



ROADMAP FOR LEGISLATION ON THE CARE, PROTECTION AND INCLUSION OF OLDER PERSONS IN JAMAICA

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Roadmap for Legislation on the Care, Protection and Inclusion of Older Persons in Jamaica

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TABLE OF CONTENTS

EXECUTIVE SUMMARY 02

SECTION 1: AN OVERVIEW 03-12

1.	Introduction and Policy Context	04
2.	The Special Select Committee and its Mandate	05
3.	Key Demographic and Social Trends Affecting Older Persons	06-08
4.	Key Issues and Challenges	09-12

SECTION 2: CURRENT LEGISLATIVE FRAMEWORK AND POLICIES 13-24

5.	Notable Efforts in the Care of Older Persons	14-18
6.	Proposed Changes to Current Laws and Policies	19-22
7.	A Caribbean Perspective	23-24

SECTION 3: THE WAY FORWARD 25-44

8.	Proposed Purpose and Objectives of the Bill	26-27
9.	Guiding Principles to be Considered	28-30
10.	Stakeholder Engagement	31-32
11.	Proposed Policy Recommendations	33-34
12.	Proposed Scope of the Bill	35-36
13.	Proposed Table of Contents of the Bill	37-41
14.	Legislative Development Roadmap	42-43
15.	Roles and Responsibilities	44-45

CONCLUSION 46

EXECUTIVE SUMMARY

This legislative roadmap proposes the enactment of a comprehensive legislation for the care and protection of older persons, that is aimed at modernizing Jamaica's legal and institutional framework for elder care. It proposes the creation of a unifying and comprehensive legislation addressing the rights, needs and challenges of older persons and a rectification of persistent gaps in existing laws, such as the *Nursing Homes Registration Act*, *Poor Relief Act*, and *Maintenance Act*, which do not fulsomely provide enforceable protections, coordinated oversight, or rights-based entitlements for older persons.

"A society's commitment to the well-being of its elders reflects the quality of its future."

-UNKNOWN

It is maintained that the proposed Bill should take a fundamentally different approach by integrating the care of older persons into a singular, regulatory regime anchored in dignity, accountability, and enforceability. It introduces licensing, inspection, and registration systems; establishes a dedicated regulatory advocate and tribunal; defines abuse broadly; and empowers state and community actors to intervene where the safety or well-being of older persons is at risk.

The roadmap, structured over six (6) phases, combines situational analysis, policy approval, bill drafting, stakeholder consultation, legislative advancement, and implementation planning. It is both legislative and institutional in focus, anticipating not only the passage of law but also the creation of systems to monitor, enforce, and evaluate its impact.

Further to this roadmap, the proposed Bill would represent a decisive step toward a modern, responsive, and dignified framework for the care and protection of older persons in Jamaica. The roadmap reflects a shared commitment to institutional reform, social justice, and human rights for one of the most vulnerable segments of our population. With Cabinet support and Ministerial collaboration, this legislative effort can significantly elevate the standard and culture of care afforded to Jamaica's older citizens.



SECTION 1: OVERVIEW

This Roadmap sets out the proposed legislative process and stakeholder engagement strategy to ensure that the legislation for the care and protection of older persons is developed in a participatory, rights-based, and evidence-informed manner.

INTRODUCTION & POLICY CONTEXT

Jamaica, like many countries globally, is undergoing a demographic shift marked by a rapidly expanding older population. According to projections from the Planning Institute of Jamaica (PIOJ) and the Statistical Institute of Jamaica (STATIN), persons aged 60 and over now comprise more than 13% of the population, a figure expected to grow steadily in the coming decades. This trend carries profound implications not only for the delivery of health care, social protection, and legal safeguards, but also for national productivity and economic resilience. As the workforce ages and dependency ratios increase, there is an urgent need to implement forward-looking legislative and policy frameworks that both protect the rights of older persons and harness their potential contributions to sustainable development.

Despite these demographic shifts, Jamaica currently lacks legislation specifically dedicated to the comprehensive protection and welfare of its older citizens. Existing laws, do not set out specific safeguards for the rights of older persons and offer only limited and indirect protections, while national policy instruments like the National Policy for Senior Citizens serve primarily as aspirational frameworks and administrative programmes without the force of law. The absence of enforceable legal provisions tailored to specifically protect the rights and secure the needs of older persons underscores an urgent need for legislative reform.



It is unanimously agreed that the legislation on the care and protection of older persons should aim to ensure dignity, security, inclusion, and justice for all older persons, strengthening the social fabric of the nation, upholding the Government of Jamaica's commitment to the human rights and well-being of older persons and supporting the paradigm shift in national planning and development required in the reality of an ageing population.

THE SPECIAL SELECT COMMITTEE

In recognition of the aforementioned gaps, on Friday, October 25, 2024, the Senate approved a motion to establish a Select Committee of the Senate to investigate the scope and magnitude of a law addressing the care and protection of older persons. The motion, introduced by Senator Professor Floyd Morris and supported across the political divide, signals a bipartisan commitment to advancing the rights and welfare of older persons in Jamaica.

The mandate of the committee was to:



STAKEHOLDER ENGAGEMENT

The Committee was tasked to inform the public of its initiative, consult with relevant stakeholders, involve them in deliberations, collaborate with them to receive submissions that will equip the Committee to achieve its next goal.



IDENTIFY SCOPE MAGNITUDE OF PROPOSED BILL

The Committee was responsible for identifying the scope and magnitude of the Bill to ensure that its provisions are clearly defined, appropriately targeted, and proportionate to the policy objectives it seeks to achieve.



SUBMIT A FINAL REPORT

The Committee was tasked to submit a final report for tabling and approval by the Honourable Senate.

Senator Sherene Golding Campbell was appointed Chair of the Special Select Committee established to deliberate on this proposed legislation. The Committee also includes Government Senators Charles Sinclair, Dr. Sapphire Longmore, and Kavan Gayle, as well as Opposition Senators Gabriela Morris, Sophia Fraser-Binns, and Professor Floyd Morris.

The Committee launched a period of public consultation, that commenced on February 15, 2025, and took a comprehensive approach by reviewing existing laws and policies, engaging stakeholders across sectors, and exploring international best practices. This presented an opportunity for Jamaicans to present proposals for this transformative legislation that not only addresses our legislative gaps but sets a regional standard for the care of older persons.

KEY DEMOGRAPHIC AND SOCIAL TRENDS AFFECTING OLDER PERSONS

Demographic Shifts and Ageing Population

Jamaica is undergoing a significant demographic transition marked by rapid population ageing. Based on the 2021 Economic and Social Survey, 13.9% of the Jamaican population was 60 years and older, with women representing the majority (52.5%). The 2011 Population Census recorded 306,401 persons aged 60 and above, while more recent projections from the Mona Ageing and Wellness Centre place the current estimate closer to 400,000, with a projected increase to 500,000 in the near future. The fastest-growing segment is those aged 80 and over.

According to a 2022 IDB Study on Ageing in Jamaica, older adults are the fastest-growing population segment, and projections from the U.S. Census Bureau indicate that in Jamaica, the population aged 60 and over is expected to double between 2025 and 2030, even as the overall population declines.

