

A BILL

FOR

AN ACT TO PROVIDE CERTAIN RIGHTS AND PRIVILEGES FOR OLDER PERSONS IN ORDER TO ENSURE HEALTH AND ECONOMIC RELIEFS AND PROTECTION FOR THEIR SOCIAL AND CIVIL RIGHTS AND FOR RELATED MATTERS

Sponsored by Hon. Beni Lar...

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART 1 - PROHIBITION OF DISCRIMINATION AGAINST OLDER PERSONS

2 1.-(1) An Older Person shall not be discriminated against on the
3 ground of his age or disability by any person or institution in any manner or
4 circumstances whatsoever.

Prohibition of
discrimination
and penalty

5 (2) Any person who contravenes subsection (1) of this Section
6 commits an offence and shall be liable on conviction to, if the person is:

7 (a) a body corporate, a fine of N2,000,000.00; and

8 (b) an individual, a fine of N200,000.00 or 6 months imprisonment
9 or both.

10 (3) Without prejudice to this Bill, any prosecution, conviction or
11 otherwise of any person for any offence under this Bill, does not preclude the
12 right the victim to maintain a civil action against any such person
13 committing the offence or causing the injury.

14 PART II - ORIENTATION

15 2. The Federal Ministry of Information shall make provisions for
16 promotion of orientation and awareness regarding:

Orientation and
awareness

17 (a) the rights and respect for the inherent dignity of Older Persons;

18 (b) the capabilities, achievements and contributions of Older
19 Persons;

1 (c) respect for individual autonomy, including the freedom of Older
2 Persons to make individual choices;

3 (d) respect for interdependence and caring relationships of Older
4 Persons;

5 (e) respect for family relationships and intergenerational solidarity;

6 (f) respect for full and effective participation and inclusion in society;

7 (g) respect for an recognition of Older Persons as part of human and
8 cultural diversity; and

9 (h) respect for ageing as an integral and continuous part of life;

10 (i) encouraging their families and the communities they live with to
11 reaffirm the valued Nigerian tradition of caring for Older Persons;

12 PART III - RIGHTS AND PRIVILEGES OF OLDER PERSONS

13 3.-(1) States operating Social Protection Programmes shall be entitled
14 to grants from the Federal Government.

15 (2) Older Persons shall be included in every National Action
16 Programme on Income Generation of the State or Federal Government.

17 (3) Older Persons have the right to express their wishes and
18 preferences regarding future health and long term care-related decisions and to
19 have those expressions respected.

20 (4) Older Persons have the right to social protection, including
21 income security without discrimination on the basis of age or gender.

Old Age Grants

22 (5) All elderly small-holder farmers shall be entitled to financial
23 services accruing to other age groups.

Right to equality

24 (6) Equality, non and equal opportunity.

25 Discrimination against Older Persons on the basis of age is prohibited.

26 4. Health and Long Term Care:

Right to liberty

27 (1) Older Persons shall have the right to:

28 (a) enjoyment of the highest attainable standards of physical and
29 mental health and long term care without discrimination on the basis of age,

1 including public health, preventive medicine, palliative care and
2 rehabilitation;

3 (b) the benefits of scientific progress and health and long term care-
4 related research;

5 (c) self-determination in health and long term care-related matters
6 and to make such decisions based on informed consent;

7 (d) dignity, privacy and autonomy in making health and long term
8 care-related decisions;

9 (e) express their wishes and preferences regarding future health
10 and long term care-related decisions and such decisions shall be respected;

11 (f) assistance and support in receiving, understanding and
12 processing information in making informed health and long term care-
13 related decisions.

14 (2) Public Hospitals shall establish geriatric wards/for Older
15 Persons:

16 (i) such geriatric wards shall be for the exclusive use of Older
17 Persons;

18 (ii) such wards shall be conspicuously labeled "Geriatric Ward"

19 (iii) geriatric wards may be used for other emergency purposes,
20 after which they shall be reverted for exclusive geriatric purposes.

21 (iv) Primary Health Care Centres shall be modified to serve
22 Geriatric Population.

23 (3) The Federal and State Ministries of Health and National Health
24 Insurance Scheme (NHIS), shall institute a National Health Programme and
25 shall provide an Integrated Health Service for Older Persons.

