



2013 FREEDOM OF INFORMATION STATEMENT

Promoting Equality

TABLE OF CONTENTS

FREEDOM OF INFORMATION STATEMENT	2
VISION	2
STRUCTURE OF THE COMMISSION	2 - 3
FUNCTION OF THE COMMISSION	3 - 4
GENERAL PROCEDURE	4 - 5
SECTION 8 AND 9 STATEMENTS	5 - 6
ORGANISATIONAL CHART	7
THE COMMISSIONERS	8

EQUAL OPPORTUNITY COMMISSION

2013 FREEDOM OF INFORMATION STATEMENT

In compliance with Sections 7, 8, 9 of the Freedom of Information Act Chap. 22:02 ('FOIA') the Equal Opportunity Commission (the 'Commission') is required by law to publish this statement, which lists the documents and information generally available to the public

The FOIA gives members of the public:

1. A legal right for each person to access information held by the Commission;
2. A legal right for each person to have personal information relating to himself/herself amended where it is held by the Commission and such information is incomplete, incorrect or misleading;
3. A legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under the FOIA;
4. A legal right to complain to the Ombudsman and to apply to the High Court for judicial review to challenge adverse decisions made under the FOIA.

SECTION 7 STATEMENTS

**Section 7 (1) (a) (i):
Statement setting out the particulars of the organisation and the functions of the public authority.**

Establishment of the Equal Opportunity Commission

The Commission was established by section 26 (1) of the Equal Opportunity

Act, Chapter 22:03 ('the Act') [Act No 69 of 2000 as amended] for the purpose of exercising the jurisdiction conferred upon it by that Act. The Commission commenced operations in April 2008 with the appointment of its first Commissioners.

Vision

An informed and empowered nation where all citizens are assured of fair and equitable treatment and can contribute to the common good without obstacles based on prejudice or discrimination.

Structure of the Commission

See last page for Organisational Chart

The Commission comprises five (5) Commissioners including a Chairman and a Vice - Chairman. Currently these are:

- Professor Emeritus John Gaffar La Guerre – Chairman
- Dr. Eastlyn Kate McKenzie – Vice Chairman
- Dr. Beverly Ann-Marie Beckles – Commissioner
- Dr. Indira Rampersad – Commissioner
- Mr. Gerard A Besson - Commissioner

The Commission is also divided into five (5) units which reports to a Chief Executive Officer ('CEO'). These five (5) units are as follows:

- Administration Unit
- Communications Unit
- Research Unit
- Legal and Investigations Unit
- Conciliation Unit

The CEO is responsible for planning, organising, coordinating activities and resources for all the operational functions of the Commission.

Administration Unit

This Unit is further divided into **four (4)** sub-units:

1. Administration;
2. Human Resources;
3. Accounting; and
4. Information Technology.

Administration

This Unit is responsible for facilities and office management, procurement of goods and services and ensures that the physical and material requirements of the Commission are supplied. This Unit also maintains the inventory of stationery and supplies and conducts office maintenance/improvement. The Unit comprises a Receptionist/Telephone Operator, Clerk Stenographer III, Driver/ Messenger, General Service Attendant, Messenger and Business Operations Assistants.

Human Resources

This Unit maintains personnel records of all members of staff and other matters relating to terms and conditions of employment. The Unit consists of a Human Resources Officer.

Accounting

This Unit is responsible for the receipt and management of the Commission's financial resources and for the management of the Commission's expenditure according to good accounting standards. The Unit consists of a Clerk IV and an Accounting Assistant.

Information Technology

The Information Technology Unit is responsible for providing and managing the information technology and systems policy; which includes planning administration, information system and application support, networking and communications and service support. The Unit consists of an Information Technology Manager.

Communications Unit

The Communications Unit is responsible for developing, implementing, directing and evaluating the marketing and communications strategies and programmes of the Commission, including public relations, media relations, website content and the Commission's identity/image programme. In particular it:

- a) Conducts all communications with internal and external stakeholders;
- b) Prepares press releases, conferences and events letters, website content and key presentations;
- c) Communicates with the public about the Commission's functions, policies, programmes and services in order to inform and educate;
- d) Ensures such information is accurate, reliable, complete, timely, relevant and understandable;
- e) Ensures that the Commission is visible, accessible, responsive and answerable to all its stakeholders.

This Unit consists of a Manager of Communications and a Business Operations Assistant.