Further projections from STATIN indicate that by 2050, the elderly population will surpass the child population. Specifically:

- The child population is expected to decline to 16.9% of the total.
- The working-age population will stabilize at 64.6%.
- The elderly population will rise to 18.5%, effectively doubling.

This transition will place significant demands on Jamaica's health, social protection, caregiving infrastructure as well as the nation's productive capacity.

Growth in Age Cohorts (2011–2019)

Between 2011 and 2019, the elderly population increased steadily across all age groups:

- 60–64 age group: from 88,162 to 113,958 (30% increase)
- 65–69 age group: from 68,259 to 83,608 (23% increase)
- 70–74 age group: from 51,882 to 66,634 (28% increase)
- 75+ age group: from 102,531 to 115,155 (12% increase)

These figures demonstrate not only an expanding elderly population but also increased longevity and a growing demand for age-sensitive public services.

Social Protection and Welfare Support

Data on the accessibility and reach of support services for older persons reveal notable service gaps:

- 63,993 older persons are enrolled under the PATH programme (MLSS).
- The Board of Supervision reports that 6,409 of the 13,664 registered poor are elderly (60+).
- From the 2017 Point-in-Time Homeless Survey, 27% of Jamaica's 1,935 homeless persons were over 60 years old.

These figures highlight the economic vulnerability of many elderly persons and the need for expanded safety net mechanisms and targeted outreach.

Health and Mental Wellness Challenges

Older Jamaicans are disproportionately affected by chronic illnesses and mental health issues:

- Common age-related conditions include heart disease, diabetes, depression, and dementia.
- Depression is particularly concerning, associated with reduced quality of life and increased mortality rates among older persons.
- The National Health Fund (NHF) currently supports 352,000 active beneficiaries with pharmaceutical needs, underscoring the scale of health-care dependence in this population.
- Furthermore, data from the Mental Health and Homeless Task Force (MOHW, 2017) indicate that 157 persons have been discharged but remain in hospitals due to the absence of suitable long-term care and housing options, 66% of these are aged 60 or older, with hospitalization durations ranging from months to over 10 years.

Gaps in Care Infrastructure

The Ministry of Health and Wellness estimates there are approximately 200 nursing home-type facilities operating across the island. Alarming, only 10% of these facilities meet the Ministry's formal registration and regulatory standards. This raises critical concerns about the quality of care of older persons, regulatory oversight, and the protection of vulnerable older residents from neglect and exploitation.

Global Context and Public Health Implications

The Jamaica Psychiatric Association reinforced that population ageing is a global trend, with persons over 65 constituting a rising share of national populations worldwide. Older adults face distinctive health burdens and vulnerabilities, requiring systemic and integrated responses from the health and social care sectors. Key cited concerns include:

- Heart disease (Qu et al., 2024)

- Diabetes (Sinclair et al., 2020)
- Depression (Hu et al., 2022 ; Lin et al., 2014)
- Dementia (Cao et al., 2020)
- The link between late-life depression and increased mortality (Wei et al., 2019)

These conditions have profound implications for public health systems and underscore the urgent need for legislation that mandates preventative care, treatment access, and supportive environments for older adults.

These demographic and epidemiological trends highlight the urgent and multifaceted need for Jamaica to enact a comprehensive, enforceable legislative framework that supports the protection, dignity, and well-being of its ageing population. Legislation to address this must be responsive to these realities, embedding principles of equity, inclusion, quality care, accountability, and inter-agency coordination in its design and implementation.

KEY ISSUES AND CHALLENGES

Jamaica's ageing population presents a range of urgent and complex challenges that remain insufficiently addressed under the current legal and policy framework. While various ministries, agencies, and non-governmental organizations provide elements of support, there is no comprehensive legislation that provides enforceable rights or protections for older persons. The lack of an omnibus law, that may be comparable to the Child Care and Protection Act, creates systemic gaps in care, oversight, and justice for older persons. The proposed Bill is therefore both timely and necessary.

Absence of Dedicated Legal Framework

There is currently no standalone statute that defines and safeguards the rights of older persons. While existing laws contain scattered provisions relating to abuse, property rights, or social benefits, they do not provide a cohesive or enforceable mechanism to protect older persons from abuse, exploitation, neglect, or discrimination. Furthermore, the 2021 Revised National Policy for Senior Citizens, while aspirational and well-intentioned, lacks the legislative force needed to impose obligations, create sanctions, or guarantee access to services.

Rising Incidents of Abuse, Neglect, and Exploitation

Submissions to the Committee highlighted widespread mistreatment of older persons, including:

- Physical, emotional, and financial abuse;
- Chronic neglect, particularly among older persons who are dependent and home-bound;
- Exploitative or discriminatory practices that lead to loss of property, worsening health outcomes, and diminished dignity.

These incidents are often unreported due to fear, isolation, or lack of legal recourse. Critically, there is no statutory authority specifically mandated and empowered to enquire into and seek redress for older persons who become victims of abuse under existing frameworks.

Fragmentation and Inconsistency in the Definition of “Older Persons”, “Elderly” or “Senior Citizens”

One of the most foundational challenges is the absence of a unified national definition of who qualifies as "older person", "elderly" or "senior citizen". Various public institutions use differing age thresholds:

- 60 years (UN standard; adopted by the National Council for Senior Citizens);
- 65 years (used for income tax exemptions and pension eligibility);
- 70 or 75 years (as seen in National Insurance and Social Pension schemes).

This inconsistency creates confusion and may lead to exclusion from services, delayed interventions, or incomplete data collection. Stakeholders also noted the value of age stratification within the cohort of older persons, such as:

- Young-old (65–74 years)
- Middle-old (75–84 years)
- Old-old (85- 99 years)
- Centenarians (100+ years)

These distinctions reflect the diversity of needs and capacities across the ageing spectrum and should be accommodated in policy and programme design.

Limited Access to Health and Social Services

Older persons face significant barriers to accessing basic services:

- Health-care infrastructure is often not designed for persons with limited mobility, vision, or hearing impairments.
- There is a shortage of trained geriatric specialists, including doctors, nurses, and allied health professionals.
- Increased demand for home visits and mobile clinics is outpacing available resources.
- Lack of civil documentation, such as birth registration, impedes access to government benefits.

These barriers disproportionately affect those in rural or low-income communities and result in delayed care, increased morbidity, and greater dependence.

Caregiver Shortages and Informal Care Risks

There is an insufficient pool of trained caregivers and no national system for:

- Licensing or certifying care workers;
- Offering support (e.g., stipends, tax relief) to family caregivers;
- Regulating standards in informal caregiving arrangements.

This leaves older persons vulnerable to unqualified or abusive care, and places an unsustainable burden on informal caregivers, especially women and low-income families.

Inadequate Institutional Infrastructure and Regulation

Though approximately 200 nursing home-type facilities operate across Jamaica, only 10% meet formal regulatory standards as per the Ministry of Health and Wellness. Many facilities:

- Operate without formal registration;
- Lack adequate staff-to-resident ratios;
- Do not meet minimum safety, nutrition, or hygiene standards.

Without clear licensing requirements and a robust inspection regime, quality of care remains highly variable and largely unmonitored.

Data Gaps and Systemic Invisibility

Stakeholders reported a lack of comprehensive national data on:

- The number of older persons receiving support;
- Cases of abuse of older persons;
- Institutional capacity and service coverage.