26 (4) Government shall encourage and create enabling environment
27 for the establishment of Day Care Centres throughout the country.

28 (5) The Federal and State Ministries of Health shall train
29 Community-Based Health Workers among Older Persons and Health

1 Personnel to specialize in the geriatric care and health problems of Older
2 Persons.

3 (6) NHIS shall design insurance product for coverage of the elderly
4 with sustainable funding options.

5 (7) Older Persons shall be entitled to the grant of fifty percent (50%)
6 discount and exemption from the valued-added tax (VAT), on medical and
7 dental services, diagnostic and laboratory fees in all private hospitals, medical
8 facilities, outpatient clinics and home health care services, as determined by
9 the National Health Insurance Scheme (NHIS).

Tax Rebates

10 (8) Medical and dental services, diagnostic and laboratory outfits and
11 pharmaceutical outfits shall file documentations of discounted geriatric
12 services to the Federal Inland Revenue Service (FIRS) in their tax returns for
13 commensurate tax reliefs.

Mandatory
health coverage

14 (9) All indigent Older Persons shall be covered by the National Health
15 Insurance Programme.

Additional
Government
Assistance

16 (10) Social Safety Nets:
17 Social Safety assistance intended to cushion the effects of economic shocks,
18 disasters and calamities shall be available for Older Persons.
19 The social safety assistance which shall include, but not limited to, food,
20 medicines, and financial assistance for domicile repair, shall be sourced from
21 National Emergency Management Agency (NEIVIA)/State Emergency
22 Management Agency (SEMA)/Local Government Emergency Management
23 Agency (LGEMA) and the National Commission for Refugees and Internally
24 Displaced Persons (IGPs).

25 (11) To provide a comprehensive health care and rehabilitation
26 system for disabled Older Persons, to foster their capacity to attain a more
27 meaningful and productive ageing.

Social Security

28 5. Indigent Older Persons shall be entitled to a monthly stipend
29 amounting to not less than fifty percent (50%) of the national minimum wage,
30 subject to review every five (5) years by the National Assembly.

1 (1) the social welfare units of Local Governments shall be
 2 responsible for the payments of the monthly stipends referred to in this
 3 Section in conjunction with an officer of the National Identity Management
 4 Commission (NIMC) responsible for such disbursements.

5 6. Adequate Standard of Living Older Persons shall have the right
 6 to adequate standard of living, including the right to food, water, clothing
 7 and housing, and to improve their living conditions without discrimination
 8 on the basis of age.

Right to improved
 standard of living

9 PART IV - MOBILITY AND ACCESSIBILITY TO PHYSICAL STRUCTURES

10 7. An Older Person shall have right to safe and smooth movement
 11 on streets, walkways, gatherings and physical structures free of
 12 unreasonable physical contact from other persons.

Social Protection

13 8. Public buildings shall be constructed and provided with the
 14 necessary accessibility and mobility aids such as lifts for multi-level
 15 buildings, ramps, wheel chairs, automated or manual transportation carriers
 16 and any other facility that shall make such facilities conveniently accessible
 17 and usable by Older Persons.

18 9. Older Persons shall enjoy safe and convenient usage of side-
 19 walks, pedestrian crossings, pedestrian bridges etc including those with
 20 wheel chairs and the visually impaired.

21 10. There shall be a transitional period of four (4) years from the
 22 commencement of this Act, within which all public buildings and structures
 23 whether temporary or permanent, rented, acquired or built, moveable,
 24 immovable or automobile, which were inaccessible to Older Persons, shall
 25 be modified to be accessible and usable by Older Persons, including those
 26 with wheel chairs.

Transitional
 period

27 11.-(1) Building plans shall be scrutinized by the relevant
 28 authorities to ensure that all public building plans conform with the
 29 intentment of this Act.

Prohibition for approval or non-complaint building code

1 (2) No government or government agency, body or individual
2 responsible for the approval of building plans shall approve the plan of a public
3 building if the plan does not make provision for accessibility facilities line with
4 building codes that accommodate the needs and requirements of Older
5 Persons.

Penalty

6 (3) Any officer who approves or directs the approval of any public
7 building plan that contravenes the building code referred to in subsection (2) of
8 this Section shall be liable to a fine of a minimum of N2,000,000 or two (2)
9 years imprisonment or to both such fine and imprisonment.

