



Republic of Trinidad and Tobago



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## MEDIA STATEMENT

### *Guidelines on Sexual Harassment in the Workplace*

11<sup>th</sup> April, 2018

The Equal Opportunity Commission (EOC) has recently completed its publication '*Guidelines on Sexual Harassment in the Workplace*' which provides direction to both the private and public sectors to understand, prevent and resolve workplace sexual harassment. In developing this publication, the EOC undertook extensive research into legislation, conventions and best practice within the region and internationally. Sexual harassment is well recognised as a form of sex-based discrimination given that the complainant's sex would be one of the motivating factors for the discriminatory treatment that he/she has received.

The Equal Opportunity Act Chapter 22:03 (the Act) affords excellent protection for giving redress of complaints of sexual harassment in the workplace. The Act protects against sex discrimination for either a man or woman in employment in the way that the employer dismissed him/her or subjected him/her to a detriment due to his/her sex.

Locally, the EOC provides the best avenue for addressing complaints of sexual harassment in the workplace. Under the Act, the EOC is empowered to receive, investigate and conciliate these complaints. Recourse before the EOC is simple and free of charge. If the dispute cannot be resolved at conciliation, the matter can be referred to the Equal Opportunity Tribunal which is presided over by its Chairman who has the status and powers of a high court judge. Although our publication focusses on workplace harassment, it must be mentioned that under the Act, the EOC is also empowered to deal with sexual harassment as a form of discrimination in other spheres as well, such as in the provision of goods and services, in education and in the provision of accommodation.

We have also considered whether specific legislation on this topic is necessary for Trinidad and Tobago. In so doing, we have looked at legislation in Belize, the Bahamas, St. Lucia and Guyana, as well as in the United Kingdom, the United States of America and Australia. We also carefully studied the CARICOM Model Sexual Harassment Bill. At the end of the day we concluded that the best option for Trinidad and Tobago is to make a few simple legislative changes to the Act as follows:

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

- For the sake of absolute clarity, to amend the definition of sex in the Act to specifically include sexual harassment;
- To provide definitions of what constitutes sexual harassment;
- To create a duty on the part of employers to promulgate a workplace code.

Thus, a separate piece of legislation to deal with sexual harassment in the workplace should not be needed.

The EOC's *Guidelines on Sexual Harassment in the Workplace* provide much needed guidance to address the following issues:

- The current legal framework for treating with sexual harassment;
- What does and does not constitute sexual harassment;
- Mechanisms employers can adopt to prevent sexual harassment;
- Mechanisms employers should adopt to respond to cases of sexual harassment;
- How to write a sexual harassment policy;
- The EOC's procedure for dealing with complaints of sexual harassment.

These guidelines can be found on our website [www.equalopportunity.gov.tt](http://www.equalopportunity.gov.tt)

We note with enthusiasm the press release dated 10<sup>th</sup> April, 2018 from the Honourable Minister of State in the Office of the Prime Minister, as well as, the statement made by the Honourable Minister of Labour in Parliament on 9<sup>th</sup> April, 2018 both to the effect that a national policy on sexual harassment is being drafted. We stand ready to work alongside these and other policy makers at every level to appropriately address this scourge. We applaud the Honourable Attorney General for the support he has always given to the work of the EOC and look forward to collaborating with him on the legislative and policy amendments needed to address this issue of sexual harassment.

**Lynette Seebaran Suite,  
Chairman, Equal Opportunity Commission**

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### **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.
- 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).

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