Fragmented data prevents coordinated responses, complicates policy design, and undermines monitoring and accountability. Without accurate information, resource allocation cannot be properly aligned with actual needs.

Ambiguity Around Mandates and Institutional Roles

While the Ministry of Labour and Social Security and the National Council for Senior Citizens have mandates that are central to older persons' welfare, they lack statutory powers to investigate abuse, sanction bad actors, or enforce standards. No single agency is currently designated as the lead regulatory authority for the care or protection of older persons.

This institutional ambiguity limits the state's ability to:

- Intervene in urgent cases;
- Monitor service providers;
- Coordinate effectively across ministries and agencies.

The issues and challenges outlined above reinforce the need for a dedicated law that will:

- Harmonize definitions;

- Enshrine the rights of older persons;
- Protect the rights of older persons from abuse, neglect, and exploitation;
- Mandate minimum standards of care and caregivers;
- Establish investigative and regulatory bodies with enforcement authority;
- Serve as the foundation for a more inclusive, coordinated, and rights-based system of care of older persons in Jamaica.



SECTION 2:

CURRENT LEGISLATIVE FRAMEWORK AND POLICIES

NOTABLE EFFORTS IN THE CARE OF OLDER PERSONS

Although Jamaica does not yet have a dedicated legislative instrument to address the comprehensive needs of its aging population, there have been notable institutional, statutory, and policy-based interventions aimed at promoting their welfare. These efforts span multiple sectors, (e.g. financial, health, welfare, housing, and social development) and reflect a genuine, albeit disjointed commitment to the care, protection, and inclusion of older persons. The following outlines the major mechanisms and frameworks currently in place.

CONSTITUTIONAL AND POLICY RECOGNITION

The **Charter of Fundamental Rights and Freedoms** affirms the inherent dignity and equal rights of all Jamaicans, inclusive of older persons. These protections serve as a constitutional anchor for the development of laws and policies that safeguard the older persons from discrimination and affirm their right to participate fully in society.

The **National Policy for Senior Citizens**, initially developed in 1997 and revised in 2021, provides the principal policy framework for the care of older persons. It articulates a vision of “a society in which senior citizens live and participate actively in communities that guarantee their rights, promote their responsibilities, recognize their contributions, and facilitate their enjoyment of a life of fulfilment, health and security.” The Policy is aligned with **Vision 2030 Jamaica** and guided by international frameworks such as the **Madrid International Plan of Action on Ageing** and the **United Nations Principles for Older Persons**.

FINANCIAL PROTECTION AND INCOME SECURITY

National Insurance Scheme (NIS)

Established under the **National Insurance Act**, the NIS is a contributory social security programme that provides a range of benefits to insured persons, including:

- Old Age Pension and Old Age Grant for individuals who reach retirement age and meet contribution criteria;
- Funeral Grants for deceased pensioners or contributors;

- Benefits related to invalidity, maternity, and employment injury.

The NIS remains the cornerstone of income support for many older persons in Jamaica, although its reach is limited for non-contributors or informal sector workers.

Public Sector Pensions

Under the **Pensions (Public Service) Act, 2017**, eligible public officers receive contributory pensions upon reaching the retirement age of 65, with transitional arrangements for those previously covered by the repealed 1947 Act. This system provides stable post-retirement income for public servants and remains a critical pillar of financial security in old age.

Private Sector and Self-Employed Retirement Schemes

The **Pensions (Superannuation Funds and Retirement Schemes) Act** governs approved retirement arrangements for private-sector employees and self-employed individuals. It allows contributors to accumulate pension savings within a regulated framework, enabling broader financial preparedness for retirement.

Income Tax Reliefs

The **Income Tax Act** provides:

- A Pension Exemption;
- An Age Exemption for persons aged 65 and older, applicable to all income sources;
- A General Tax Threshold, which when combined with the above exemptions, reduces tax liability for older persons to support their cost of living.

Non-Contributory Support

Through the Ministry of Labour and Social Security's Public Assistance Division, several grants are provided:

- Rehabilitation Grants to support income-generating projects;
- Compassionate Grants for urgent personal and medical needs;
- Emergency Grants for disaster recovery and other crises.

These programmes, while subject to budgetary constraints, offer a safety net for vulnerable older persons outside formal pension systems.

HEALTHCARE SERVICES AND SUBSIDIES

National Health Fund (NHF)

The NHF provides financial support for medication and treatment of chronic illnesses. Specific programmes for older persons include:

- JADEP (Jamaica Drug for the Elderly Programme), which offers subsidised medication for persons aged 60 and above for ten chronic illnesses;
- The NHF Card Programme, accessible to all residents, including older persons.

NI Gold

All NIS pensioners automatically qualify for **NI Gold**, which provides comprehensive medical coverage at no premium. Benefits include subsidised doctor visits, diagnostic tests, hospital care, and dental and optical services.

Primary Health Care Reform

Recently introduced by the Ministry of Health and Wellness, the Primary Health Care Reform Policy adopts a life cycle approach and includes interventions specifically for older adults. These include promotion of healthy lifestyles, chronic disease management, and geriatric and palliative care services.

WELFARE, HOUSING AND INSTITUTIONAL SUPPORT

Living Arrangements

Older persons in Jamaica live under varying circumstances:

- With relatives who may share or assume financial responsibility;
- Independently, often relying on personal or government-supported income;
- Assisted living, with limited independence and periodic therapeutic support;
- Supervised care in state or private residential institutions;
- Homelessness, a growing concern among those with no family support or income.

Poor Relief and Infirmaries

The **Poor Relief Act (1886)** empowers local authorities to provide shelter and services to destitute persons, including older persons. There are twelve (12) parish infirmaries and two (2) Golden Age Homes offering institutional care. Notably, over 67% of infirmiry residents are aged 60 or older.

Golden Age Homes

The Golden Age Home Limited and Denham Town Golden Age Home Limited serve as government-supported institutions in Kingston, providing long-term care to indigent older adults under the supervision of independent boards.

Housing Assistance

Grants to secure housing or repairs to housing are available through:

- The Rehabilitation Programme (MLSS);
- The Social Housing Programme (MEGJC);
- Additional poor relief support administered by municipal corporations.

Regulation Of Private Care

Under the **Nursing Homes Registration Act**, all residential care facilities for older persons must be registered with the Chief Medical Officer and are monitored by the Ministry of Health & Wellness. However, enforcement gaps persist, with reports of unregistered facilities operating outside regulatory oversight.

LEGAL PROTECTIONS AND CHARITABLE SUPPORTS

Maintenance Obligations

The **Maintenance Act** imposes a legal duty on adult children to support their parents or grandparents who are unable to care for themselves due to age or infirmity.

Charitable Frameworks

The **Charities Act** allows organizations serving older persons to register and benefit from tax exemptions. Additionally, historical charitable laws such as the **Gray's Charity Act** and the **Lawson Gifford Will (Variation) Law** remain in force, though their operational status requires verification.

INSTITUTIONAL MECHANISMS AND ADVOCACY

National Council for Senior Citizens (NCSC)

Operating within the Ministry of Labour and Social Security, the NCSC is the lead agency for implementing the National Policy for Senior Citizens. While not established by statute, the Council performs both:

- Management functions: overseeing programmes, coordinating resources, and aligning with national goals;
- Advocacy functions: promoting the rights of older persons, enhancing visibility, and enabling active ageing.