10 12.-(1) Subject to Section 10, in the event of the existence of a state of
11 inaccessibility or barrier to access of an Older Person to a public building or
12 facility, he may, without prejudice to his or her right to seek redress in court,
13 notify the relevant authority in charge of the environment, and it shall be the
14 duty of the relevant authority in charge to take immediate and necessary steps
15 to remove the barrier and make the environment accessible to Older Persons.

16 (2) If the relevant authority in charge receives the notice in Subsection
17 (1) above but fails to comply, it shall be liable to:

18 (a) if a corporate body, N20,000.00 damages payable to the
19 complainant for each day that the defaults continues, commencing 6 months
20 from the date the complaint was lodged;

21 (b) if an individual, N10,000.00 payable to the complainant for each
22 day that the default continues, commencing 6 months from the date that the
23 complaint was lodged.

24 PART V - HOUSING

Right to adequate housing

25 13. Housing:

26 (1) An Older Person residing in a residential facility has, in addition to
27 the rights he or she has in terms of the Bill of Rights or any other rights he/she
28 may have, the right to:

29 (a) adequate housing;

30 (b) choose on an equal basis with other persons, their place of

1 residence, the persons with whom they may live, and they are not obliged to
2 live in any particular living arrangement;

3 (c) security of statutory tenures, full terms of allocations and
4 tenancies.

5 (d) appoint a representative to act on his or her behalf;

6 (e) have reasonable access to assistance and visitation;

7 (f) keep and use personal possessions;

8 (g) be informed about the financial status of the residential facility
9 and changes of management;

10 (h) participate in social, religious and community activities of
11 his/her choice;

12 (i) privacy;

13 (j) his/her own physician if he/she can afford it.

14 (2) In the monitoring of registered residential facilities, a Social
15 Worker in the employment of the Local Government may at any time, and
16 any Social Worker or person designated by the LG Chairman must if
17 requested to do so by the LG Chairman:

18 (a) visit and monitor Older Persons in order to ensure compliance
19 with this Act;

20 (b) interview any Older Person cared for or accommodated in such
21 a residential facility;

22 (c) either with or without the assistance of its health care provider,
23 enquire into the well-being of any such Older Person;

24 (d) direct any person who has in his/her possession or custody, any
25 book or document relating to such residential facility, to submit such book or
26 document to him/her for inspection;

27 (e) submit a report to the LG Chairman on the outcome of the
28 inspection.

29 (f) provide the operator for the residential facility with a report on
30 the findings of the inspection;

1 (3) The Federal/State/Local Government shall include in their shelter
2 programme the social housing needs of Older Persons, such as establishment
3 of housing units for the Ageing.

4 (4) With respect to ensuring support for services delivered to Older
5 Persons by any Third Party:

6 (a) Social Worker must open and maintain a register of all assets
7 bought with Government funds and prescribe conditions for the management
8 of such assets;

9 (b) LG Social Worker must be included for contact in case of
10 emergency under 911 phone number.

11 (5) Long Term Care Facilities shall be provided with increased
12 residential facilities, under Formal Boarding Institutions.

13 PART VI - ROAD TRANSPORTATION

Goods, services
and facilities

14 14. It is unlawful for a person (the provider) who (whether for
15 payment or not) provides goods or services, or makes facilities available, to
16 discriminate against Older Person:

17 (a) by refusing to provide those goods or services or make those
18 facilities available to him;

19 (b) on such terms or conditions on which the provider provides those
20 goods or services or makes those facilities available to him; or

21 (c) in a manner in which the provider provides those goods or services
22 or makes those facilities available to him.

Accessibility
of vehicles

23 15.-(1) Government Transport services providers shall make
24 provisions for lifts, ramps and other accessibility aids to enhance the
25 accessibility of their vehicles, parks and bus-stop to persons for Older Persons
26 including those on wheel chairs.

27 (2) Every public vehicle should have functional audible and visual
28 display of their destination within four (4) years from the commencement of
29 this Bill.

Waiver of charges
on assistives

30 16. Wheelchairs, crutches, braces and any other mobility aid and

1 appliance or assistive devices used by Older Persons shall not be subject to
2 charges, provided they are not carried in commercial quantities and for
3 commercial purposes.

