



E O C

Equal Opportunity Commission
Promoting Equality

10

THINGS

**ORGANISATIONS
SHOULD
KNOW ABOUT
THE EQUAL
OPPORTUNITY
COMMISSION
OF TRINIDAD
& TOBAGO**

10

THINGS ORGANISATIONS SHOULD KNOW ABOUT THE EQUAL OPPORTUNITY COMMISSION

1.

What is the Equal
Opportunity
Commission?



2.

What is
Discrimination?



3.

What is
Victimisation?

5.

Does the Act apply
only to public bodies
or does it extend
to the private
sector as
well?

4.

What is Offensive
Behaviour?



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The Equal Opportunity Commission embraces its role: To achieve mutual respect among groups based on understanding and appreciation of diversity and on shared respect for equality and human rights.

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1. What is the Equal Opportunity Commission?

The Equal Opportunity Commission ('the Commission') is a public body that was created in accordance with the provisions of the Equal Opportunity Act, Chapter 22:03, for the purpose of exercising the jurisdiction conferred upon it by the Act.

The Act was passed by Parliament:

- (a) To prohibit certain kinds of discrimination
- (b) To promote equality of opportunity between persons of different status
- (c) To establish an Equal Opportunity Commission
- (d) To establish an Equal Opportunity Tribunal.

The Commission effectively came into operation in 2008 and the first Commissioners were appointed on April 21, 2008.

Key Functions of the Commission

The **key functions** of the Commission are:

- (i) to receive, investigate and as far as possible conciliate allegations of:
 - Discrimination on the grounds of status,
 - Discrimination by victimisation, or
 - Offensive behaviour

lodged by members of the public;

- (ii) to work towards the elimination of discrimination; and
- (iii) to promote equality of opportunity and good relations between persons of different status.

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The Equal Opportunity Act is concerned with discrimination in four (4) areas:

- Employment
- Education
- The Provision of Goods and Services
- The Provision of Accommodation.

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The characteristics that are protected (which are referred to as 'status') are

- Sex
- Race
- Ethnicity
- Origin (including geographical origin)
- Religion
- Marital status and
- Disability.

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2. What is Discrimination?

To discriminate means to distinguish, single out, or make a distinction. In everyday life, when faced with more than one option, one makes a choice.

In the context of human rights, unlawful discrimination refers to unfair or unequal treatment of an individual (or group) based on certain characteristics.

3. What is Victimisation?

Generally, victimisation is used to mean any treatment which a person thinks is unfair or unequal and makes him/her feel like a victim.

However, victimisation as it is defined in the Act is very specific. Examples of victimisation may include instances where an individual is treated less favourably:

- (i) by his employer, because he has brought proceedings or given evidence in a Court of law against his employer (or another person), or
- (ii) by his service provider because the consumer has alleged that the service provider is in breach of any relevant law.

The victimisation has to originate from something that the person said or did to enforce his/her rights or the rights of others.

4. What is Offensive Behaviour?

Offensive behaviour occurs when a person says or does something publicly:

- (i) which is reasonably likely in all the circumstances to offend, insult, humiliate or intimidate another person or group of persons;
- (ii) because of the gender, race, ethnicity, origin, or religion of the other person or of some or all of the persons in the group and,
- (iii) with the intention of inciting, gender, racial or religious hatred.

Offensive behaviour is not limited to the following four (4) categories of discrimination

- Employment
- Education
- The Provision of Goods and Services and
- The Provision of Accommodation.

5. Does the Act apply only to public bodies or does it extend to the private sector as well?

The Equal Opportunity Act applies to both the public sector, and the private sector, and the Commission is empowered to investigate allegations made against both public and private bodies.

The 'private sector' refers to that part of the economy that is not owned or controlled by or on behalf of the State (which would be the 'public sector'). The private sector encompasses any corporation, business, association, partnership and charity that is privately owned and controlled, and does not fall within the 'public sector', even if the entity has a public or welfare purpose. By definition, this would include non-governmental, community-based and faith-based organisations.

It is to be noted that the private sector would also include individuals who are employers.



6.

What does an employer need to keep in mind?



7.

What does a provider of goods and services need to keep in mind?



8.

The Complaint Process

9.

The Equal Opportunity Tribunal



10.

Vision & Mission

6. What does an employer need to keep in mind?

Claims of discrimination are not just limited to persons with whom the organisation has an established employment relationship.

A complaint can also be brought by a prospective employee:

- (i) with respect to the selection and recruitment process used by the employer to determine who should be offered employment;
- (ii) with respect to the terms and conditions on which employment is offered;
- (iii) as a result of a refusal or deliberate omission to offer employment.

Additionally, claims can be brought by former employees, even after the employment relationship has ended.

For example, if the former employer gives a negative job reference, or if the former employer gives other persons more favourable retirement or termination benefits.

7. What does a provider of goods and services need to keep in mind?

Any organisation that provides goods, facilities or services to any person (whether or not for payment) should carefully consider the means by which these goods or services are being offered.

Examples of goods and services may include:

- accommodation in a hotel
- delivery of goods and
- banking or insurance facilities.

A complaint can be lodged

- (i) for *refusal* to supply the goods and/or provide facilities or perform the services;
- (ii) with respect to the *terms on which* the goods, facilities or services are provided
- (iii) *on the basis of the manner* in which the goods, facilities or services are provided.

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The Equal Opportunity Act applies to persons/ Institutions/Corporations in both public and private sectors.

The Equal Opportunity Commission can therefore investigate complaints made against public and private bodies.

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8. What is the process by which a complaint is handled?



9. The Equal Opportunity Tribunal

The Equal Opportunity Act provides for the creation of two (2) institutions - the Equal Opportunity Commission (the Commission) and the Equal Opportunity Tribunal (the Tribunal). If a complaint is not resolved at the level of the Commission, it can, with the consent of the complainant, be referred to the Tribunal.

The Tribunal is a superior court of record, like the High Court of Justice or the Industrial Court. The Tribunal is independent from the Commission. It consists of a Chairman, who enjoys status equal to that of a Judge of the High Court of Justice and two (2) Lay-Assessors.

The Tribunal has jurisdiction:

- (i) To hear and determine complaints referred to it by the Commission;
- (ii) To require persons to attend before it for the purpose of giving evidence and producing documents;
- (iii) To make such declarations, orders and awards of compensation.

The Tribunal is concerned more with hearing and adjudicating on matters before it.

10. Vision & Mission

Vision Statement

An informed and responsible society where the objective is to ensure just, fair and equal opportunity for all.

Mission Statement

The Equal Opportunity Commission (EOC) seeks to discourage and prevent acts of discrimination and promote equality of opportunity so that each individual can contribute to the development of the society.

The Commission may be contacted as indicated:

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