Policy Thematic Areas

The revised 2021 Policy sets out six strategic focus areas:

1. Social Engagement and Participation
2. Income Security and Employment
3. Health and Wellness
4. Physical Environment and Safety
5. Family Integration and Community Support
6. Governance and Institutional Strengthening

Each area is supported by a broad plan of action aimed at enhancing the inclusion, dignity, and quality of life of older persons.

INTERNATIONAL CONVENTIONS AND REGIONAL STANDARDS

Jamaica's policy orientation is informed by several global instruments, including:

- The **Madrid International Plan of Action on Ageing** (2002);
- The **United Nations Principles for Older Persons** (1991);
- The **Inter-American Convention on the Rights of Older Persons**, which Jamaica has not yet signed.

The international consensus recognizes the unique rights of older persons and urges the enactment of specific legislation to protect them. Jamaica's participation in global ageing conferences since 1982 demonstrates longstanding interest, but the legislative framework is still outstanding.

The foregoing highlights the commendable efforts made across ministries and institutions to support the ageing population in Jamaica. While these interventions address critical aspects of the care of older persons, (income security, health, housing, and legal protections) they are dispersed across multiple laws and policies, with limited integration and enforceability. The absence of a unifying statute leaves significant gaps in accountability, regulation, and redress. The development and enactment of a dedicated law is essential to consolidate existing mechanisms, close the protection gaps, and provide a rights-based framework for the nation's older persons.

PROPOSED CHANGES TO CURRENT LAWS AND POLICIES

As we seek to modernize our approach to the care of older persons, it is imperative that our legal framework moves beyond a patchwork of outdated statutes and begin to reflect a comprehensive, rights-based, and enforceable system of care and protection. The following discussion highlights key legislative areas requiring reform, drawing attention to existing deficiencies and the legal innovations needed to align our domestic framework with evolving societal needs and international standards.

The Nursing Homes Registration Act and its Regulations

The Nursing Homes Registration Act, while evincing a significant legislative effort to regulate residential care facilities, has become increasingly misaligned with the needs and realities of modern care for older persons. The Nursing Homes Registration Act provides for the registration of nursing homes and oversight by the Ministry of Health & Wellness. However, it does not comprehensively address the full spectrum of existing care environments nor the rights, safety, and dignity of older residents. Reports continue to emerge of unregistered facilities operating with impunity, underscoring systemic gaps in enforcement and accountability.

Given these deficiencies, the Nursing Homes Registration Act is a prime candidate for reform to capture the broader legislative framework currently being considered for the care and protection of older persons. Enhancing the regulatory oversight of residential care services would allow for a unified, rights-based regime that applies consistently to all care environments, whether institutional, community-based, or in-home settings. It would also enable the imposition of clearer standards of care, structured licensing and monitoring procedures, and stronger sanctions for violations.

The Maintenance Act

Section 10 of the Maintenance Act imposes a statutory obligation on adult children to support their parents and grandparents who are unable to provide for themselves due to age, physical or mental infirmity. While the underlying legislative intent is laudable, enquiries of the Court Administration Division reveal that this provision is virtually unused. There are no known filings under this section, suggesting that the right exists more in theory than in practice.

This legislative dormancy may be attributable to a range of factors. Some older persons may be unaware of the provision altogether; others may lack physical access to the courts or fear familial retaliation if they were to bring a claim. The adversarial nature of legal proceedings, coupled with the emotional and logistical complexity of family relationships, may deter older persons from asserting their rights. Cultural perceptions of the courts as punitive spaces, or deeply held feelings of shame and guilt, may also act as powerful disincentives.

Given this reality, it is evident that the current framework fails to give effect to the legislative intent. Any reform must go beyond simply reiterating the obligation and instead create pathways that allow the right to be meaningfully exercised. Consideration should be given to a simplified or quasi-judicial process with the support of trained mediators or social workers, public legal education campaigns to demystify the law, and procedural mechanisms to allow third-party initiation of claims on behalf of vulnerable elders. Only through such reforms can the law evolve from a dormant entitlement into a genuine source of protection and redress for those it was designed to serve.

The Poor Relief Act

The Poor Relief Act of 1886 remains the principal legislation governing welfare assistance to persons deemed destitute, including a significant proportion of older persons. While the Act has enabled the establishment of infirmaries and related services across parishes, its conceptual and operational framework remains tethered to outdated notions of custodial care and discretionary charity. It does not adequately recognize the rights of older persons nor does it ensure uniform standards in the delivery of state care.

Rather than repeal the Act, a more constructive legislative approach would be to amend it, transforming it into a modern instrument that affirms the dignity and rights of the persons eligible, which primarily includes our older persons. Amendments should codify minimum standards for all public residential facilities, ensure that eligibility for state care is grounded in a rights-based framework rather than discretion, and subject all relevant institutions to regulatory oversight and transparent reporting. These reforms should be harmonized with the broader objectives and mechanisms envisioned under the proposed legislation for the care and protection of older persons. Such an approach would preserve the administrative continuity of the Poor Relief system while firmly aligning it with contemporary principles of social justice, accountability, and the care of older persons.

Guardianship and the Mental Health Act

The Mental Health Act currently serves as the default legal framework for the appointment of guardians for older persons suffering from cognitive decline. However, it was not

designed to address long-term substitute decision-making for conditions such as Alzheimer's disease or dementia. As a result, the Act fails to provide clear procedures for the appointment of personal or financial guardians, the periodic review of such appointments, or the protection of older persons against undue influence or exploitation.

A modern guardianship regime, tailored to the needs of older persons, is therefore urgently required. This could be introduced through a dedicated legislation on the care and protection of older persons or as a comprehensive schedule to the Mental Health Act. It should include procedures for capacity assessments, the appointment of temporary as well as enduring guardians, access to regular judicial review, and mechanisms to uphold the autonomy of the older person wherever possible. A statutory model of supported decision-making, consistent with the Convention on the Rights of Persons with Disabilities, would provide the necessary balance between protection and autonomy.

Probate of Deeds Act

The Probate of Deeds Act, which governs the execution of deeds in Jamaica, includes within its ambit, instruments such as powers and letters of attorney. While it offers some procedural guidance on the proper execution of these documents, it falls short of addressing critical substantive issues, namely, the required contents, scope, duration, and legal effect of powers of attorney. In particular, the Act provides no statutory solution for instances where a donor, having lawfully executed a power of attorney, subsequently becomes mentally incapacitated. In the absence of legislative provisions to address such supervening incapacity, the legal status and utility of the instrument become uncertain. As a result, we remain reliant on common law principles to interpret and resolve these matters; an approach that is increasingly out of step with legal developments in comparative jurisdictions. Countries such as England, Australia, and Canada have enacted specific and evolving legislation that governs both general and enduring powers of attorney, offering greater legal clarity and stronger protections for vulnerable individuals.

It is therefore recommended that the Probate of Deeds Act be amended to establish a more comprehensive and modern statutory framework for powers of attorney. The amended legislation should clearly define the requirements for validity, set out the permissible scope of authority, address the continued operation of powers of attorney during mental incapacity, and introduce safeguards to prevent abuse. Such amendments would enhance legal certainty, strengthen protections for older persons and other vulnerable persons, and bring our legal framework in line with international best practices.

