

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE EQUAL OPPORTUNITY TRIBUNAL

E.O.T. No. 0006 OF 2017

BETWEEN

CLARISE JUPITER

Complainant

AND

PETROLEUM COMPANY OF TRINIDAD AND TOBAGO LIMITED

Respondent

DECISION

Coram: H.H. Donna Prowell-Raphael, Chairman/Judge
Mrs. Leela Ramdeen, Lay-Assessor.

Appearances: Ms. Abayomi T. Ajene for the Complainant.
Mrs. Deborah Peake SC, Ravi Heffe-Doon instructed by Ms. Marcelle A. Ferdinand for the Respondent.

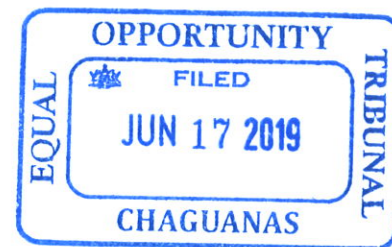
Date: June 14, 2019.



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THE EQUAL OPPORTUNITY TRIBUNAL

1. The Equal Opportunity Tribunal¹ (“the Tribunal”) is an anti-discrimination court established by the Equal Opportunity Act² (“the Act”). The Act permits a person who claims that he has been discriminated against to submit³ “a written complaint ... setting out the details of the alleged act of discrimination” to the Equal Opportunity Commission (“the Commission”). If the complaint, after investigation cannot or is not resolved through conciliation by the Commission, the Commission is mandated, with the consent and on behalf of the complainant, to institute proceedings before Tribunal for judicial determination of the complaint.

THE COMPLAINT

2. The complaint (“the Complaint”) was lodged at the Commission on May 28, 2014⁴. The Complaint was investigated and the Commission found that it could have been resolved by conciliation. Therefore, with the concurrence of the parties, two (2) conciliation sessions were held on November 30, 2015 and March 17, 2016. The matter was not resolved at conciliation. As such and further to section 39(1) of the Act, the Commission prepared its Report dated March 31, 2017 (the Commission’s Report)⁵.
3. The Complaint not having been resolved, proceedings were initiated by referral dated May 25, 2017 for determination by the Tribunal⁶.
4. The parties have satisfied the Trial Time-table fixed by the Tribunal and the Complaint was fixed for trial on October 15, 2018.

¹ *Equal Opportunity Act*, 41. (1) *For the purposes of this Act, there is hereby established an Equal Opportunity Tribunal (hereinafter referred to as “the Tribunal”) which shall be a superior Court of record and shall have in addition to the jurisdiction and powers conferred on it by this Act all the powers inherent in such a Court.*

² Ch. 22:03, *Laws of the Republic of Trinidad and Tobago*.

³ *Equal Opportunity Act*, s30: 30. (1) *A person who alleges that some other person has discriminated against him or has contravened section 6 or 7 in relation to him may lodge a written complaint with the Commission setting out the details of the alleged act of discrimination.*

⁴ See Commission’s Report para 4.

⁵ See Commission’s Report para. 29.

⁶ 41(4) *The Tribunal shall have jurisdiction— (a) to hear and determine complaints referred to it by the Commission;*