

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE EQUAL OPPORTUNITY TRIBUNAL

(Referred pursuant to S. 39(2) of the Equal Opportunity Act 2000 as amended by Act No. 5 of 2001)

E.O.T. No. 0004 of 2013

BETWEEN

GEETA SAHATOO

Complainant

AND

**MINISTRY OF LABOUR AND SMALL AND
MICRO ENTERPRISES DEVELOPMENT**

Respondent

CORAM:

His Honour Mr. Rajmanlal Joseph - Judge/Chairman
Her Honour Ms. Leela Ramdeen - Lay Assessor
His Honour Mr. Harridath Maharaj - Lay Assessor

APPEARANCES:

Mr Clifford Sukhai appeared on behalf of the **Complainant**

Ms Leah Thompson appeared on behalf of the **Respondent**

Date of Delivery of Judgment: July 31, 2017

JUDGMENT

BACKGROUND:

1. This case is concerned primarily with the allegation by the Complainant that she was discriminated against by the Respondent in the way that it offered her access to opportunities for promotion and training in breach of Section 9 of the Equal Opportunity Act, Chap. 22:03.
2. In addition, in accordance with her Complaint and Particulars thereof filed on March 28, 2014 she requested a declaration that she was victimised contrary to Section 6 of the Equal Opportunity Act, Chap. 22:03 (the Act) and further that the Respondent has discriminated against her in breach of Section 5 of the Act.
3. Moreover, it is the further case of the Complainant that the Respondent Ministry deliberately omitted or refused to forward to the Director of Personnel Administration (DPA) recommendations for the Complainant to obtain acting appointments while ensuring that recommendations for the acting appointments of other officers of a different race or ethnicity were made in a timely manner.
4. On the other hand, the Respondent by its Defence filed on June 18, 2014 denied that the Respondent had engaged in any less favourable treatment against the Complainant; and/or engaged in any acts of victimization against the Complainant.

THE EVIDENCE:

5. With regard to their respective positions hereinabove the parties submitted the undermentioned Witness Statements:
 - (a) Witness Statement of the Complainant filed on August 15, 2014.
 - (b) Supplemental Witness Statement of the Complainant filed on April 9, 2015.
 - (c) Witness Statement of Michael Gordon filed on August 15, 2014.
 - (d) Witness Statement of Stephen Thomas filed on August 15, 2014.
 - (e) Witness Statement of Carl Francis August 15, 2014.
 - (f) Witness Statement of Dalkeith Ali filed on August 15, 2014.

(g) Witness Statement of Karyl Adams filed on August 15, 2014.

(h) Witness Statement of Charles Mitchell filed on August 15, 2014.

6. In essence, the evidence of the Complainant was that she commenced her employment in the Public Service in 1973; and was appointed Co-operative Officer I in 1978 and was later promoted to Co-operative Officer I and II respectively.
7. It is the contention of the Complainant that difficulties with Mr. Mitchell and Ms. Rouff arose in 2006 when Mr. Mitchell then Co-operative Officer III was appointed to act in the post of Deputy Commissioner; and Ms. Rouff then also Co-operative Officer III was appointed to act as Training Officer. The Complainant further asserted that both persons were not qualified to hold these positions as they did not have the necessary minimum qualifications. In Mr. Mitchell's case the minimum requirement was a recognized university degree, and in the case of Ms. Rouff the minimum requirement being an associate degree or diploma in co-operative studies.
8. It was also during this time (2006) that the posts of Commissioner, Deputy Commissioner and Training Officer became vacant. And as a consequence the then DPA issued a Circular Memorandum dated April 10, 2006 seeking applications for the posts of Commissioner and Deputy Commissioner; and setting out the minimum qualifications for said positions, both of which required at least eight (8) years experience in Co-operative Development as well as well as a recognized degree in Management, Economics or Accounting supplemented by a suitable course in Co-operatives; or any equivalent combination of experience and training.
9. The Complainant further maintained that from the moment the posts of Commissioner and Deputy Commission became vacant she began experiencing problems in the Co-operative Development Division as a result of the concerted efforts of Mr. Mitchell and Ms. Rouff to disparage and discredit here professionally. The Complaint cited a memorandum dated July 10, 2006 wherein Mr. Mitchell was seeking to impute improper motives in a submission for payment concerning materials used in the Pt. Coco Project. Consequently, the Complainant wrote a memorandum dated July 17, 2006 to the

Permanent Secretary indicating that Mr. Mitchell was doing everything to frustrate the project. And requested the Permanent Secretary to investigate all the areas identified, and sought an apology from Mr. Mitchell for imputing improper motives on her part.