Incorporating International Best Practices

Jamaica has demonstrated policy alignment with the Madrid International Plan of Action on Ageing (MIPAA) and related international instruments, yet this alignment remains largely rhetorical in the absence of direct legislative incorporation. While domestic policy documents express a commitment to principles such as independence, participation, care, self-fulfilment, and dignity consistent with the MIPAA, these principles have not been codified in local laws.

To give practical effect to our international commitments, domestic legislation must explicitly reference and integrate the obligations contained in MIPAA and the UN Principles for Older Persons. A proposed Bill on the care and protection of older persons should enshrine these principles as guiding norms, binding both public and private actors. Moreover, such an Act should mandate periodic review and reporting on Jamaica's compliance with international standards, and establish institutional mechanisms to facilitate that reporting, including inter-agency cooperation, broad stakeholder engagement, and parliamentary oversight.

These legislative proposals envision a modern, integrated legal framework that treats older persons not as dependents nor even burdens, but as rights-bearing members of society entitled to protection, autonomy, and participation. Reform in each area will demand inter-ministerial coordination, institutional strengthening, and sustained public engagement, but the result will be a stronger, fairer, and more dignified system of care for Jamaica's ageing population.

A CARIBBEAN PERSPECTIVE

The proposed Jamaican legislation on the care and protection of older persons can be significantly enriched by a comparative analysis of frameworks already implemented or contemplated in the Caribbean and beyond. Several jurisdictions have begun to codify rights, regulate care environments, and create enforceable protections for older persons, offering a range of models that Jamaica may thoughtfully adopt or adapt.

Barbados has advanced its commitment to the care of older persons through the development of its **2023–2028 National Policy on Ageing**, which was followed by a motion tabled in the House of Assembly seeking the policy's formal approval. That Resolution has since been debated and passed in the House but remains under consideration by the Senate. While the **Protection of the Rights of Elderly Persons Bill (2022)** has not yet been finalized or circulated for public engagement, the draft text signals a strong orientation toward criminalizing elder abuse in all its forms (physical, financial, emotional, and sexual) and introduces penalties of up to ten years' imprisonment or a BBD\$25,000 fine. A National Register of Abusers of Older Persons is to be maintained by a newly constituted Office of the Older Persons' Advocate, positioned under the joint oversight of the Ministry of Health and the Ministry of Social Security. This Advocate is also envisioned to possess investigatory authority and powers of emergency intervention, including the ability to remove older persons who are at-risk, from unsafe environments without a court order. These provisions reflect a deliberate shift toward a regulatory and enforcement-oriented model, which could inform similar structures within Jamaica's proposed Bill on the care and protection of older persons framework.

St. Vincent and the Grenadines has also commenced preliminary steps toward the drafting of dedicated legislation, though no bill has yet been produced or circulated.

In Trinidad and Tobago, the **Homes for Older Persons Act (2007)** serves as a model for licensing and regulating care facilities. It requires all homes to be formally registered, mandates minimum standards for staffing, hygiene, nutrition, and provides the legal basis for inspections and sanctions. The Act also recognizes resident rights, including protection from abuse, privacy, and access to information, while outlining grievance procedures and penalties for non-compliance. Such a framework reinforces the need for a robust registration and inspection regime, integrated with quality assurance standards and enforceable penalties, especially in rural or under-resourced communities in the Jamaican context.

Bermuda's **Residential Care Homes and Nursing Homes Act (1999)** and its companion **Charter of the Rights and Responsibilities of the Elderly** offer a holistic model that integrates oversight, resident dignity, and policy advocacy. The Act delineates operator responsibilities and defines minimum care standards, in conjunction with active civil society participation, such as through Age Concern Bermuda, which supports legislative reform and public education. Jamaica could emulate this dual model of legal reform and civic engagement to deepen the impact of its proposed Bill on the care and protection of older persons.

In the Cayman Islands, the **Older Persons Act (2017)** created a Council for Older Persons to advise the government, monitor care services, and promote the welfare and autonomy of seniors. The Act mandates community-based support, institutional transparency, and a commitment to active aging. It also embeds abuse prevention through mandatory reporting and prescribed penalties for mistreatment or exploitation. Jamaica's roadmap proposes a Tribunal for the Care and Safety of Older Persons, and these entities could be refined by drawing from the Cayman model, particularly regarding their inter-ministerial coordination, investigative powers, and public advocacy functions.

Finally, the **Older Persons Amendment Bill of South Africa (2022)** offers further instructive provisions. It expands definitions of abuse, strengthens implementation and compliance measures, and mandates the maintenance of detailed registers at care homes to ensure transparency and accountability. Notably, the Bill allows for emergency relocation of older persons to safe care without prior court approval, a measure also seen in the Barbadian approach. These provisions highlight the need for rapid response capabilities, institutional safeguards, and integrated care records, elements which Jamaica's legislative framework should strive to incorporate.

In sum, these regional and international legal frameworks reinforce the importance of transitioning from a discretionary, welfare-based model to one grounded in statutory rights, institutional oversight, and enforceable standards. As we develop our legislation for the care and protection of older persons, these comparative frameworks offer critical insights for embedding dignity, protection, and accountability into law and practice.



SECTION 3:

THE WAY FORWARD

THE PROPOSED PURPOSE & OBJECTIVES OF THE BILL

The proposed Bill aims to establish a comprehensive and appropriate legislative framework to uphold the rights and freedoms of older persons in Jamaica. It will address critical issues such as care and protection, prevention of abuse, neglect, and exploitation, as well as ensuring access to justice and supporting the holistic development and dignity of older persons. In tandem with relevant policies, this Bill must not only be enacted but also robustly enforced, to guarantee the full enjoyment of human rights by older persons in Jamaica.

More specifically, the Bill must reflect in its provisions, but not be limited to, the following objectives:

- The promotion, protection, and development of the rights, freedoms, and access to justice for older persons;
- The authorization and support of a range of social protection programmes, initiatives, and policies to better coordinate a national response to the care and protection of older persons and the prevention of abuse, neglect, and exploitation, whether in private residences or long-term care facilities;
- The establishment of collaborative mechanisms among relevant government ministries, departments, agencies, and civil society organizations, including NGOs, as part of an integrated health, care, and social protection system that serves to protect older persons;
- The elimination of all forms of discrimination and prejudice against older persons;
- The creation of enabling social and physical environments that facilitate the integration and full participation of older persons in all aspects of national life;
- The inclusion of preventative measures, including penal, compliance, and enforcement mechanisms to deter abuse, neglect, and exploitation of older persons;
- The facilitation of cooperation and coordination among government entities and stakeholder NGOs that advocate for or represent older persons;

- The promotion of meaningful participation of older persons and their representative organisations in decision-making processes aimed at enhancing their quality of life;
- The strengthening or creation of organisations that provide care, protection, and other essential services to older persons, and ensuring adequate support is provided to such organisations;
- The implementation of regulatory, licensing, and monitoring mechanisms to ensure that all service providers, including public entities and NGOs, deliver adequate and appropriate care and protection services to older persons; and
- The periodic collection and analysis of data to inform and guide policy and legislative imperatives to support the care and well-being of older persons.