4 17.-(1) At public parking lots, suitable spaces shall be properly Reserved spaces
5 marked and reserved for Older Persons.

6 (2) For Older Persons to be entitled to the use of the reserved space
7 in Subsection (1) of this Section, his car shall have been properly identified
8 with the necessary insignia.

9 (3) A person, organization or corporate body in control of a public
10 parking lot who fails to provide for the reserved spaces in Subsection (1) of
11 this Section commits an offence and is liable on conviction to a fine of
12 N5,000 for each day of default.

13 (4) A non-permitted person who parks a vehicle in the reserved
14 space in Subsection (1) of this Section commits an offence and is liable on
15 conviction to a fine of N5,000.

16 (5) A person who unlawfully obstructs the reserved space in
17 subsection (1) of this Section commits an offence and is liable on conviction
18 to a fine of N5,000.

19 (6) Subsection (4) of this Section does not apply if an Older Person
20 is a passenger in the vehicle.

21 PART VII - SEAPORTS AND RAILWAYS

22 18.-(1) Seaports and facilities therein as well as vessels shall be Seaports and
23 made accessible to and convenient for Older Persons. railways

24 (2) Railway stations, trains and facilities therein shall be made
25 accessible to and convenient for Older Persons.

26 19. The provision of Section 14 shall be subjected to the transitory Transitory
27 provision contained in Section (8). period for railway
and seaports

28 PART VIII - AIRPORT FACILITIES

29 20.-(1) All airlines operating in Nigeria shall:

30 (a) ensure the accessibility of their aircraft to Older Persons;

Assistive service
and airline

1 (b) make available presentable and functional wheelchairs for the
2 conveyance of Older Persons who need it to and from the aircraft;

3 (c) ensure that Older Persons are assisted to get on and off board in
4 safety and reasonable comfort;

5 (d) ensure that Older Persons are accorded priority while boarding
6 and disembarking from the aircraft.

7 (2) All airports shall make available for the conveyance of Older
8 Persons who need it to and from the aircraft, a presentable and functional
9 assistive and protective device.

10 21. Any general information shall be translated into the accessible
11 format appropriate to the Older Persons present.

12 PART IX - REBATES

Discounts

13 22.-(1) Older Persons shall be entitled to the grant of fifty percent
14 (50%), in actual fare of land transportation travel in public and private
15 facilities, buses, taxis and rail;

16 (2) Older Persons shall be entitled to the grant of fifty percent (50%),
17 in actual transportation by sea shipping vessels and the like, based on actual
18 fare and advanced booking;

19 (3) Public and private air transport establishments shall provide air
20 fares and other transport facilities at discounted rates of fifty percent (50%)
21 to 3 Older Persons;

22 (4) Express lanes shall be provided for Older Persons, in all
23 commercial and government establishments (wherever queues are required),
24 in the absence thereof, priority shall be given to them.

25 (5) At least fifty percent (50%) discount, which shall be granted on the
26 consumption of electricity, water, and telephone by the Older Persons Centre
27 and residential care/group homes that are government-run or non-stock, non-
28 profit domestic corporation organized and operated primarily for the purpose of
29 promoting the well-being of abandoned, neglected, unattached, or homeless
30 Older Persons.

1 (6) Older Persons shall be granted fifty percent (50%) discount, in
2 the utilization of services in hotels and similar lodging establishments,
3 restaurants and recreation centres.

4 (7) On admission fees charged by theatres, cinema houses and
5 concert halls, leisure and amusement, Older Persons shall be granted fifty
6 percent (50%) discount of rates charged.

7 (8) All utility companies, hotels, holiday resorts referred to in
8 subsections 5-7 of this Section shall file documentations of discounted
9 geriatric services to the Federal Inland Revenue Service (FIRS) in their tax
10 returns for commensurate tax reliefs.

11 PART X - RIGHT TO FIRST CONSIDERATION IN QUEUES AND IN
12 EMERGENCIES

13 23. In all situations of risks, including situations of violence,
14 emergencies and the occurrences of natural disasters:

Situation of risk
and humanitarian
emergencies

15 (a) government shall take all necessary steps to ensure the safety
16 and protection of Older Persons taking cognizance of their peculiar
17 vulnerability.