10. As a result, the Permanent Secretary - Mr. Carl Francis - wrote a memorandum dated August 3, 2006 to the Complainant in which he stated that "*I have investigated the issues raised in your correspondence*", and proceed to accuse her of disrespect for instruction from supervisors; that many of her claims/accusations lacked substance and that she change her manner of interaction with colleagues and other officials; and "*a failure to do so may result in action in the future that may not be in your career interest*".
11. Furthermore, the Complainant stated that when Mr. Mitchell prepared her 2006 performance appraisal, it was in her words "*decidedly negative advising, inter alia, that she had an inferiority complex and lacked interpersonal skills and was not ready for promotion*". The Complainant indicated that the proper procedure in doing the appraisal was inconsistent with Regulations 34 and 35 of the Public Service Commission Regulations, Chap. 1:01 as well as the Manual of Performance Management in the Public Service.
12. Moreover, the Complainant went on to outline other egregious memoranda by Mr. Mitchell concerning her conduct; and that this type of action was continued by Ms. Rouff in the preparation of her 2007 Performance Appraisal in which she alleged that Ms. Rouff stated "*that she lacked interpersonal skills, was not ready for promotion and needed remedial training to redress her interaction with members of staff and external publics*". According to the Complainant the appraisal was not signed by the Permanent Secretary and it contained the wrong appraisal standards in that is contained the appraisal standards for the post of Co-operative Officer III and not for the post of Training Officer in which she was acting.
13. The Complainant further maintained that the 2007 appraisal done by Ms. Rouff was in breach of the requirements of Regulations 34 and 35 of the PSC Regulations, Chap. 1:01 as well as the Manual for Performance Management in the Public Service. The

Complainant further asserted that even though she complained about the breaches of the law and the manner in which her 2007 appraisal was done, no effort was made to address her concerns. And Ms. Rouff sent her 2007 appraisal directly to the Director of Personnel Administration without the signature of the Permanent Secretary.

14. Further, the Complainant indicated that Ms. Rouff sent a five page memorandum dated July 11, 2008 to the Permanent Secretary making a number of "*spurious and unfounded*" allegations including making racist statements against a certain member of staff of African origin. On September 18, 2008 the Complainant "*comprehensively responded to all of the allegations made by Mr. Rouff annexing thereto complete documentary proof refuting each of the allegations made. The Permanent Secretary made no effort to investigate the matter*". This the Complainant contended remained an open issue which seriously affected her career prospects.
15. In addition, the Complainant averred that while Mr. Mitchell, Ms. Rouff and Mr. Thomas were given acting in higher positions even though they were not qualified, since none of them had a recognized university degree in management, Economics or Accounting, While she was in possession of a Master's in Business Administration from the Arthur Lok Jack School of Graduate Studies (T&T) since 1998; in addition to having the requisite experience in the field of Co-operative Development.
16. Further, it is the contention of the Complainant that when she attended her first interview for the post of Commissioner of Co-operative Development the negative markings in her earlier appraisal was mentioned.
17. The complainant was extensively cross-examined by counsel for the Respondent and based on her responses to searching questions the Tribunal found her to be generally a credible witness.
18. The Witness Statements of the Respondent witnesses on the other hand tended to convey the distinct impression that the Complainant was a person who was difficult to get along with and lacked interpersonal skills.

19. Mr. Carl Francis then Permanent Secretary of the Respondent indicated that the recall writing to the Complainant concerning the Point Coco Project in which he *“was advised by her superiors of delays and inadequate structural work that led to leakages and other inefficiencies. In addition there were frequent complaints from the superior colleagues in the department and her colleagues in other departments about the Complainant’s very aggressive manner”*.
20. He further stated that based on his professional assessment of the Complainant *“she had a demeanor and attitude which would have resulted in chaos if she ran any Department as its head. There was no question about the Complainant’s qualifications for the different jobs. However, the Complainant was not able to get along with other persons easily”*.
21. This witness rejected any notion of racial discrimination or victimization against the Complainant. He further maintained that he never threaten the Complainant’s career prospects. His recollection was that time lines on the Pt. Coco Project were not met. The project was seemingly not implementable and there were *structural* problems with the ponds. And he form this view on what was reported to him by the Commissioner for Co-operative Development.
22. Mr. Francis further indicated that *“In the public service, persons may act as Commissioner based on seniority but to be appointed to the position it requires other qualifications in addition to seniority”*.
23. This witness was also cross-examined by counsel for the Complainant and at times the Tribunal found him to be less than forthright. For instance he indicated in his witness statement that there were structural problems with the tanks at the Point Coco Project. But this statement was contradicted by the Ministry of Works Report dated April 23, 2007 where it was noted that there were certain repairable cracks in one tank but there were no structural problems. In addition, he could find no or no proper justification for his proposition that the *“complainant had a demeanor and an attitude which would have resulted in chaos if she ran any department as its head”*.