GUIDING PRINCIPLES TO BE CONSIDERED

The development of the Bill for the care and protection of older persons must be guided by human-rights-based, gender-responsive, inclusive, and culturally appropriate principles that align with international standards such as the UN Madrid International Plan of Action on Ageing.

Additionally, the Ministry of Labour and Social Security, together with the drafters of the Bill, must undertake a thorough review of relevant documents to inform the substance and direction of the Bill. These include, but are not limited to:

National Policies and Strategic Frameworks:

- National Policy for Senior Citizens (2018) (Attached)
- National Policy for Senior Citizens (2021) (Attached)
- Policy Paper: Toward a Care Policy for the Elderly (2024) (Attached)
- National Policy on Population and Sustainable Development (Tabled September 28, 2021): <https://www.pioj.gov.jm/product/national-population-and-sustainable-development-policy/>
- National Policy on Poverty and National Poverty Reduction Programme (Tabled March 09, 2017): <https://www.pioj.gov.jm/product/national-policy-on-poverty-and-national-poverty-reduction-programme/>
- National Policy and Plan of Action on International Migration and Development (Tabled June 06, 2017): <https://www.pioj.gov.jm/policies/migration-policy/>
- Jamaica Social Protection Strategy (10th Anniversary Edition, 2024): <https://www.pioj.gov.jm/product/jamaica-social-protection-strategy-10th-anniversary-edition/>

Legislation:

- The Maintenance Act, 2005

- The Nursing Homes Registration Act and Regulations, 1934
- Domestic Violence Act, 1996
- Offences Against the Person Act, 1864
- Sexual Offences Act, 2009
- Poor Relief Act

Other Relevant Documents:

- Political Declaration and Madrid International Plan of Action on Ageing (Signed by Jamaica, 2002)
- Report on the Implementation of the Madrid International Plan of Action on Ageing (September 2022)
- Permanent Mission of Jamaica to the United Nations' Response to the Second World Assembly on Ageing (April 19, 2011)
- Aging and Long-Term Care in Jamaica (2022)
- Ministry of Health and Wellness Primary Health Care Reform for Jamaica 2021–2030
- Vision 2030 Jamaica | National Development Plan (2009) (Available on Request)

Additional Sources Accessible via the PIOJ Library:

- Social and Economic Studies – *The Jamaican Elderly: A Socioeconomic Perspective & Policy Implications*
- *A Situational Analysis of the Jamaican Elderly* (1992) by Denise Eldemire
- *The Jamaican Handbook for the Elderly*
- *Report on Module of Persons Aged Sixty and Older* (JSLC 2012)
- *The Situation of Older People in Jamaica* (2002) by Seneca Lewis Garraway
- *Conference on the Elderly in Jamaica* (1980) – Social Welfare Training Centre, UWI
- *Report on the Socioeconomic Conditions of the Aged in Jamaica* (1973) by E.Q. Blavo

Primary International Instruments:

- The United Nations Principles for Older Persons, 1991
- UN Secretary-General's Report on Follow-up to the International Year of Older Persons: Second World Assembly on Ageing
- UN Report of the Expert Group Meeting "Rights of Older Persons" (for the 64th General Assembly, 2009)
- *Ageing in the Twenty-First Century: A Celebration and a Challenge*, UNFPA
- *Fair Guidelines: Four Steps towards a UN Convention on the Rights of Older People*
- *Time for a UN Convention on the Rights of Older Persons* (August 2020)

STAKEHOLDER ENGAGEMENT

The work of the Special Select Committee established to consider and deliberate on the mandate, scope, and magnitude of legislation for the care and protection of older persons has proven to be an important foundation for stakeholder engagement. The Committee has facilitated input from a wide range of stakeholders across sectors, contributing to an inclusive and evidence-informed policy development process.

Submissions were received from the following stakeholders:

Key Ministries, Departments, and Agencies:

- Ministry of Labour and Social Security
- Ministry of Local Government and Community Development
- Ministry of Health and Wellness
- National Council for Senior Citizens
- Legal Reform Department
- Statistical Institute of Jamaica (STATIN)

Civil Society:

- Caribbean Community of Retired Persons
- Good Company
- Mona Ageing and Wellness Centre
- Matilda's Corner District Consultative Committee
- Jamaica Psychiatric Association

Private Sector:

- Ms. Sandra Latibeaudiere
- Ms. Sherry Ann McGregor

Political Groups:

- Ms. Patricia Duncan Sutherland (PNP Women's Movement)

Private Citizen:

- Ms. Jennifer Anderson
- Mr. Oshane Wright
- Sandra Small
- Ms. Evet Lewis
- Ms. Alyssa Freeman

Include those who gave only written submissions. They were included in the matrix.

The inclusive engagement of these stakeholders is proposed as a vital action throughout the development of the Bill. Additional consultation mechanisms, including focus groups, town halls, and public calls for written submissions, may be utilized to ensure continued participatory policy-making.

PROPOSED POLICY RECOMMENDATIONS

While legislative reform is essential to secure enforceable rights and institutional mandates, certain areas are better suited for policy intervention. From the submissions received from the stakeholders, recommendations that allow for adaptive responses, cross-sectoral engagement, and progressive realization of rights without requiring immediate statutory amendment were discussed and agreed. The following are the key policy actions recommended:

Financial Inclusion and Economic Empowerment

Older persons often face systemic barriers in accessing financial services, including high banking fees and limited avenues for economic security/ sufficient income later life. It is recommended that the Government initiate consultations with banking institutions to encourage the removal or reduction of banking fees for senior citizens, especially those living on fixed incomes/ pension.

As it relates to real property, the development of a reverse mortgage scheme through collaboration with the National Housing Trust and/or the banking sector, should be explored to support ageing in place and enhance the financial independence of older persons who are homeowners.

Additionally, the provision of financial or tax incentives to individuals who provide care or assistance to older persons with no familial support may be pursued as a strategic policy measure to foster community care.

Infrastructure and Independent Living Support

Many of the older persons reside in homes that are physically unsuitable for ageing; they often lacking basic safety adaptations. As a matter of national policy, the Government may consider among its social housing projects a home retrofitting programme to subsidize structural modifications such as grab bars, ramps, widened doorways, and non-slip flooring to non-contributors of the NHT. By promoting safe and accessible living environments, this measure would significantly support older persons' right to age with dignity in their own homes. Such a policy would also lessen the pressure on long-term care institutions and the public health system.

Strengthening Informal Caregiver Support

Informal and family caregivers are often the primary support system for older persons, yet they remain largely untrained, unsupported, and under-resourced. Rather than imposing legislative mandates, a more immediate policy response would be the development of caregiver training and certification programmes, coordinated through community colleges, health agencies and the HEART Trust NTA. These programmes should focus on the care of older persons, their mental health, and legal responsibilities, and be made widely accessible, including in rural areas. Further support could be provided through community-based outreach initiatives and psychosocial services designed to address caregiver fatigue and isolation.

Public Awareness and Rights Education

A national education campaign is essential to combat ageism, elevate the status of older persons in society, and promote widespread understanding of elder rights and abuse prevention. It is recommended that the Government pursue a coordinated, multi-channel public awareness initiative aimed at educating the general population on recognising and reporting abuse of older persons, the importance of intergenerational respect, and the evolving role of older persons in modern society. This initiative should also include targeted professional development for public servants who interact regularly with older persons, such as healthcare providers, law enforcement officers, and social workers.