18 24.-(1) In queues, Older Persons shall be given first consideration,
19 and as much as possible should be attended to outside the queue.

Service of queues

20 (2) Any person in breach of this Section shall be liable on
21 conviction to 6 months imprisonment or fine of N50,000.00 or both.

22 PART XI - LIBERTY

23 25.-(1) No person shall:

Prohibition of
use of Older
Persons in
soliciting for alms
and penalty

24 (a) employ, use or involve an Older Person in begging;

25 (b) parade Older Persons in public with intention of soliciting
26 alms;

27 (c) use condition of old age as a guise for the purpose of begging in
28 public.

29 (d) Older Persons have a right to liberty and security of persons;

30 (e) Older Persons have a right to personal mobility with the greatest

1 possible independence;

2 (2) A person who contravenes Subsection (1) of this Section commits
3 an offence and is liable on conviction to 6 months imprisonment or a fine of
4 N100,000.00 or both.

5 (3) Any person who suspects that an Older Person has been abused or
6 suffers from abuse related injury, must immediately notify the Local
7 Government Social Worker or a Police Officer, of his/her suspicion. Nothing in
8 this Bill invalidate the existing Act prohibiting all forms of violence.

9 (4) Any conduct or lack of appropriate action, occurring within any
10 relationship, where there is an expectation of trust, which causes harm or
11 distress is likely to cause harm or distress to an Older Person constitutes abuse
12 of an Older Person.

13 (5) For the purposes of Subsection (4) "abuse" includes physical,
14 sexual, psychological, or economic abuse.

15 PART XII - COMMUNAL LIFE

Freedom of
movement

16 26. Older Persons shall have the liberty of movement within or out of
17 the country and freedom to choose their residence on an equal basis with
18 others.

Freedom from
segregation

19 27. Except on medical grounds or in accordance with the provisions
20 of the Constitution of the Federal Republic of Nigeria 1999 (as amended),
21 an Older Person shall not be isolated or segregated from the community or
22 compelled to live in a particular area.

Right to free
education

23 28.-(1) Every Older Person shall have an unfettered right to education
24 without discrimination or segregation in any form.

25 (2) Older Persons shall be entitled to free education to secondary
26 school level.

27 (3) The Federal/State Ministries of Education and Local
28 Governments in consultation with non-governmental organizations (NGOs),
29 CSOs and CBOs for Older Persons, shall institute programmes that will ensure
30 access to formal and informal education.

1 (4) Older Persons shall be entitled to educational assistance to
 2 pursue post-secondary, tertiary, post-tertiary, vocational and technical
 3 education, as well as short term courses for retooling in both public and
 4 private schools through provision of scholarships, grants, financial aids,
 5 subsidies and other incentives to qualified Older Persons, including support
 6 for books, learning materials, uniform allowances, to the extent feasible:
 7 provided that Older Persons shall meet minimum admission requirement.

8 29.-(1) All public schools, whether primary, secondary or tertiary
 9 shall be run to be inclusive of an accessible to Older Persons, accordingly
 10 every school shall have:

11 (a) at least a trained personnel to cater for the educational
 12 development of Older Persons;

13 (b) special facilities for the effective education of Older Persons.

14 (2) Braille, sign language and other skills for communicating with
 15 Older Persons shall form part of the curricula of primary, secondary and
 16 tertiary institutions.

17 30. The education of special education personnel shall be highly
 18 subsidized.

19 31. Government shall ensure that the education of Older Persons,
 20 particularly, who are blind or deaf is delivered in the most appropriate
 21 languages and modes and means of communication for the individual, and
 22 in environments which maximizes academic and social development.

23 32.-(1) Government shall guarantee that Older Persons have
 24 unfettered access to adequate health care without discrimination on the basis
 25 of old age.

26 (2) A person with mental disability shall be entitled to free medical
 27 and health service in all public health institutions.

28 33.-(1) Every Older Person shall obtain a Certificate of Old Age.

29 (2) The National Identity Management Commission (NIMC) shall
 30 issue Certificates of Old Age to Older Persons within sixty (60) days of

Inclusiveness of
education

Free education
for special
education personnel

Appropriate mode
of education for
Older Persons

Free healthcare

Certificate of
Old Age

1 attaining the age of 65 years.