24. The next witness Mr. Charles Mitchell as Commissioner of Co-operative Development now retired. The general tenor of his witness statement was that he never discriminated against the Complainant on the basis of her race or engaged in any process of victimization against her.
25. In cross-examination he was of the view that it was only after his retirement that the requirement of a recognized university degree and experience became necessary for appointment to higher positions in the department. And when shown the job description for the posts of Deputy Commissioner of Co-operative Development and Commissioner of Co-operative Development exhibited to the Witness Statement of Dalkeith Ali which required, inter alia, a recognized degree in Management, Economics or Accounting; his response was that they took into account his accounting background.
26. The witness further indicated in cross-examination that Ms. Rouff would have made a blunder in the performance appraisal of the Complainant by not taking into account that the Complainant at the material time was Acting Training Officer. But later attempted to resile from this position by stating *"I said if when the appraisal was done, she was in fact a Training Officer acting then it would have been improperly done, but we did not know for sure whether she was acting or they just tell her hold the post until the appointment comes through, I don't know"*. In the circumstances the Tribunal found that this witness was a bit less than credible.
27. The next witness called was Mr. Michael Gordon, Manager of the Enterprise Development Division (EDD) of the Respondent. This witness indicated that the Complainant was already working at the EDD in October 2010 on a three month contract when he joined in November, 2010. He stated that he made requests for the extension of her contracts to the Permanent Secretary for two consecutive three month periods because initially I liked her perspective and thought that she had lots of skills, expertise and ideas to offer the EDD.
28. This witness maintained that there were some negative attributes displayed by the Complainant whereby she would insist that her way was the right way and, at times,

refused to follow my directives, I still thought that she had a lot to offer and as such he requested the extension of her contracts. Moreover, he asserted that as she was the holder of a Master's Degree he was of the opinion that they could work together. He further indicated that they had their disagreements, some were constructive others confrontational; but his philosophy was to give members of his team a fair opportunity to say what they had to say. He maintained that race was not a factor that he took into account in filling positions in the Division.

29. This witness was cross-examined by counsel for the Complainant and throughout he remained faithful to the essence of his witness statement. He even agreed with counsel that the Complainant was "*commendable*" even though they had their disagreements. His candor and his professionalism were indeed impressive and caused this Tribunal to come to the view that he was indeed a credible witness.

30. The next witness was Mr. Karyl Adams, Commissioner of Co-operative Development who in his witness statement rejected any notion that he had in any way discriminated against the Complainant.

This witness was cross-examined by counsel for the Complainant and was able to have this witness admit that the procedure adopted by Ms. Rouff in the preparation of the Complainant's Appraisal Report for 2007 was improper; and further admitted that he had no power to "*appoint*" Stephen Thomas as Training and Development Officer I.

31. In dealing with the outstanding Performance Appraisals for the Complainant for the years 2009, 2010, 2011 and 2012 he mentioned that he wanted to do them sequentially and was kept back for that reason. On re-examination he indicated that it was the Complainant's unwillingness to meet with him that caused the delays. Due to the inconsistencies in his evidence the Tribunal found him to be a less than credible witness.

32. The final witness called by the Respondent was Mr. Dalkeith Ali who also rejected any accusations of discrimination or victimisation as charged by the Complainant. This witness noted that the Complainant's records are littered with reports on her inadequate performance and negative attitude by various supervisors. This witness went on to detail

the process whereby Performance Appraisals are prepared; and ought to be done in accordance with the prescriptions of the Manual of Performance Management in the Public Service.

33. This witness was cross-examined by counsel for the Complainant on the issue of the 2007 Appraisal of the Complainant in which the Director of Personnel Administration deemed the said Appraisal as improper. His response was that there were questions raised by the Complainant which in the Tribunal's view was essentially evasive. In addition, he could not demonstrate that there were documentary evidence to support his assertion that the Complainant's records are littered with reports of her negative attitude and inadequate performance.

