

Reflections on Nelson Mandela Day

IN-Depth
with DIKE ROSTANT @dkrostant



Viewers were treated to stories of Nelson Mandela, some of which were never told publicly, about the late South African President by EOC Chairman, Ian Roach when he was interviewed by Dike Rostant on the TTT programme, In-Depth with Dike.

This was part of the Equal Opportunity Commission's celebration of Nelson Mandela International Day or Mandela Day. Every year on 18th July, which was Nelson Mandela's birthday, the world celebrates the life and legacy of this global advocate for equality, justice, dignity and human rights.

Roach reflected on Mandela, as a person and icon, and shared his experiences while working in South Africa during the presidency of Mandela. At the time, Roach was a lawyer for the African National Congress and Republic of South Africa government and later received a once in a lifetime appointment as honorary counsel.

“former president Mandela epitomised humanity, something that what we all hope to achieve as individuals while we traverse this limited season called life, and Nelson Mandela International Day is a day of recognising and honouring him as an icon”.

During the interview, Chairman Roach shared that “serving as an honorary counsel was the most exciting time in my career and adult life. I witnessed someone with such awesome power, respect and immense influence permeating a presence of ordinariness that captivated people around him.”

He continued that “former president Mandela epitomised humanity, something that what we all hope to achieve as individuals while we traverse this limited season called life, and Nelson Mandela International Day is a day of recognising and honouring him as an icon”.

He added that some of the most noteworthy characteristics about Mandela were his humility, selflessness and his inclusive leadership. He didn't see race, he saw humanity!

Mandela left a legacy that taught us the true meaning of humility, human dignity, and equality.

To view the interview on In Depth with Dike, click here. - <https://www.facebook.com/tttliveonline/videos/1474225549677095>

EOC Chairman Visits Canadian High Commissioner



H.R. Ian Roach, Chairman of the Equal Opportunity Commission (EOC) paid a courtesy call to His Excellency Kumar Gupta, High Commissioner of Canada at Maple House yesterday (Wednesday 13 July, 2022).

Chairman Roach was invited by His Excellency to discuss inclusivity for persons with disabilities and how they can collaborate to achieve the common objectives of both countries to ensure that nobody is left behind.

During the call, High Commissioner Gupta reiterated that Canada promotes inclusion and respect for diversity as a proven path to peaceful, just, healthy,

safe, resilient and prosperous societies that respect human rights. “In an inclusive society, all people can fully and meaningfully participate in a social, economic, cultural and democratic life.”

High Commissioner Gupta also assured Chairman Roach that the High Commission was committed to working with the EOC going forward.

Commenting on the discussion, Roach said, “it was truly a productive meeting. I am honoured to have met with His Excellency and I look forward to putting into action, some of the items we discussed.”

His Excellency was presented with a copy of the EOC’s Guidelines for Employers on Disability in Trinidad and Tobago.



FREE WEBINAR

Topic:
**Equal Rights in
the Work Place**

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Presenter: **Lorelei Wong**
Legal Officer I

**Wednesday 24th
August, 2022
8:30am - 9:30am**



HAPPY EMANCIPATION DAY

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How Does Sexual Harassment Manifest in the Workplace?

How does one know if they are being sexually harassed and how can we identify whether or not a co-worker is being sexually harassed?

It is important to be aware of the subtle signs of sexual harassment, which often wears the disguise of many different forms which can be physical, written, verbal, and non-verbal in nature.

