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PRESS RELEASE

Date: Tuesday April 15, 2014

The Equal Opportunity Commission (EOC) wins 1st Magistrates' Court prosecution for an offence under the Equal Opportunity Act

On Thursday April 10, 2014 her Worship Chief Magistrate Marcia Ayers-Ceasar found Mr. Vivek Dinanath guilty of failing and/or refusing to comply with the requirements of section 33 Notice for the Equal Opportunity Act. He was fined \$135,000.00. This was the Commission first Magistrates' Court prosecution for an offence under the Equal Opportunity Act that went all the way to completion.

Mr. Vivek Dinanath, an individual trading as "the Game Shop", failed to provide information to the Commission with regards to complaint lodged by Mr. Vance Skeete, a former employee, who alleged discrimination in the manner in which he was terminated. Mr. Dinanath neither contacted the Commission nor provided any response. As a result a complaint was laid against him and a Summons was issued for him to appear before the Port-of-Spain 8th Magistrates' Court. This failure to provide information contravened section 36 of the Equal Opportunity Act of 2000.

His failure began on November 27, 2013 (the day after which his last response was due) and continued to date. This amounted to 135 days and applying the fine of \$1,000.00 per day, his total penalty amounted to \$135,000.00. In default he is to serve twenty-four months hard labour. Her Worship gave him a period of two (2) months in which to pay the fine. **N.B** This money is payable to the State and not to the Commission. Mr. Dinanath was unrepresented, despite the matter being adjourned on a previous occasion in January 2014 for him to seek legal advice. The EOC was represented by Ms. Christal Chapman and Ms. Aleyya Gafoor-Ali. The complaint was filed in November of 2013 by Ms. Georgia-Rae Mottley, an Investigating Officer at the Commission.

Ms. Mottley alleged a contravention of section 36 of the Equal Opportunity Act which reads:

“A person who, without reasonable excuse, refuses or fails to comply with any requirement of a notice under sections 33 and 35(2), is liable on summary conviction –

(a) in the case of an individual, to a fine of one thousand dollars;

(b) in the case of a body corporate, to a fine of five thousand dollars, for every day that the individual or body corporate refuses or fails to comply with any requirement of a notice.”

As part of the investigation the following Notices were sent:

- The **First Notice** was dated July 23, 2012 and he was given a deadline to provide certain requested information by August 16, 2012.
- He did not respond or provide any information, so a **Second Notice** was sent to him dated September 5, 2012 and he was asked to furnish the information by September 12, 2012.
- He failed to respond and a **Final Notice** dated 6th November 2013 was hand delivered to his place of business, where he was asked to respond by November 26, 2013.

Mr. Dinanath gave evidence on his own behalf. He admitted that he did not respond to the EOC’s Notices. He said that the complainant was never in his employ so that he felt that he had nothing to respond to. Her Worship pointed out that the EOC in their Notices took great length to explain their statutory powers and the consequences that could happen if he did not respond. Her Worship then stated, if it was felt that the allegations against him were untrue he should have written to or visited the Commission’s office and indicated same. The complaint involving Mr. Dinanath and Mr. Vance at the Commission is ongoing.

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About the EOC

The primary task of the Equal Opportunity Commission (EOC) is to oversee implementation of the Equal Opportunity Act No. 69 of 2000, which prohibits certain kinds of discrimination and seeks to promote equal opportunity among all citizens of Trinidad and Tobago.

The key functions of the Commission are to receive, investigate and as far as possible conciliate allegations of:

- Discrimination on the grounds of status
- Discrimination by victimisation or
- Offensive behaviour lodged with it by members of the public; to work towards the elimination of discrimination; and promote equality of opportunity and good relations between persons of different status generally.
- 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 races, ethnicities, religions, geographical origins, marital status, gender or physical disabilities.
- Prepare and publish appropriate guidelines for the avoidance of discrimination.

For more information, please visit www.equalopportunity.gov.tt.

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