2 (3) Any person issued with a Certificate of Old Age, shall be entitled
3 to all rights and privileges in this Bill.

Unlawful
procurement of
Certificate of
Old Age

4 (4) Any person who unlawfully issues or unlawfully obtains
5 Certificate of Old Age shall be liable to a fine of N200,000.00 or 1 year
6 imprisonment or both.

Provision of
special
communication
at hospitals

7 34. Any public hospital where a person with old age is medically
8 attended to shall ensure provision for special communication.

Equal right to
work

9 35.-(1) Older Persons shall have the right to work, on an equal basis
10 with others this includes the right to opportunity to gain a living by work freely
11 chosen or accepted in a labour market and work environment that is open.

12 (2) A person in breach of this Section shall be liable on conviction to
13 nominal damages of a minimum of N250,000.00 payable to the affected Old
14 Person.

15 (3) Where a company is in breach of this Section:

16 (a) the company shall be liable to nominal damages of a minimum of
17 N500,000.00 payable to the affected old person; and

18 (b) any principal officer of the company involved in the violation
19 shall be liable to N50,000 damages payable to the affected Older Person.

Job security

20 36. All employers of labour in public organization shall as much as
21 possible have Older Persons constituting at least 5% of their employment.

22 PART XIII - ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

Accommodation

23 37. Where accommodation is being provided by schools for their
24 students, employers for their employees, service providers for their customers,
25 organizations for their members, government for the people and in any other
26 circumstance whatsoever, Older Persons shall be given first consideration.

27 PART XIV - PARTICIPATION IN POLITICS AND PUBLIC LIFE

Participation
in politics

28 38.-(1) Older Persons shall be encouraged to fully participate in
29 politics and public life.

30 (2) Government shall actively promote an environment in which

- 1 Older Persons can effectively and fully participate:
- 2 (a) the conduct of public affairs without discrimination;
- 3 (b) Non-governmental organizations and associations concerned
- 4 with the public and political life of the country; and
- 5 (c) activities and administration of political parties.

6 PART XV - INTERPRETATION

7 39. In this Act:

Interpretation

- 8 "Accessibility aid" includes any fixture and device that aids accessibility;
- 9 "Accommodation" (in the context of housing) include residential or
- 10 business accommodation;
- 11 "Assistive Device" means any device that assist, increases or improves the
- 12 functional capabilities of Older Persons;
- 13 "Closed Captioning" is a term describing several systems developed to
- 14 display text on a television or video screen to provide additional or
- 15 interpretive information to viewers who wish to access it;
- 16 "Old Age" means any age above 65 years;
- 17 "Discrimination" means differential treatment and its verbs and infinite
- 18 form (discriminate, to discriminate) have the corresponding signification;
- 19 "Document" includes any book register or other record of information,
- 20 however compiled, record or stored;
- 21 "Educational Authority" means a body of person(s) administering an
- 22 education institution;
- 23 "Employer" includes prospective employer, principal and a person who
- 24 engages or proposes to engage a commission agent, contract worker or
- 25 independent contractor;
- 26 "Employer of Labour" means "Employer" as interpreted by the workmen's
- 27 Compensation Act;
- 28 "Economic Abuse" means:
- 29 (i) the deprivation of economic and financial resources to which an
- 30 Older Person is entitled under any law;

1 (ii) the unreasonable deprivation of economic and financial resources
2 which the Older Person requires out of necessity; or

3 (iii) the disposal of household effects or other property that belongs to
4 the Older Person without the older person's consent.

5 "Function" includes duty;

6 "Government employee" means a person who is appointed, employed or
7 engaged in the public service of, or by a public authority of the Federation, a
8 State, the Federal Capital Territory or a Local Government, or holds an
9 administrative office;

10 "Indigent Person" means any Older Person who is not on a pension, or income
11 from any other Social Security/Service.