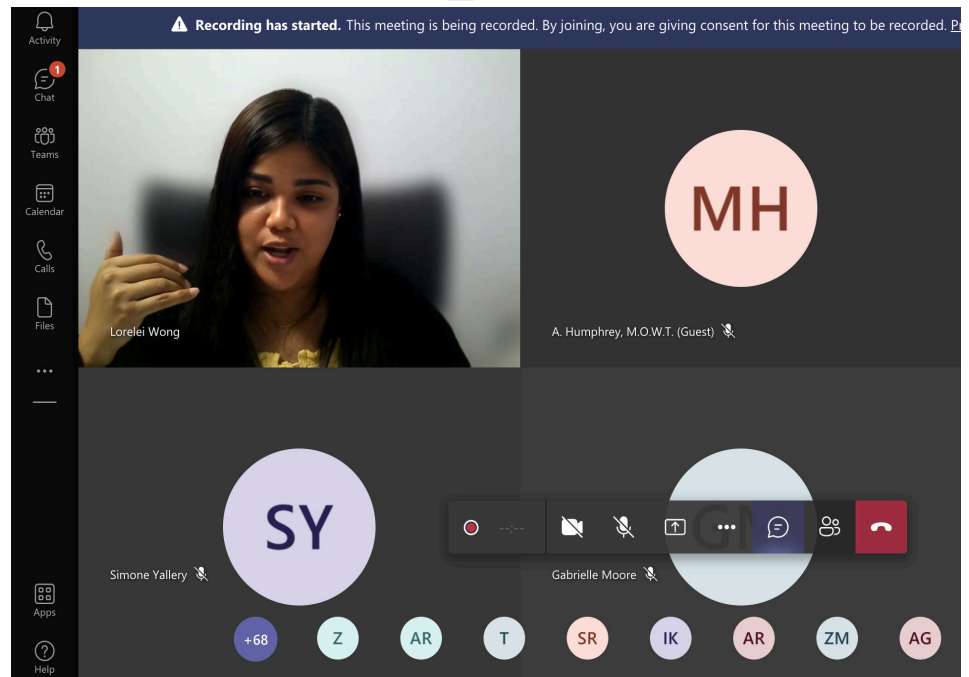
More than 60 members of staff at the Ministry of Works and Transport benefitted from these useful guidelines while participating in an inclusivity training session on sexual harassment on Wednesday 13 July 2022. Eager and curious staff engaged in an open discussion with the EOC's Legal Officer I and facilitator for the session, Lorelei Wong, who educated the staff using the EOC's handbook, "Guidelines on Sexual Harassment in the Workplace".

The handbook defines sexual harassment as an unwelcomed sexual advance, an unwelcomed request for sexual favours or other unwelcomed conduct of a sexual nature. Usually, the victim makes it clear that the behaviour is not welcomed and may feel humiliated, offended or intimidated by the conduct of the exploiter. The handbook explains that sexual harassment is manifested through a range of six broad behaviours or actions:

Firstly, misuse of sexual behaviour. This can be requests for sexual favours. That is, when a condition is made solely for the purpose of employment or promotional gain. Example, dating as part of the job or performing acts of a sexual nature.

Physical sexual harassment includes mainly sexual violence or unwelcome physical contact. For example, a criminal offense such as attempted rape or sexual assault.

Verbal sexual harassment may include



offensive and sexually suggestive jokes or comments which are considered unacceptable or inappropriate by the Occupational Safety and Health Act (OSHA).

Non-verbal sexual harassment includes silent gestures of a sexual nature or sexually suggestive body language, such as licking lips, blowing kisses, or winking.

Written or graphic sexual harassment includes displays of sexually explicit photographs and pornographic materials.

Psychological sexual harassment includes repeated unwanted proposals and taunts of a sexual nature.

In order to be labelled as sexual harassment, however, the behaviour must be deliberate and frequently repeated. In other words, if the behaviours and body language of the offender were intentionally displayed more than once over a certain time period, then it can be considered a case of sexual harassment. It must be noted that sexual harassment does not refer to the occasional com-

pliments that are deemed socially and culturally acceptable and appropriate.

To download a copy of Guidelines on Sexual Harassment in the Workplace, [click here](#).

To lodge a complaint at the EOC, visit our website www.equalopportunity.gov.tt.

The EOC offers free resources prevention measures on sexual harassment i.e., policies, education and training which can be accessed through the official EOC website (equalopportunity.gov.tt) and social media platforms (Facebook, LinkedIn, YouTube).

EOC publishes a column every Monday on page 14 of the Newsday. In case you missed it here is our column that was published on Monday 14th July

Discrimination and Education

AS THE end of the school term winds down and as educational institutions open registration for applicants to various schools and programmes, we focus on the category of education. It is one of four broad categories included in the Equal Opportunity Act.

It is unlawful for any educational establishment, board, or other institution to discriminate against both applicants and/or students who are already enrolled in a school or programme, based on any of seven protected status grounds under the act. These are religion, disability, race, ethnicity, origin including geographic origin, marital status, and sex.

This applies to all levels of schools and educational institutions, from pre-school to tertiary level; and including trade or vocational schools.