FINDINGS OF FACT:

34. Based on the evidence presented in this case the Tribunal on a balance of probabilities find the following facts:
- (a) That the Complainant began her employment in the Public Service in 1973, and was appointed Co-operative Officer I in 1978 and worked in the Co-operative Division of the Respondent in various capacities until her retirement in 2014.
 - (b) The Complainant began experiencing difficulties in 2006 beginning with the improperly prepared staff report 2007 which found its way to the Service Commissions Department without the signature of the Permanent Secretary.
 - (c) That Mr. Mitchell, Ms. Rouff and Mr. Thomas obtain acting appointments to the position of Commission and Deputy Commission of Co-operative Development without having the minimum requirement of a recognized degree in Management, Economics or Accounting, while the Complainant had a Master's in Business Administration since 1998.

- (d) No significant effort was made by the Respondent to ensure that the Complainant's Performance Appraisals were done consistent with the principles adumbrated in the Manual for Performance management in the Public Service.
- (e) Mr. Francis, then Permanent Secretary of the Respondent penned a letter to the Complainant indicating that there were structural inadequacies in the ponds at the Pont Coco Project which was unsupported by the Ministry of Works Report on that project, which said report was dated April 23, 2007.
- (f) There was no supporting evidence to support the assertion of Mr. Francis in the aforesaid correspondence stating that the Complainant had a demeanor and an attitude which would have resulted in chaos if she ran any department as its head.
- (g) That the improperly prepared staff report of 2007 by Ms. Rouff would have impacted negatively at her interview for the position of Commission of Co-operative Development and that of Deputy.
- (h) That the appointment of Mr. Stephen Thomas to act as Training and Development Officer I by Mr. Adams was improper and unlawful as such an appointment is the exclusive preserve of the Public Service Commission.
- (i) That both Mr. Mitchell and Mr. Adams are good comparators for the Complainant especially Mr. Adams since he has a university degree and they are racially different to the Complainant.

ISSUE:

- (i) Whether the Complainant was discriminated by the Respondent on the basis of her race.
- (ii) Whether the Complainant was victimised by the Respondent.

ANALYSIS:

35. The Equal Opportunity Act, Chap. 22:03 makes unlawful discrimination in certain areas of activity, Section 4 states:

"This Act applies to –

- (a) *discrimination in relation to employment, education, the provision of goods and services and the provision of accommodation, if the discrimination is –*
 - (i) *discrimination on the grounds of status as defined in Section 5; or*
 - (ii) *discrimination by victimization as defined in Section 6;*
- (b) *offensive behavior referred to in Section 7”*

36. Moreover, Section 3 of the Act which deals with the interpretation of certain words, indicates that the word “STATUS” in relation to a person, means –

- (a) the sex;
- (b) the race;
- (c) the ethnicity;
- (d) the origin, including geographic origin;
- (e) the religion;
- (f) the marital status; or
- (g) any disability of that person.

37. In addition, Section 5 of the Act goes on to indicate what the term discrimination encompasses, the Section states as follows:

“for the purposes of this Act, a person (“the discriminator”) discriminates against another person (“the aggrieved person”) on the grounds of status if, by reason of –

- (a) *The status of the aggrieved person;*

.....

the discriminator treats the aggrieved person, in circumstances that are the same or are not materially different; less favourably than he treats another person of a different status”.

38. Simply put, the Act is saying that if (as in this case) you fall within the employment relationship, and you are of an appropriate status (race) and your employer in circumstances that are the same or are not materially different, treats you less favourably

than he treats another person of a different status; then once you can adduce evidence to prove on a balance of probabilities that the above characteristics apply to you, then you would have proven your case that you were discriminated against.

39. In this case it is the accepted evidence of the Complainant that she was discriminated against when Ms. Rouff prepared her Appraisal for 2007 and gave her a negative marking in that she lacked interpersonal skills which caused her to indicate that the officer is not yet ready to perform the duties of the higher level. This appraisal was countersigned by Mr. Mitchell but not by the Permanent Secretary. This report was considered by the Service Commission as being improper.
40. To be sure Regulation 34 and 35 of the Public Service Commission Regulation deals with staff reports (now called Performance Appraisal Reports); Regulation 34(2) states that:
“A staff report shall relate to the period of service during the immediate preceding twelve months.
(3) In the preparation of a staff report, the Permanent Secretary or Head of Department shall be guided by his own deliberate judgement and shall in such report-
(a) make an unbiased assessment of the officer’s performance and conduct over the past twelve months; and
(b) give an indication of the future prospect of the officer... ..
41. 35. *In order that an officer may be given every opportunity to correct any shortcomings which he might evince during the course of the twelve months’ period of service to be reported on, a Permanent Secretary or Head of Department shall-*
(a) as and when such shortcomings are noticed, cause the officer to be informed in writing thereof;
(b) when adverse markings are included in the staff report, cause the officer to be informed in writing thereof before he submits the reports to the Director”.
42. The evidence before this Tribunal is that no credible evidence was presented that the Complainant was appraised in writing of any shortcomings in relation to her 2007

