicial persons, companies, enterprises firms, organizations, associations, government departments, ministries, and parastatals;

“person with disabilities" means-
(a) a person who has received a Temporary or Permanent Certificate of Disability to have a condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, and includes any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards; and

(b) a person with long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others;

"premises" includes a structure, building, aircraft, vehicle, train or vessel; a place (whether enclosed or built on or not) and a part of premises;

"President" means President and Commander in Chief of the Armed Forces of the Federal Republic of Nigeria;

"public building" means a building owned or used by a government or government agency or a building available for the use of members of the public;

"relative" concerning a person, means a person who is related to the first-mentioned person by blood, marriage affinity or adoption;

"special communication" means special means (including sign language augmentative and alternative communication) of communicating with a person with a speech or hearing disability;

"special facilities" means any provision whether movable or immovable that enhances easy access and enjoyment in public buildings by persons with disabilities and significantly decreases endurance so that they cannot perform their everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards;

"'State" means each of the States of the Federation, and includes the Federal Capital Territory;

"'student" concerning an education institution, includes a candidate or applicant for admission into that educational institution;

"'undue hardship" means significant difficulty or expense, when considered in light of such factors as-

(a) the nature and cost of the accommodation needed to take care of a disabled person's special needs;
(b) the overall financial resources of the facility or facilities involved in the provision of reasonable accommodation and the number of persons employed at such facility;
(c) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the facility;
(d) the overall finances of the person or organization having to deal with a person with disability, with the overall size of his or its business concerning the number of its employees, the number, type, and location of its facilities; and
(e) the type of operation or operations of such person or organization, including the composition, structure and function of his or their workforce; the geographic, separateness, administrative, or fiscal relationship of the facility or facilities in question to such person or organization.

Citation
58. This Act may be cited as the Discrimination Against Persons with Disabilities (Prohibition) Act. 2018.

First Schedule Section 5

Special Facilities
1. Wheelchairs, clear floors or ground space on wheelchairs, wheelchair passage and turning space
2. Crutches, guide canes etc.
3. Hearing Aid
4. Curb ramps
5. Ramps
6. Handrails, grab bars
7. Stain-shopping stairs
8. Elevators or Lifts
9. Windows
10. Entrance doors
11. Drinking fountains and water coolers
12. Toilet facilities

13. Door protective and re-opening devices maneuvering entrances at doors
14. Parking spaces and passenger loading zones
15. Accessible routes including walkways, halls, windows, aisles and spaces
16. Alarm -
    (a) audible alarms;
    (b) visual alarms; and
    (c) auxiliary alarms

Second Schedule Section 33

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Council

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its Committees.
(2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and five other members of the Council, one of whom shall be an ex-officio member, and the quorum of any committee of the Council shall be as determined by the Council.

2. (1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by at least eight other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice was given.
(2) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it deems fit, but a person who is in attendance by this paragraph is not entitled to vote at any meeting of the Council and shall not count towards a quorum.

3. (1) The Council may set up one or more committees to perform, on behalf of the Council, such functions as the Council may determine.
(2) A committee set up under paragraph (1) shall consider such number of persons as may be determined by the Council and a person shall hold office in the Committee following the terms of his appointment.
(3) A decision of a committee of the Council is of no effect until it is confirmed by the Council

4. (1) The affixing of the seal of the Commission shall be authenticated by the signatures of the Chairman, Executive Secretary or any other member of the Council generally or specifically authorised by the Council to act for that purpose.
(2) A contract or instrument, which if made or executed by any person not being a body corporate would not be required to be under seal, may be executed on behalf of the Commission by the Executive Secretary or any person generally authorized by the Council to act for that purpose.
(3) A document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed to be so Executed.

5. The validity of any proceeding of the Council or Committee shall not be adversely affected by a-
(a) vacancy in the membership of the Council or Committee;

(b) defect in the appointment of a member of the Council or Committee; or
(c) reason that a person not entitled to do so took part in the proceedings of the Council or Committee.

FORM 1

Section 38 (m)

COMPLIANCE ORDER

Notice has been taken of the fact that your Program is not inclusive of disability issues.

In particular, ...

This contravenes section 38 of Discrimination against Persons with Disabilities (Prohibition) Act, you are hereby ordered to immediately comply with the Act.

Take note that if, after three months from receipt of this order, you remain in default, your operational license shall be withdrawn.

Signed

FORM 2

Section 22 (1) m

CERTIFICATE OF PERMANENT DISABILITY

This is to certify that examined by me.....on this day B of .....of and found to be permanently incapacitated.

Signed

CERTIFICATE OF TEMPORARY DISABILITY Section 22 (2)

This is to certify that..... was examined by me .....on this day of .....
and found to be temporarily incapacitated.

Signed

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