



Republic of Trinidad and Tobago



55-57 Manic Street, Chaguanas, 500621, Trinidad and Tobago, W.I

Phone: (868) 672-0928 • Fax: (868) 671-8826 • E-mail: eoc@gov.tt • Website: www.equalopportunity.gov.tt

### MEDIA ADVISORY

#### *For Immediate Release*

April 13, 2016

#### **Offensive Behaviour under the Equal Opportunity Act, Chapter 22:03 ('the Act')**

The Equal Opportunity Commission (EOC) has noted reports that were carried in print and electronic media (including social media), of statements allegedly made by a teacher to a class of students at a Secondary School. Some of these statements as reported, may amount to offensive behaviour as defined by section 7 of the Equal Opportunity Act Chapter 22:03 (the Act).

It was reported that the teacher, in the course of a discussion on issues of religion, including atheism and homosexuality, suggested that certain "issues" could be "fixed" by the use of a gun. The EOC notes that the nature and tone of such comments may possibly incite gender and/or religious hatred.

Statements or actions are considered to be offensive behaviour under Section 7 of the Act where they are done otherwise than in private, and the statements or actions are such that:

- (a) they are reasonably likely, in all of the circumstances, to offend, insult, humiliate or intimidate another person or group of persons;
- (b) they are done because of the gender or race or ethnicity or origin or religion of the other person or of some or all of the persons in the group and
- (c) they are done with the intention of inciting gender or racial or religious hatred.

While offensive behaviour is not a criminal offence, it is a form of discrimination that is prohibited by the Equal Opportunity Act. A person who believes that they have been subjected to offensive behaviour can lodge a complaint with the EOC. The EOC is empowered to investigate, and where possible conciliate disputes. If the complaint cannot be resolved at the level of the EOC, the matter may be referred to the Equal Opportunity Tribunal ('EOT'), which is a superior court of record. The EOT is empowered to make orders, declarations and awards of compensation as it deems fit.

The EOC is available to consult on issues of discrimination and provide public education on the Act at no cost.

Mrs. Lynette Seebaran-Suite,  
Chairman, Equal Opportunity Commission.

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COMMISSIONERS: Mrs. Lynette Seebaran-Suite (Chairman)  
Dr. Beverly Ann Marie Beckles (Vice Chairman) • Dr. Indira Rampersad  
Mr. Eric Colin Cowie • Mr. James Chin Chuck

## About the EOC

The primary task of the EOC is to oversee implementation of the Equal Opportunity Act Chapter 22:03, which prohibits certain kinds of discrimination and seeks to promote equal opportunity between persons of different status.

- The Act is concerned with discrimination in four broad categories - employment, education, provision of goods and services, and provision of accommodation - where someone has suffered less-favourable treatment:
  - Because of their status, that is, because of one of the following personal characteristics: race, ethnicity, religion, sex, marital status, origin or disability;
  - Or by way of victimisation, that is, in retaliation for doing certain actions that are protected under the Act, for example, lodging a complaint with the Commission or giving evidence in support of someone who has lodged a complaint.

The Act also applies to a third category of conduct known as ‘offensive behaviour.’

- A person who believes that they have been subjected to discrimination in any of the above areas may lodge a complaint with the EOC. The EOC is mandated to receive, investigate and as far as possible conciliate complaints.
- If the matter is unresolved, the complaint can be referred to the Equal Opportunity Tribunal (the ‘EOT’). The EOT is a superior court of record and its mandate is to hear and adjudicate on matters referred to it by the EOC. The EOT has the power to make orders, declarations and awards of compensation as it determines to be appropriate.

The EOC would urge all persons to be mindful of these provisions and to refrain from discriminatory practices which infringe the human rights of others.

For more information, please visit [www.equalopportunity.gov.tt](http://www.equalopportunity.gov.tt).

### Contact:

**Ria Mohammed-Pollard (Mrs.)**

Manager, Corporate Communications

**Equal Opportunity Commission**

Central Courtyard

55-57 Manic Street

Chaguanas

Tel: (868) 672-0928

Mobile: (868) 388-1187

Fax: (868) 671-8826

E-mail: [ria.mohammedpollard@eoc.gov.tt](mailto:ria.mohammedpollard@eoc.gov.tt)