Appraisal. Moreover, the then Permanent Secretary Mr. Francis in his evidence indicated that when presented with such Appraisals he simply supports the markings of the supervisor. In short, the above conduct by Ms. Rouff and Mr. Mitchell was contrary to the regulations which impacted negatively on the Complainant and was thus treated less favourably.

43. Furthermore, an analysis of an Appraisal Report prepared by Mr. Adams and dated 8.10.2013, he gave the Complainant a very good performance rating, but was unable to assess her major strengths or major weakness. In addition the Certificate of Performance was signed off as “*very good*” by then Permanent Secretary Mr. Francis on 13.2.2014. This very good marking is indicative of the fact that: “*Performance results are usually above the standard and overall performance consistently exceeds objectives*” (a copy of this Appraisal is exhibited at p. 301 of the Agreed Bundle of Documents).
44. The subsequent Appraisal in the Agreed Bundle had Mr. Adams indicating that the Complainant was “*good at assessing problems and prescribing solutions*”, but also stated that she lacked interpersonal skills; however, her overall performance was rated very good. And she was considered as now capable of performing duties/responsibilities of a higher level. Interestingly, the then Permanent Secretary Mr. Francis signed off on this Appraisal concurring with Mr. Adams very good marking.
45. These staff reports evidences a discernible shift in opinions by Mr. Adams and Mr. Francis whose comment that “*she had a demeanor and attitude which would have resulted in chaos if she ran any department as its head*”. This statement is clearly falsified by the “*very good*” overall markings given; or is it that such markings were given as the Complainant was on the verge of retirement and no longer a threat to those who were in competition with her for advancement in the Division in 2006. If the latter be the case, then it speaks to systemic deception of two of the highest ranking officers of the Respondent. And further supports the Complainant’s case that she was treated less favourably.

46. Further, when Mr. Adams by memorandum dated December 7, 2009 purported to appoint Mr. Thomas as Acting Training Officer with effect from Monday December 14, 2009. The previous training officer (Ag.) Ms. Geeta Sahatoo has been instructed in writing to “hand over” to you during the week of the 7th to the 11th of December. This missive is a definitive statement and he lacked the lawful authority to make such an appointment. On cross-examination he indicated that it was an error, and that it should be that it was a recommendation, that excuse for an abuse of authority is simply unbelievable.
47. It is from the circumstances outlined hereinabove that the Tribunal is of the view that the Complainant was treated less favourable than her competitors Mr. Mitchell, Ms. Rouff and Mr. Adams, who all benefited from acting appointments in higher positions and eventually to substantive appointments. Even though Mr. Mitchell and Ms. Rouff did not possess the minimum qualification of a recognized university degree in Management, Economics or Accounting.
48. It is clear from the forgoing analysis that the Complainant was treated less favourably, the next question to be addressed is whether the said less favourable treatment was on the basis of race as alleged by the Complainant. In *Nagarajan-v-London Regional Transport Board [1999] 4 ALL ER 65*, the House of Lords indicated that: “*Direct evidence of a decision to discriminate on racial grounds will seldom be forthcoming. Usually the grounds of the decision will have to be deduced, or inferred, from the surrounding circumstances*”. In addition, the court went on to indicate that: “*Racial discrimination is not negated by the discriminator’s motive or intention or reason or purpose*”.
49. In the instant case taking into account the surrounding circumstances the Tribunal is prepared to infer that the only logical reason for the Complainant’s less favourable treatment was because of her race; notwithstanding the position put forward by most of the Respondent witnesses as lacking in interpersonal skills, which has been exposed as a sham due to the Complainant receiving very good overall markings in later Appraisal Reports. Further, the Tribunal’s decision to make such an inference is also influenced by the outright refusal by Ms. Rouff to attend court and give evidence; even though the Tribunal had ordered and the Registrar in obedience to that order issued a Witness

Summons to attend court on the days set aside for trial. Ms. Rouff was a serious material witness and her evidence would have been extremely useful in assisting the Tribunal in its determination of the matter.

