

**1. Did you know that persons living with disabilities have a right to work on an equal basis with others?**

- A person living with a disability has a right to work<sup>1</sup> and enjoys other non-employment-related rights such as the right to free education up to secondary school level<sup>2</sup>, the right to free healthcare<sup>3</sup>, and the right to freedom of communication through any means of their choice<sup>4</sup>.
- For the purposes of the Lagos State Special Peoples Law 2010, "disability means a state of substantial impairment of the physical, visual, vocal, auditory, sensory or mental capabilities of a person at birth or by injury, sickness or its effect or congenital deficiency".<sup>5</sup>
- An individual who contravenes the right(s) of a person living with a disability to work commits an offence and is liable upon conviction to pay damages of a minimum sum of ₦250,000 to the affected person.
- If it is a company, the damages payable is a minimum sum of ₦500,000 to the affected person.
- If a principal officer of a company is found to be involved in the violation of the right of a person living with a disability to work, the officer is liable to pay damages in the sum of ₦50,000 to the affected person.

<sup>1</sup> Section 28 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018; Section 34 of the Lagos State Special Peoples Law 2010

<sup>2</sup> Section 17 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>3</sup> Section 21 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>4</sup> Section 35 (1) of the Lagos State Special Peoples Law 2010

<sup>5</sup> Section 40 of the Lagos State Special Peoples Law 2010

## 2. Did you know that in Nigeria employers have an obligation to provide employment opportunities to persons living with disabilities?

- Under Nigerian law, at least 5% of the workforce of employers of labour in public organisations must be people with disabilities.<sup>6</sup>
- In Lagos State, at least 1% of the workforce of employers of labour with at least 100 employees must be reserved for qualified people living with disabilities.<sup>7</sup>
- In Lagos, the employment of an employee cannot be terminated because of a disability he/she sustained in the cause of their work.<sup>8</sup>
- In Lagos State, where an employee sustains a disability at work, the employer shall either:
  - retain and re-train such an employee in another unit for his/her effectiveness within the organisation;
  - disengage such an employee and pay him/her a sum that is at least the aggregate value of 48 (forty-eight) months' salary if such disability permanently renders the employee unable to discharge his/her function or any other function that may be assigned to the employee; or
  - disengage such an employee and pay him/her a sum that is at least the aggregate value of 60 (sixty) months' salary, if his disability is sustained in the course of his employment and is of such a degree that it renders the employee permanently unable to discharge his/her function or any other function that may be assigned to the employee.<sup>9</sup>

## 3. Do you know who an 'employer of labour' is for the purposes of persons living with a disability?

- An 'employer of labour'<sup>10</sup> includes any individual, body corporate, Federal, State or Local Government or any of the governmental agencies who have entered into a contract of employment to employ any other person as an employee or apprentice.<sup>11</sup>

## 4. Did you know that there are criminal liabilities for discriminating against persons living with disabilities?

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<sup>6</sup> Section 29 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>7</sup> Section 34 (5) of the Lagos State Special Peoples Law 2010

<sup>8</sup> Section 34(7) of the Lagos State Special Peoples Law 2010

<sup>9</sup> Section 34 (8) of the Lagos State Special Peoples Law 2010

<sup>10</sup> Section 57 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>11</sup> Section 73 of the Employee Compensation Act 2010

- Where a corporate body discriminates against a person living with a disability on the ground of such disability, such corporate body shall be liable upon conviction to a fine of ₦1,000,000.00 (one million Naira).<sup>12</sup>
- Where an individual discriminates against a person with a disability on the ground of such disability, such an individual shall be liable upon conviction to a fine of ₦100,000.00 (one hundred thousand Naira), or 6 (six) months imprisonment, or both.<sup>13</sup>

## 5. Right to Accommodation, where provided

- Where an employer provides accommodation to its employees, an employee living with a disability shall be given first consideration.<sup>14</sup>
- In Lagos, 5% of such accommodation shall be reserved for persons with disabilities.<sup>15</sup>

## 6. Did you know that public buildings must be accessible to people with disabilities?

- Under Nigerian law, public buildings must be constructed with the necessary accessibility aids such as ramps, lifts, and any other facility that make public buildings easily accessible and usable by people with disabilities.<sup>16</sup>
- All public structures to be constructed must provide accessible facilities for persons living with disabilities in line with the building code.<sup>17</sup>
- An approving officer of a public building who approves a building that contravenes the building code commits an offence and is liable upon conviction to a fine of a least ₦1,000,000 or a term of 2 (two) years imprisonment or both.<sup>18</sup>
- In Lagos State, employers who provide parking spaces for their employees are mandated to reserve 1 (one) out of every 20 (twenty) parking spaces, which must be clearly marked, for employees living with a disability.<sup>19</sup>
- Where a person living with a disability complains of the inaccessibility or barrier to access to an environment to which such person has a right or duty to access, such a person may seek redress in court or notify the relevant authority for that environment, who must then take immediate steps to rectify the inaccessibility. Where such an authority fails to rectify the inaccessibility, it shall be liable to a fine of:

<sup>12</sup> Section 1 (2) (a) of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>13</sup> Section 1 (2) (b) of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>14</sup> Section 27 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>15</sup> Section 28(2) of the Lagos State Special Peoples Law 2010

<sup>16</sup> Section 4 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>17</sup> Section 7(1) & (2) of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018; Section 29(6) of the Lagos State Special Peoples Law 2010

<sup>18</sup> Section 7(3) of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>19</sup> Section 25 (1) of the Lagos State Special Peoples Law 2010

- ₦10,000.00 (ten thousand Naira) for each day of default payable as damages to the affected person with a disability, where the defaulting authority is a corporate body; or
- ₦5,000.00 (five thousand Naira) for each day of default payable as damages to the affected person with a disability or to imprisonment of 6 (six) months or to both, where the defaulting authority is an individual.<sup>20</sup>

## 7. Did you know that the transition period for the modification of all public buildings ends in 2023?

- Do you know that the Discrimination Against Persons with Disabilities (Prohibition) Act commenced in 2018 and the transitional period of 5 (five) years provided for in the DAPPA Act 2018 within which all public buildings and structures, whether movable, automobile, public cars or immovable, must be modified to become accessible to and usable by people with disabilities including those with wheelchairs must have been completed by the year 2023.<sup>21</sup>
- In Lagos, every company that transacts business with the general public must have trained personnel who can attend to clients or customers with disabilities.<sup>22</sup> This requirement became effective in 2015.

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<sup>20</sup> Section 8 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018

<sup>21</sup> Section 5 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018; Section 29(5) of the Lagos State Special Peoples Law 2010

<sup>22</sup> Section 18 of the Lagos State Special Peoples Law 2010