Institutional Coordination and Implementation Support

Effective delivery of care policy requires integrated efforts across ministries, departments, and agencies (MDAs). The Government should pursue the creation of a national ageing implementation framework that clarifies roles and responsibilities across key stakeholders such as the Ministry of Labour and Social Security, Ministry of Health, Ministry of Justice, Ministry of Local Government and Community Development and local authorities. This framework should be supported by structured partnerships with faith-based groups, NGOs, and community organizations involved in the care of older persons. These partnerships should facilitate the sharing of resources, enhance outreach, and ensure that the voices of older persons are heard in the formulation and refinement of public policy.

Together, these policy recommendations aim to ensure that the legal protections for older persons are not only enacted but also meaningfully implemented, resulting in a more inclusive, responsive, and compassionate national approach to ageing.

PROPOSED SCOPE OF THE BILL

The legislation for the care and protection of older persons should apply to a broad array of individuals, services, and institutional arrangements that affect the lives and well-being of persons aged 60 and over. The Bill should:

- Extend to all individuals aged 60 years and older, regardless of residence (e.g., private homes, state-run institutions, or care facilities);
- Specifically enshrine the rights of older persons in law;
- Apply to care facilities, day centres, nursing homes, assisted living institutions, and long-term care arrangements;
- Regulate both registered and unregistered caregivers, including family members, private providers, and contracted service professionals;
- Provide a supportive framework for community-based services that promote ageing in place, social inclusion, intergenerational engagement, and digital access;
- Set national standards for the quality of care, including staffing, oversight, nutrition, health, safety, and accessibility;
- Include provisions for mandatory reporting of elder abuse, supported by whistleblower protections and investigation mechanisms;
- Refer to provisions in relevant legislation or provide for, responsive protocols for enduring powers of attorney and guardianship mechanisms
- Provide for the establishment of a single authority with the combined functions of an ombudsman inspectorate and advocate;
- Establish mechanisms for coordinated data collection, information sharing, and case management across government entities;
- Introduce a framework for funding and financial literacy programmes, and tax incentives for caregivers;
- Enforce licensing and registration protocols, including mechanisms for suspension or revocation;

- Define the structure and mandate of advisory councils, tribunals, and dispute resolution processes;
- Provide enforcement tools, including penalties and compliance orders, for abuse, neglect, fraud, and mismanagement;
- Provide for the periodic collection and analysis of data to inform and guide policy and legislative imperatives to support the care and well-being of older persons
- Include a review clause requiring periodic reassessment and amendment of the Act to remain aligned with evolving needs and global standards.

PROPOSED TABLE OF CONTENTS OF THE BILL

Part I – Preliminary

1. Short Title and Commencement
2. Interpretation
 - “Abuse” / “Neglect”/ “Exploitation”
 - “Advocate”
 - “Care”
 - “Complaint”
 - “Licence”
 - “Quality Care”
 - “Residential Care Facility”
 - “Registered Care Service Provider”
 - “Reportable Incident”
 - “Responsible Person” / “Next of Kin” / “Guardian”
 - “Tribunal”
 - “Senior Citizen” / “Older Person”
 - Other key terms as necessary
3. Principal objects of the Act

Part II – Charter of Care Rights and Fundamental Principles for Older Persons

4. Right to dignity, autonomy, and participation
5. Right to protection from abuse, neglect, and exploitation

6. Right to food, water and social security
7. Right to access appropriate care and support services
8. Rights in institutional and community health care
9. Rights of persons with diminished capacity (including right to decision making)
10. Right of access to privileges, interests, benefits and fair treatment
11. Right to maintenance

Part III - Duty of Care and Caregiving Responsibilities

13. Persons and entities with care obligations
14. Duties of registered and unregistered care providers
15. Family and next-of-kin obligations
16. Legal guardianship and responsible persons
17. Disengagement, discharge, or withdrawal of responsibilities
18. Protection for informal caregivers
19. Duty to report suspected incidents of breach

Part IV – Registration and Regulation of Care Facilities and Caregivers

19. Registration of care service providers and caregivers
20. Licensing and accreditation of care facilities and caregivers
21. Terms and Conditions of Licence (approval, renewal, suspension and revocation)
 - a. Amendment of Licence
 - b. Duration of Licence
 - c. Revocation or Suspension of Licence
 - d. Surrender of Licence
 - e. Appeal
22. Minimum standards of practice and operational requirements
23. Power to visit and inspect homes

- 24. Warrant to visit and inspect
- 25. Control over licensed homes
- 26. Protection orders and/or Intervention Orders
- 27. Eligibility and prioritization for placement
- 28. Financial support and state funding
- 29. Oversight by relevant Ministries, Departments, and Agencies

Part V – Regulatory Mechanisms and Monitoring Standards

- 43. Monitoring, inspection, and compliance
- 44. Powers of authorized officers
- 45. Mandatory reporting obligations
- 46. Accreditation systems and quality benchmarks
- 47. National database of registered providers and facilities

Part VI – The Office of the Older Persons’ Advocate

- 30. Establishment of the Office of the Older Person’s Advocate as a Commission of Parliament
- 31. Objects of the Office of the Older Person’s Advocate
- 32. Functions of the Office of the Older Person’s Advocate
- 33. Appointment and functions of the Advocate
- 34. Delegation of power by the Advocate
- 35. Ministerial directions
- 36. Appointment of officers, agents and employees
- 37. Tenure of Office and restrictions on employment
- 38. Disqualification for appointment
- 39. Filling of vacancy

- 40. Termination of Appointment of the Advocate
- 41. Remuneration
- 42. Office of the Older Persons' Advocate to regulate its own Proceedings
- 43. Protection of the Advocate and officers
- 44. Funds and resources of the Office of the Older Persons' Advocate
- 45. Expenses of the Older Persons' Advocate
- 46. Accounts and Audit
- 47. Annual report and estimates
- 48. Oath of secrecy and confidentiality regarding information
- 49. Office of the Older Persons' Advocate's responsibility to Parliament

Part VII – Complaints, Information Sharing and Confidentiality

- 53. Lodging and handling complaints
- 54. Office of the Older Persons' Advocate may initiate investigation
- 55. Appointment of Investigation Officers
- 56. Functions of the Investigation Officers
- 57. Conduct of Investigation
- 58. Access to information and data sharing among agencies
- 59. Confidentiality of personal and protected information
- 60. Protections against retaliation and victimization
- 61. Reports to the Advocate

Part VIII –Older Persons Care and Safety Tribunal

- 37. Establishment of the Tribunal
- 38. Objectives of the Tribunal
- 39. Establishment and composition

- 40. Functions and mandate
- 41. Tribunal to sit in divisions
- 42. Referral of Breach to the Tribunal
- 43. Awards of the Tribunal
- 44. Hearings and determinations
- 45. Appeals and dispute resolution
- 46. Whistleblower protections
- 47. Procedural rules and public engagement
- 48. Informal Resolution of Complaints
- 49. Dispute Resolution