50. With reference to the issue of victimisation; the Act deals with victimisation in Section 6(1) which states as follows:

“A person (“the discriminator”) discriminates by victimization against another person (“the person victimised”) in any circumstance relevant for the purposes of any provision of this Act if he treats the person victimized less favourably than in those circumstances he treats or would treat other persons, and does so by reason that the person victimized has –

- (a) brought proceedings against the discriminator or any other person under this Act, or any relevant law;*
- (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act, or any relevant law;*
- (c) otherwise done anything under or by reference to this Act, or any relevant law, in relation to the discriminator or any other person; or*
- (d) alleged that the discriminator or any other person has committed an act, which (whether or not the allegation so states) would amount to a contravention of this Act, or any relevant law,*

Or by reason that the discriminator knows the person victimised intends to do any of those things referred to in Paragraphs (a) to (d), or suspects the person victimized has done, or intends to do, any of them.

(2) SubSection (1) does not apply to treatment of a person by reason of any allegation made by him, if the allegation was false and not made in good faith”.

51. The Complainant has failed to demonstrate on a balance of probabilities that she was victimised as a result of bringing proceedings at the Equal Opportunity Commission in June 2010 or any other similar proceedings; and as a result was treated less favourably.

The Complainant made numerous references to not being able to access training opportunities but did not relate it to having brought proceedings against the Respondent.

CONCLUSION:

52. From the forgoing analysis it is evident on a balance of probabilities that the Complainant was treated less favourably on the basis of her race and must be accordingly compensated.

COMPENSATION:

53. The jurisdiction of the Tribunal to make awards of compensation can be found in Section 41(1) of the Act where it states:

“The Tribunal shall have jurisdiction to make such declarations, orders and awards of compensation as it thinks fit”

Consequently, the Tribunal examined some of its decisions notably *EOT No. 003 of 2013 Giselle Glaude -v- Quality Security Bodyguard Services Limited* where the Tribunal awarded the sum of \$150,000.00 for religious discrimination. In addition to *EOT No. 0002 of 2014 Kerwin Simmons -v- The Water and Sewerage Authority* where the Tribunal awarded the sum of \$186,000.00 for discrimination on the basis of race. While in *EOT No. 0003 of 2014 Vidya S. Maharaj-v- Immigration Division of the Ministry of National Security* the Tribunal awarded the sum of \$231,303.80. And in *EOT No. 0006 of 2013 Dindial Ragoo-v-The Ministry of Food Production*, the Tribunal awarded the sum of \$167,351.00 where racial discrimination was proved.

54. Since the Complainant has suffered injury to her feelings and that the discriminatory acts were serious and continuing for some time, she has to be compensated appropriately. However, the loss of income pleaded in her complaint falls within the rubric of *“special damages”* and according to the learned author of *Mc Gregor on Damages*, 19th Edition: para. 49-007 *“If there be any special damage which is attributable to the wrongful act that special damages must be averred and proved”*. This was not done and therefore was disallowed by the Tribunal. Moreover, the claim for exemplary damages was not

entertained as the evidence did not establish it within any of the three categories outline in *Rookes-v-Barnard* [1964] AC 1129.

55. However, due to the seriousness of the discriminatory acts of the Respondent the Tribunal has placed its award of compensation for injury to feelings to its decision according to Ragoos(Supra) adjusted for inflation; and an element in aggravated damages. And our award of compensation to the Complainant is in the amount of \$180,000.00.

ORDER:

56. (i) The Respondent to pay to the Complainant compensation in the amount of \$180,000.00 with interest at the rate of 6% per annum from the date of filing of the complaint to Judgment.
- (ii) The Respondent to pay to the Complainant her cost on the prescribed scale, that is, in accordance with Rule 20.4(e) of the Rules of Practice and Procedure, 2016 of the Equal Opportunity Tribunal, that is, the sum of \$27,000.00.
57. The foregoing decision is made and delivered by the Judge/Chairman of the Tribunal in accordance with Section 44(7) of the Act, which states:

“The decision of the tribunal in any proceedings shall be made by the Chairman and shall be delivered by him”.

**HIS HONOUR MR. RAJMANLAL JOSEPH
JUDGE / CHAIRMAN
EQUAL OPPORTUNITY TRIBUNAL**

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