Research Unit

The main responsibility of the Research Unit is to develop, conduct and foster research and educational programmes for the purpose of eliminating discrimination and promoting equality of opportunity and good relations between persons of different status. More specifically the Unit:

- a) Assists in planning, organising and conducting programmes of research into areas related to the functions and objectives of the Commission;
- b) Collects, analyses and evaluates data on relevant trends of equality ; and
- c) Liaises and collaborates with other Research Units in Government Ministries and Departments and private organisations, for the exchange of information.

This Unit comprises a Research Officer II.

Legal and Investigations Unit

The Legal Unit comprises-

(i) The Legal Staff, who are Attorneys-at-Law in good standing with the Law Association of Trinidad and Tobago. They provide advice and guidance to the Commissioners, its management and staff, and are particularly responsible for advising on the Commission's statutory mandate as provided for in the Act, and for supervising the investigation of and reporting on complaints of discrimination that members of the public lodge with the Commission. In particular the Legal Officers:

- Advise on all legal issues that relate to the investigation, conciliation, relevant legislation and functions of the Commission;
- Advise Government Departments and any requesting agency on legal issues pertaining to discrimination matters;
- Provide legal opinions and give advice to the Commission on all legal matters as required;
- Draft and vet contracts;
- Propose and draft relevant amendments to legislation

(ii) The Investigating Staff who investigate complaints of discrimination, victimisation or offensive behaviour that are lodged with the Commission by members of the public. In particular they

- Interview complainants, respondents, and any other persons who can assist with the matter under investigation;
- Gather, collate and analyse information, documents and evidence;
- Interact with and provide guidance to members of the public.

(iii) Two Business Operations Assistants who perform a variety of complex clerical/secretarial and administrative support duties.

Conciliation Unit

This Unit is solely made up of certified Mediators registered with the Mediation

Board of Trinidad and Tobago. The Equal Opportunity Act provides that complaints may be referred for conciliation where the Commission is of the opinion that this could help to resolve the dispute. These Officers conciliate disputes that are so referred in accordance with the practices and standards approved by the Mediation Board. Their primary function is to facilitate disputing parties to a complaint in reaching a voluntary un-coerced resolution.

Functions of the Commission

The functions of the Commission are set out in section 27 (1) of the Act as follows:

- (a) to work towards the elimination of discrimination;
- (b) to promote equality of opportunity and good relations between persons of different status;
- (c) to keep under review the working of the Act and any relevant law and when so required by the Minister, or where necessary draw up and submit to the Minister proposals for amending them;
- (d) to receive, investigate and as far as possible, conciliate allegations of discrimination;
- (e) to develop, conduct and foster research and education programmes and other programmes for the purpose of eliminating discrimination and promoting equality of opportunity and good relations between persons of different status;
- (f) to prepare and publish appropriate guidelines for the avoidance of discrimination;
- (g) to do any other thing conducive or incidental to the carrying out of its functions.

Section 7 (1) (a) (ii): Statement of the categories of documents that are maintained in the Commission's possession.

1. Files dealing with administrative documents for the operations of the Commission;
2. Personnel files, which detail all staff appointments to date, job applications, job promotions, transfers, leave, resignations, retirements, death etc.;
3. Files dealing with the accounting functions of the Commission;

4. Financial records (vouchers, purchasing orders, receipts etc.);
5. Files dealing with matters relating to the procurement of supplies, services and equipment;
6. Complaints files;
7. Publication Files and Reports;
8. Legislation and legal instruments;
9. Pamphlets/leaflets, brochures, newspaper clippings, magazines and posters;
10. Minutes and agenda of meetings;
11. Files dealing with circulars, memoranda etc; and
12. Books and journals.

SECTION 7 (1) (a) (iii): Statement setting out the materials prepared by the Commission for publication or inspection by members of the public.

- 1) The Equal Opportunity Act, 2000 and The Equal Opportunity (Amendment) Act 2000;
- 2) Complaint Form;
- 3) Lodging a complaint of discrimination leaflet;
- 4) The Complaints and Investigation Process at the Equal Opportunity Commission leaflet;
- 5) Freedom of Information Statements 2010-2012;
- 6) Annual Reports 2010-2012 (to be laid in Parliament);
- 7) Reports relating to investigations of complaints pursuant to section 39 (1) (d) of the Act; and
- 8) Publication notices

Copies of the above publications are available for inspection at the Commission's office which is at 1st Floor, Ceramic (Trinidad) Building, #37 Wrightson Road, Port of Spain, between the hours of 8:30 a.m. and 3:30 p.m. Mondays to Fridays (except public holidays).