Part IX – Enforcement, Sanctions and Legal Proceedings

- 48. Offences and penalties for abuse, neglect, non-compliance
- 49. Notices, warnings and improvement orders
- 50. Injunctive relief and enforcement mechanisms
- 51. Civil and criminal liability
- 52. Restitution and victim support

Part X – Miscellaneous

- 58. Regulations
- 59. Review of Act
- 60. Obligation to ensure periodic collection and analysis of data
- 61. Transitional Provisions
- 62. Consequential Amendment of Enactment
- 63. Schedule (Will Comprise of Forms and Applications/ Applications and Certificates)

LEGISLATIVE DEVELOPMENT ROADMAP

Phase I: Situational Analysis & Gap Assessment

This foundational phase entails a rigorous examination of Jamaica's existing legal and institutional landscape related to the care of older persons, including but not limited to the *Poor Relief Act*, *Maintenance Act*, *Nursing Homes Registration Act*, and *Mental Health Act*. The analysis revealed significant fragmentation, outdated provisions, and inconsistencies across frameworks, many of which fail to reflect international norms such as the Madrid International Plan of Action on Ageing (MIPAA). For example, the Maintenance Act, though well-intentioned, is rarely utilized, possibly due to lack of awareness, socio-emotional barriers, or access to the court system. Additionally, the Poor Relief Act lacks codified standards for residential care, and the Nursing Homes Registration Act does not adequately regulate or integrate private and informal care of older persons training facilities. This phase captures these deficiencies and establishes the need for a unified, rights-based legislative response.

Phase II: Policy Formulation & Cabinet Submission

Building on the identified legal and policy gaps, a comprehensive policy proposal is formulated that underscores the need for a single omnibus law governing the care, protection, and rights of older persons. This policy will reflect core principles such as dignity, autonomy, accessibility, and accountability, and incorporate international best practices. Proposals include integrating or repealing the current Nursing Homes Registration Act, amending the Poor Relief Act rather than repealing it to codify minimum standards, and revising the Maintenance Act to ensure the enforceability of familial responsibilities. The Cabinet Submission outlines the legislative objectives, institutional reforms (such as establishing the Office of the Older Persons' Advocate), and alignment with Vision 2030 and Jamaica's broader social protection agenda.

Phase III: Drafting Instructions & Bill Drafting

Detailed drafting instructions are transmitted to the Office of the Chief Parliamentary Counsel. These instructions reflect not only the policy vision but also specific structural elements discussed during the roadmap process, including:

- Enshrining the rights of older persons in law;
- The establishment of registration and licensing schemes for care personnel and facilities;

- Regulatory enforcement mechanisms including complaints procedures, penalties, and whistleblower protections;
- The institutionalization of oversight bodies such as the Older Persons Care and Safety Tribunal;
- Information-sharing safeguards and duties of care for both state and non-state actors.

The Bill will also make consequential amendments to existing statutes where necessary to ensure consistency across the legal framework.

Phase IV: Stakeholder Consultation & Revision

This phase involves formal consultation with ministries, agencies, care facilities, non-governmental organisations, senior citizens' representatives, and judicial and quasi-judicial bodies. Special attention will be paid to engagement strategies that centre the voices of older persons, particularly in addressing underutilized legal provisions such as the Maintenance Act. Input will also be sought on proposed reforms to guardianship applications under the Mental Health Act and transitional mechanisms for existing public care institutions under the Poor Relief regime. This participatory process ensures buy-in, legal feasibility, and operational clarity and provides a platform for integrating localized knowledge into a revised draft.

Phase V: Parliamentary Process

The revised Bill, supported by a white paper or explanatory memorandum, is presented to Parliament. During this stage, strategic advocacy will be employed to highlight the Bill's potential to resolve long-standing challenges in the care sector, enforce the rights of older persons, and bring Jamaica closer to compliance with global aging-related commitments. This stage will include deliberation at committee level, clause-by-clause review, and amendments arising from political debate and public input. Continued technical and legal support will be required to preserve the integrity of the legislative intent during this process.

Phase VI: Implementation Planning & Commencement

This final phase focuses on the administrative and operational arrangements required to give effect to the new law. It includes the promulgation of regulations, establishment or reconfiguration of oversight bodies, licensing of care providers, and the rollout of public education and reporting mechanisms. Particular emphasis should be placed on enforcement infrastructure, such as the training of investigators, complaints officers, and tribunal staff, as well as harmonisation with existing systems under the Ministry of Labour and Social Security, Ministry of Health & Wellness, Local Government entities and the Constabulary Force. The implementation strategy will also feature a roadmap for transitioning legacy institutions under the Poor Relief framework to conform with the minimum standards and regulatory oversight envisioned in the new Act.

ROLES & RESPONSIBILITIES

The development and implementation of a Bill addressing the rights, care and protection of older persons will require a clearly defined governance structure that promotes coordination, transparency, and accountability. It is proposed that the following entities and individuals undertake key roles and responsibilities throughout the legislative process:

Lead Ministry: Ministry of Labour and Social Security (MLSS)

The MLSS, through its Social Security Division and in partnership with the National Council for Senior Citizens (NCSC), will serve as the lead policy Ministry responsible for:

- Overseeing the legislative development process in collaboration with the Ministry of Justice and Legal Reform Department;
- Providing policy direction, coordinating stakeholder consultations, and leading inter-ministerial dialogue;
- Drafting Cabinet Submissions and ensuring alignment with national development goals and international obligations;
- Facilitating implementation planning, including budgeting and coordination with other ministries and agencies.

Technical Working Groups

Technical Working Groups (TWGs) may be formed as needed to address specific thematic areas, including:

- Rights of Older Persons and Access to Justice
- Abuse of Older Persons, Prevention and Protection
- Health and Long-Term Care Systems
- Caregiver Support and Capacity Building
- Financial Security and Social Protection

- Housing, Infrastructure, and Digital Inclusion

Each TWG will include subject matter experts, civil society actors, and government representatives. They will conduct research, draft proposals, and support the preparation of evidence-based drafting instructions on behalf of the Ministry of Labour and Social Security.

Legal Drafting Team

Led by the Office of the Parliamentary Counsel in conjunction with the Legal Reform Department and the Ministry of Labour and Social Security the drafting team will:

- Translate policy proposals into clear, enforceable legislative provisions;
- Participate in stakeholder consultations to clarify intent and refine the draft Bill;
- Ensure coherence with existing legal frameworks and constitutional principles.

CONCLUSION

The development of a comprehensive legislation on the care and protection of older persons marks a pivotal moment in Jamaica's legislative response to the realities of its ageing population. This roadmap sets out a structured, phased approach for reform, grounded in the principles of dignity, accountability, and rights-based protection.

Drawing on lessons from regional counterparts and aligning with international obligations, the proposed framework seeks not only to modernize existing statutory provisions but to correct long-standing implementation and enforcement gaps. It reflects a strategic shift away from ad hoc or charity-based models of support, toward a coherent regulatory regime with clearly defined standards, duties, and sanctions.

While the policy, legislative, and institutional reforms contemplated will require coordinated efforts across sectors, ministries, and agencies, the intended result is a future where older persons in Jamaica are safeguarded by law, empowered through rights, and supported by systems that value their contribution and humanity.

This is both a moral imperative and a governance priority, and its realization will depend on sustained political will, inclusive stakeholder engagement, and timely implementation.