12 "Persons" includes natural, artificial, juristic or judicial persons, companies,
13 enterprises firms, organizations, association, government departments,
14 ministries, parastatals;

15 "Older Persons" means: a person who has received Certificate of Old Age from
16 the National Identity Management Commission (NIMC);

17 "Physical Abuse" means an act or threat of physical violence towards an Older
18 Persons;

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

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

23 "Psychological Abuse" means any pattern of degrading or humiliating conduct
24 towards an Older Person; including:

25 (i) repeated insults, ridicule or name calling;

26 (ii) repeated threats to cause emotional pain; and

27 (iii) repeated invasion of an Older Person's privacy, liberty, integrity
28 or security;

29 "Public Building" means a building owned or used by government or

1 government agency or a building available for the use of members of the
2 public;

3 "Sexual Abuse" means any conduct that violates the sexual integrity of an
4 Older Person;

5 "Subtitles Caption" means caption displayed at the bottom of a movie or
6 television screen that translate or transcribe the dialogue or narrative;

7 "Special Facilities" means any provision whether movable or immovable
8 that will enhance easy access and enjoyment in public buildings by Older
9 Persons, significantly decreased endurance so that he cannot perform his
10 everyday routine, living and working without significantly increased
11 hardship and vulnerability to everyday obstacles and hazards;

12 "Student" in relation to an education institution, includes a candidate or
13 application for admission into that education institution;

14 "Undue hardship" means significant difficulty or expense, when considered
15 in light of such factor as:

16 (a) the nature and cost of the accommodation needed to take care of
17 an Older Person's needs;

18 (b) the overall financial resources of the facility or facilities
19 involved in the provision of the reasonable accommodation; the number of
20 persons employed at such facility;

21 (c) the effect on expenses and resources or the impact otherwise of
22 such accommodation upon the operation of the facility;

23 (d) the overall finances of the persons or organization having to
24 deal with Older Persons, with overall size of his or its business with respect
25 to the number of its employees; the number, type, and location of its
26 facilities; and

27 (e) the type of operation or operations of such person or
28 organization, including the composition, structure and function of his or its
29 workforce; the geographic, separateness, administrative, or fiscal

1 relationship of the facility or facilities in question to such person or
2 organization.

Validation of
certain Acts

3 40.-(1) Nothing in this Act shall invalidate the provisions of:

4 (a) Pensions Reform Act, 2004;

5 (b) National Health Insurance Scheme Act, 2004;

6 (c) National Social Insurance Trust Fund Act, 2004; or

7 (d) Provident Fund Act.

8 (2) Any other law in relation to any matter under this Bill shall be read
9 in conformity with the provisions of this Bill, but this Bill shall not apply to any
10 individual who is a beneficiary of any scheme established under the Act listed
11 in subsection (1) including all Military, Para-Military or private pension
12 schemes.

Citation

13 41. This Bill may be cited as Older Persons [Rights and Privileges)
14 Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to confer privileges and benefits on Older Persons that are aimed at enhancing their quality of life.

1 SCHEDULES

2 *Section 18 (2)*

3 SPECIAL FACILITIES

4 1. Wheel Chairs: Clear floors or ground space on wheel chairs,
5 wheel chair passage and turning space;

6 2. Crutches, guide canes, etc.

7 3. Hearing Aid

8 4. Curb ramps

9 5. Ramps

10 6. Handrails, grab bars

11 7. Stair-shopping stairs

12 8. Elevators/Lifts

13 9. Windows

14 10. Entrance Doors

15 11. Drinking fountains and water coolers

16 12. Toilet facilities

17 13. Door protective and re-opening devices maneuvering
18 entrances at doors

19 14. Parking spaces and passenger loading zones

20 15. Accessible routes including walkways, halls, windows, aisles
21 and spaces

22 16. Alarm;

23 * Audible alarms

24 * Visual alarms

25 * Auxiliary alarms

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FIRST SCHEDULE

Section 5

COMPLIANCE ORDER

Notice has been taken of the fact that your programme is not inclusive of Older Persons issues.

In particular.....

This contravenes Section 5 of Older Persons Act, you are hereby ordered to immediately comply with the said law.

Take note that if after 3 months from receipt of this order, you still remain in default; your operational licence shall be withdrawn.

Signed

PART 1 - CERTIFICATE OF OLD AGE

This is to certify that the birth record of.....was examined and found qualified to be an Older Person, in accordance with the Older Persons (Rights and Privileges) Bill, 2017.