



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 Release

FOR IMMEDIATE RELEASE

28th May, 2018

Religious Discrimination under the Equal Opportunity Act Chapter 22:03

The Equal Opportunity Commission ('EOC') has noted reports that were carried in print and electronic media (including social media) about an incident which occurred at Lakshmi Girls Hindu College with an On the Job Trainee ('OJT') who presented wearing a hijab. Members of the public are reminded that denying employment to someone on the basis of their religion may constitute discrimination, and is prohibited by the Equal Opportunity Act Chapter 22:03 [Act No 69 of 2000 as amended] ('the Act' and/or 'the EOA'). Employment under the EOA includes employment as an apprentice, trainee and even as a contractor.

The Act prohibits discrimination in employment which will include discrimination in recruitment, remuneration, transfers, promotions, and termination, on the basis of a number of personal and inherent characteristics known as 'status' grounds. Currently, there are seven status grounds that are protected; these are – race, ethnicity, religion, sex, marital status, origin and disability. So, for example, it is prohibited conduct for an employer to use a person's religion or race or sex in deciding whether or not to hire the person, or what remuneration to pay the person, or whether that person should be transferred or promoted.

Persons who have been subjected to discrimination in their employment, on the basis of their religion, or any other status ground, can lodge a complaint with the EOC. In the calendar year 2016, the EOC received and investigated six (06) complaints of religious discrimination. However, this more than tripled to twenty (20) in 2017. The EOC is empowered to investigate these complaints, and where possible, to bring the parties together for conciliation. This service is free of charge. 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 and is presided over by a Judge. The EOT is empowered to make orders, declarations and awards of compensation as it deems fit.

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

The matter of *Giselle Glaude -v- Quality Security Bodyguard Services Ltd* [EOT No 03 of 2013] was a complaint of religious discrimination that was lodged with the EOC, was investigated, and was then referred to the EOT, who heard the matter and gave a decision on July 26, 2016. In this matter, Ms. Glaude who is a female Muslim, was employed with the Respondent as a security guard, but was terminated after she started wearing a hijab. The employers said that her wearing of the hijab while on duty was a violation of their uniform code. The EOT held that the wearing of the hijab was an outward manifestation of Ms. Glaude's sincerely held religious belief. They noted at para 37 that "*there is a discernible requirement in anti-discrimination jurisprudence for employers to strike a balance between the right of an employee to manifest his/her religion provided that there is no unjustified hardship on the employer.*" The Court found that her wearing the hijab did not cause any hardship on the employer. It did not affect the performance of her duties. Consequently, the Court ruled that the employers discriminated against her in terminating her, and ordered that they pay her compensation in the sum of \$150,000.00 plus interest and legal costs. This sum did not include any loss of earnings as she did not claim this.

Under the Concordat of December 1960, denominational schools are entitled to have the religion of their denomination taught in their schools, and by teachers belonging to that denomination. However, under the Equal Opportunity Act, they may not be entitled to deny employment to any person, or admission to any student, on the basis of that person's religion, and this includes, not just that person's religious beliefs, but the outward manifestation of those beliefs.

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

Lynette Seebaran Suite
Chairman, Equal Opportunity Commission

###

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.

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