Applicants

According to the act, educational establishments shall not discriminate against a person by refusing or failing to accept that person's application for admission as a student; or in the terms and conditions on which it admits that person as a student.

This includes advertising in such a way that encourages or deters applicants based on a protected status ground. Educational establishments should also be mindful not to allocate or reserve spaces for different status grounds. For instance, allocating spaces for students who live in the vicinity of the educational establishment. This is discrimination based on the status ground of "origin", which includes geographic origin.

Enrolled students

An educational establishment shall not discriminate against a student by deny-



ing or limiting the student's access to any benefits, facilities or services provided by the educational establishment; or by expelling the student or subjecting the student to any other detriment or disadvantage. For instance, a secondary school is not permitted to tell an all-female football team it has limited access to the football field because the school is reserving it for the male team. Also, a school may not tell male students they cannot sign up for a food and nutrition class because that subject is reserved for female students.

Exceptions in the act

There is one exception that was categorically stated in the act, in which an education establishment can refuse to admit a person based on a protected status ground; this is the status ground of "sex". Educational establishments can refuse admittance of a particular sex, if the establishment only admits students of one sex.

However, within this section of the act, it also specifies that these same-sex schools can admit students of the opposite sex if that admission is exceptional, or the number of students are comparatively small and whose admission is confined to particular courses of instruction or teaching classes. For instance, a same-sex girls' school may allow male students to register and pursue the two-year Caribbean Advanced Proficiency Examination (CAPE) at the school.

Also, the prohibition against discrim-

ination in education in the act is expressed to be subject to any agreement or practice between the State and any educational establishment, board or other institution. For example, the Concordat of 1960: Assurances for the Preservation and Character of Denominational Schools. The Concordat is an agreement that was signed between the State and religious bodies and it gives these bodies the right to, among other things, select 20 per cent of new students entering denominational schools. This is regardless of their performance at the Secondary Entrance Assessment (SEA) or prior, the Common Entrance exam.

These denominational schools also have the right to determine their own curricula. As long as the educational body acts in accordance with the powers or privileges given to them by the Concordat, then they would not be liable for discrimination under the act.

One of the fundamental rights of a person enshrined in our Constitution is the right to an education. This is similarly stipulated in the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

If you have been discriminated against as an applicant to an educational institution or as a student, you can lodge a complaint at the Equal Opportunity Commission. Visit our website at

www.equalopportunity.gov.tt

Monday 18th July

Nelson Mandela Day

THE EQUAL Opportunity Commission (EOC) joins United Nations members in celebrating Nelson Mandela International Day (or Mandela Day). Each year on July 18, the birthday of Mandela, the world unites to reflect on the life and legacy of this global advocate for equality, justice, dignity and human rights.

Chairman of the EOC, Ian Roach, was a lawyer for the African National Congress and Republic of South Africa government before being appointed an honorary counsel during the presidency of Mandela. He shared this of the legend:

“We are fortunate to have lived in the time of Mandela and to see and experience history as it unfolded. He is one of the most influential people in history, but he was an exceptionally humble man. I remember very clearly being told by one of his ministers that when cabinet met for the first time, there were many icons in the fight against apartheid present. He told his ministers to leave their egos outside, for they have come to do the work of the people.

“I also recall the moment members of the press complimented him on his intelligence, and Mandela replied that he was just a voice of a collective wisdom; a conduit for the great people around him. He was truly an extraordinary and profound man.”

Today is an opportunity for us all to renew the values that inspired and were embodied by this social justice legend. Values such as persistent determination, a deep commitment to justice; human rights, fundamental freedoms and a profound belief in the equality and dignity of every man and woman. There is a wise statement that warns us



against having new experiences without having autopsies on old ones.

Likewise, in remembrance of Mandela’s fight against apartheid and his esteemed values, we should all inwardly conduct autopsies on ourselves to honestly identify our prejudices. Consequently, this mindfulness should convince us to make a personal resolution to better our human view and abandon our prejudices. Additionally, we should be vocal against the very appearance of injustice when we see it and encourage others to do the same

It is historically documented that as a great liberation leader, Mandela fought against apartheid relentlessly, a system of white supremacy in South Africa. Under apartheid, South Africans were placed into one of four racial categories: “white/European,” “black,” “coloured,” or “Indian/Asian.” Non-white South Africans were second-class citizens with little or no political power. Restrictive laws governed every aspect of people’s lives, dictating where they could live, work and travel, as well as restricting their access to education, healthcare and other social services.