Alternatively the **Complaint Form** and **Lodging a Complaint and Complaints and Investigation Process leaflets** can be obtained from the Regional Corporation Office or the District Revenue Office in your area or please visit our website www.equalopportunity.gov.tt to download the above information or lodge a complaint online.

SECTION 7 (1) (a) (iv): Statement listing the literature available by way of subscription service.

The Commission has no literature available by subscription at this time.

SECTION 7 (1) (a) (v): Statement of the procedure to be followed when a request for access to a document is made.

General Procedure

The Commission's policy is to answer all requests, both oral and written, for information. However in order to exercise the rights given by the FOIA (for example the right to challenge a decision if a request for information is refused), a request must first be made in writing. An applicant must therefore complete the appropriate form (Request for Access to Official Documents) available at the Commission's Reception Desk or from its Designated FOI Officer, for information that is not readily available in the public domain.

Details in Request

Applicants should provide details that will allow for ready identification and location of the records that are being requested. If insufficient information is provided, clarification will be sought by the Commission from the applicant. An applicant who is uncertain how to write a request or what details to include in such a request may make enquiries with our Designated Officer named in section 7(1)(a)(vi) of this publication.

Requests not handled under the FOIA

A request under FOIA will not be processed to the extent that it seeks information that is readily available in the public domain, either from the Commission or from another public authority, for example brochures, pamphlets, leaflets, reports etc.

Responding to Requests

The Commission is required to furnish copies of documents only when they are in its possession. The Commission is required to furnish only one copy of a document. If it cannot make a legible copy of the document to be released, it will not attempt to

reconstruct it; instead the best copy possible will be furnished. Please note the Commission is not compelled to do the following:

- (a) Create new documents; or
- (b) Perform research for an applicant.

Time Limits

The FOIA makes provision for a time limit of thirty (30) days for the Commission to determine whether or not it is able to disclose the documents requested by the applicant (but this period may be extended where there is consultation between the applicant and the Designated Officer). Should the Commission fail to meet this deadline, the FOIA gives the applicant the right to proceed as if the request had been denied. Every effort will be made to comply with the time limits, but if it appears that processing the request may take longer than the statutory limit, the Commission will acknowledge the request and advise the applicant of its status. Since there is a possibility that requests may be wrongly addressed or routed, the applicant may wish to call or write to confirm that the Commission has received the request and ascertain its status.

Fees and Charges

Section 17 (1) of the FOIA stipulates that **no fee shall be charged** by a public authority for the making of a request for access to an official document. However, where access to an official document is to be given in the form of printed copies or copies in some other form, such as a tape, disk, film or other material, the applicant will be required to pay the prescribed fee incurred for duplication of the said material.

SECTION 7 (1) (a) (vi): Statement specifying the officer in the Commission who is responsible for:

(a) the initial receipt of and action upon notices under section 10 of the FOIA;

(b) requests for access to documents under section 13 of the FOIA; and

(c) applications for correction of personal information under section 36 of the FOIA

The Designated FOI Officer is:

Ms. Aleyya Gafoor- Ali
Legal Officer I
1st Floor, Ceramic (Trinidad) Limited Building
37 Wrightson Road
Port of Spain
Tel: (868) 625 -5815
Telefax: (868) 623 -4319
E-mail: eoc@equalopportunity.gov.tt

The Alternate FOIA Officer is:

Mr. Haran Ramkaransingh
Head Legal
1st Floor, Ceramic (Trinidad) Limited Building
37 Wrightson Road
Port of Spain
Tel: (868) 625 -5815
Telefax: (868) 623 -4319
E-mail: eoc@equalopportunity.gov.tt

SECTION 7 (1) (a) (vii): A statement listing all Boards, Councils, Committees and other bodies constituted by two or more persons, that are part of, or that have been established for the purpose of advising, the Commission, and whose meetings are open to the public, or the minutes of whose meetings are available for public inspection.

At present there are no Advisory Boards, Councils, Committees and other bodies that fall within the meaning of this section of the FOIA.

SECTION 7 (1) (a) (viii): A statement indicating whether the Commission maintains a library or reading room that is available for public use, and if it does, details of its address and opening hours.

At present, the Commission does not have a Library or Reading Room that is available for use by the public. Members of the public can view reports relating to investigations of complaints pursuant to section 39(1)(d) of the Act at the front desk in the Lobby of the Commission's offices, located at **1st Floor, Ceramic (Trinidad) Limited Building, #37, Wrightson Road, Port of Spain, between the hours of 8:30am to 3:00pm, Monday to Friday (except public holidays)**. Information can be accessed through our Designated Officer named in section 7 (1)(a)(vi) of this publication, at the Commission's aforesaid office address during the aforesaid hours.

SECTION 8 STATEMENTS

SECTION 8 (1) (a) (i): A statement of documents containing interpretations or particulars of written laws or schemes administered by the Commission, not being particulars contained in another written law.

The following legislation can be purchased at the Government Printers or can be accessed online at the website of the Ministry of Legal Affairs at <http://www.legalaffairs.gov.tt/LRC2.aspx>

- Equal Opportunity Act No 69 of 2000
- Equal Opportunity (Amendment) Act No 5 of 2001

SECTION 8 (1) (a) (ii): A statement of manuals, rules of procedure, policy, records of decisions, letters of advice to persons outside the public authority or similar documents containing rules, policies, guidelines, practices or precedents.

- **Information Document C-Doc4:** General guidance on Conciliation
- **Information Document SG1:** Information on the Commission, its processes and the Equal Opportunity Act.
- **Reports:** relating to investigations of complaints pursuant to section 39(1)(d) of the Act
- **Department Manuals, Policies and Procedures**
- **Handbooks and Brochures**

SECTION 8 (1) (b): A statement of documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of written laws or schemes that are administered by the Commission, which are provided for the use or guidance of the Commission or its officers, where a member of the public might be directly affected by that enforcement.

There are no statements to be published under this section at this time.

SECTION 9 STATEMENTS

SECTION 9 (1) (a): A statement of documents that is a report or statement containing the advice or recommendations, of a body or entity established within the Commission.

There are no reports or statements to be published under this section at this time.

SECTION 9(1) (b): A statement of documents that is a report or statement containing the advice or recommendations:

- of a body or entity established outside the Commission by or under a written law; or
- by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the Commission or to the responsible Minister with line responsibility for the Commission.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (c): A statement of documents that is a report, or a statement containing the advice or recommendations, of an interdepartmental Committee whose membership includes an officer of the Commission.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (d): A statement of documents that is a report, or a statement containing the advice or recommendations, of a committee established within the Commission to submit a report, provide advice or make recommendations to the responsible Minister for the Commission or to another officer of Commission who is not a member of such committee.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (e): A statement of documents that is a report (including a report concerning the results of studies, surveys or tests) prepared for the Commission by a scientific or technical expert, whether employed within the Commission or not, including a report expressing the opinion of such an expert on scientific or technical matters.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (f): A statement of documents that is a report prepared for the Commission by a consultant who was paid for preparing the report.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (g): A statement of documents that is a report prepared within the Commission and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on, the feasibility of establishing a new or proposed Government policy, programme or project.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (h): A statement of documents that is a report on the performance or efficiency of the Commission, or of an office, division or branch of the Commission, whether the report is of a general nature or concerns a particular policy, programme or project administered by the Commission.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (i): A statement of documents that is a report containing:

- Final plans or proposals for the re-organisation of the functions of the Commission;

- The establishment of a new policy, programme or project to be administered by the Commission; or

- The alteration of an existing policy programme or project administered by the Commission, whether or not the plans or proposals are subject to approval by an officer of the Commission, another public authority, the Minister with line responsibility for the Commission, or Cabinet.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (j): A statement of documents that is a statement prepared within the Commission and containing policy directions for the drafting of legislation.

There are no statements to be published under this section at this time.

SECTION 9 (1) (k): A statement of documents that is a report of a test carried out within the Commission on a product for the purpose of purchasing equipment.

There are no reports or statements to be published under this section at this time.