During these years of turbulence, Mandela showed the world the power of resisting oppression, of justice over inequality, of dignity over humiliation, and of forgiveness over hatred.

To a large extent, the mandate of the EOC reflects Mandela’s principles/life lessons through its vision to create a society free from discrimination and

prejudice, where human rights and diversity are respected and where there is equality of opportunity for all.

The Equal Opportunity Act presently seeks to protect people against discrimination as it relates to the following four categories: employment, education, the provision of goods and services and the provision of accommodation. Under the act, people are entitled to equality and fair treatment, despite their status. The seven status grounds covered by the act are race, ethnicity, religion, marital status, origin including geographical origin, disability and sex.

Beyond this, the commission promotes equality through its partnerships, public education initiatives, drafting of legislation and remaining agile to respond to society as it evolves.

A person who believes they have been subjected to discrimination in any of the above areas may lodge a complaint with the EOC by visiting our website www.equalopportunity.gov.tt

The EOC investigates every complaint lodged at its office. Services at the EOC are free of charge up until the stage of conciliation. Bear in mind that the EOC is not a court of law that makes determinations or gives interpretations under the act..

Monday 25th July

HELP FOR THE DISCRIMINATED

The Equal Opportunity Act ('the Act') can offer redress for persons who have been discriminated against while seeking or already occupying accommodation. It is unlawful to alter the terms and conditions or deny a person the opportunity to access accommodation because that person possesses the inherent characteristics or status grounds covered by the Act. Section 18 of the Act refers to this category as the Provision of Accommodation and the status grounds protected by the Act are: race, ethnicity, sex, disability, marital status, origin including geographical origin and religion.

This column assists readers to understand their right to accommodation and empower them to lodge a complaint if they have been discriminated against under this category.

Provision of accommodation refers to a person renting or leasing a property from a landlord for residential purposes. Accommodation, according to the Act, can also include a rehabilitation centre or any other organisation or hostel that provides accommodation.

The accommodation applies not only to the property in question; it also includes the conditions under which the property is leased or rented. This extends to the terms of the offer, refusing applications for accommodation or placing that applicant on a lower order of precedence on any list of applicants for that accommodation.

The category applies to the treatment of persons seeking accommodation as well as persons to whom accommodation has already been provided. The Act states that even after the person has occupied the accommodation, that person should not be denied access or limited access to any benefit connected with the said accommodation or should



not be subjected to eviction on any of the seven status grounds above.

One example is a landlord who is of a particular religion and seeks to evict a tenant who was of the same religion when they initially rented the property but changed it while occupying the property; or a landlord that insists that potential tenants provide proof of marital status before agreeing to rent or lease the property. According to the Act, this is discrimination based on religion and marital status, respectively, under the category of Provision of Accommodation.

Exceptions under this category

While the general rule is that persons should not discriminate against another individual, there are some exceptions under the Act, where living accommodations can be denied. For instance, a landlord can choose to rent to family members over other applicants, once the landlord resides on the property and intends to continue doing so. The landlord also has the right to decide who lives on the premises, regardless of the status ground to which they belong, if the premises comprise no more than three units available for rent or lease.

Another example of an exemption under the Act is a man seeking residence at a women's rehabilitation centre. He can be denied accommodation, as the centre was established wholly for the welfare of only one sex, and in this case, females. This further extends to accommodation in any hostel or other similar institution that was created for persons of a particular status.

Similarly, religious bodies are allowed to determine who resides on their premises, that being, for example, persons who belong to the same faith.

Under this category, it is not discriminatory to deny someone accommodation if the provision of making such facilities available, would impose an unjustifiable hardship on the person who makes the facilities available. For instance, if the apartment is on the second floor of an apartment building, which only houses two apartments. If a person with a disability is in a wheelchair, a landlord can decide not to rent the property to that person because updating the facilities to include an elevator will be an unjustifiable financial burden.

If you have been discriminated against under the category of Provision of Accommodation, you can lodge a complaint at the Equal Opportunity Commission on its website www.equalopportunity.gov.tt or via [e-mail: complaints@eoc.gov.tt](mailto:complaints@eoc.gov.tt).