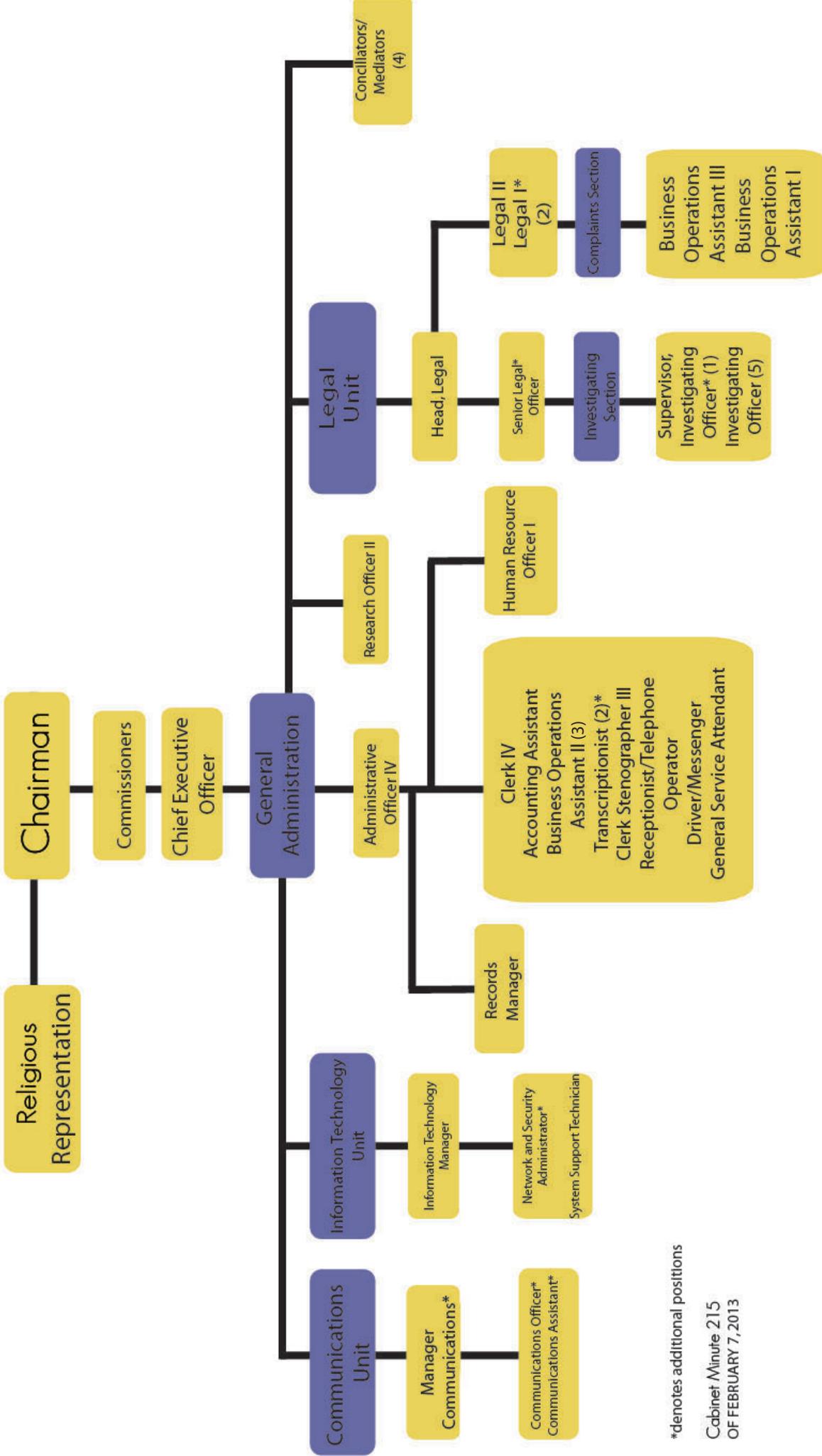
SECTION 9 (1) (l): A statement of documents that is an environmental impact statement prepared within the Commission.

There are no statements to be published under this section at this time.

SECTION 9 (1) (m): A statement of documents that is a valuation report prepared for the Commission by a valuator, whether or not the valuator is an officer of the Commission.

There are no reports or statements to be published under this section at this time.

ORGANISATIONAL CHART - 2013 - EQUAL OPPORTUNITY COMMISSION



*denotes additional positions

Cabinet Minute 215
OF FEBRUARY 7, 2013

The Commissioners



Professor John La Guerre (Chairman)
B. Sc. (Economics) (UWI),
M. Sc. (Government) (UWI),
Ph.D. (Manchester)



Dr. Eastlyn Mc Kenzie (Vice-Chairman)
Ed.D (Human Resources Development)
from the George Washington University,
USA



Mr. Gérard Besson
(Commissioner)
Humming Bird Medal (Gold)
for Heritage Preservation and
Promotion in 2007



Dr. Beverly Ann-Marie
Beckles (Commissioner)
B.Sc. (Business Management)
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Nova Scotia, Canada),
Master in Rehabilitation
Administration (Mc Laren
School of Business, University
of San Francisco)
Ph.D (Philosophy, Organization
and Management, Capella
University)



Dr. Indira Rampersad (Commissioner)
B.A. (Language in Literature UWI),
M.Phil. (Latin American Literature,UWI),
M. Phil. (International Relations),
Ph.D.(Political Science, University of Florida,
Gainesville 2007) LLB (University of
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