

EOC NEWS

Equal Opportunity Commission
Promoting Equality

SEPTEMBER 27TH 2022 ISSUE 15

EOC launches TTT Series: The Hard Conversations

The Hard Conversations: Let's Talk Equality, is the EOC's latest television programme that will bring together speakers who have experienced discrimination in certain categories and hopefully these first-hand stories and how persons can be personally affected will stir the pot of change. These conversations are sometimes hard to tackle but these are exactly the conversations we need to have if we want to see a difference.

The first episode will air on TTT (network and Facebook page) on Wednesday 28th September at 11:00am and will bring together youth from "hot spot" areas to discuss the topic: **"an in-depth look at geographical stereotypes and its link to discrimination in employment."**

Employment continues to be the category that the EOC receives the most complaints and we continue to address via our public education activities, various types of discriminations in the workplace and work towards equality of treatment for all. The Equal Opportunity Act also protects persons based on their origin; geographic and familiar. The episode will however focus on geographic origin only. This continues to be a covert and sometimes overt issue that affect many people and especially young people in the workplace.

The episode will also raise awareness on the EOC's mandate to receive complaints of discrimination if persons

have been discriminated against based on their origin in the workplace or under any other category or status ground protected by the Equal Opportunity Act. To lodge a complaint, visit our website www.equalopportunity.gov.tt, click the Complaints Process tab and follow the instructions.

As the leading state advocate on eliminating discrimination and promoting equality, the EOC is in many ways, a conduit for different organisations and individuals; to magnify their calls for justice and to work on programmes that allow them to come together to work towards a singular goal: equality and fair treatment for all.

We also wish to take this opportunity to thank Amilcar Sanatan Project Coordinator - Socio-Economic Projects at the East Port of Spain Development Company for his support and contributions for the first episode in the series.

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HARD Conversations

Let's Talk Equality



TOPIC: An in-depth look at geographical stereotypes and its link to discrimination in employment.



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Social Worker and
Motivational Speaker



MARTHA RODNEY
Entrepreneur



OBRINA WICKHAM
Student



DAVID ROBERTS
CEO of TTT Ltd.



Watch on TTT network and social media

WEDNESDAY 28th SEPTEMBER
@ 11:00 am

EOC's TIC Webinar ATTRACTS BIG CROWD

The Equal Opportunity Commission's (EOC/Commission) webinar, "Equal Rights in the Workplace" attracted a large virtual crowd for the TTMA's Trade and Investment Convention (TIC) 2022 Business Webinar Series.

The EOC has been participating in TIC's webinar series since its inception in 2020 and continues to attract many employers and employees who are interested in knowing about rights in the workplace that are protected by the Equal Opportunity Act.

Speaking on this achievement, EOC chairman Ian Roach said,

"it is a bittersweet moment. We are happy that the public sees the EOC as the leading state advocate for equality and come to us for information and advice. However, this is very much in line with data available at the Commission, which shows that employment is consistently the category that we receive the most complaints. The fact that so many people are interested in knowing about their rights in the workplace means that organisations really do need to have more inclusive policies and practices."

Lorelei Wong, Legal Officer I at the EOC identified key policies needed to ensure equality in the workplace and advised participants to consider inclusivity and equality in the workplace as a primary goal when establishing policies such as an equal opportunity policy, a code of conduct, a bullying and



IAN ROACH
Chairman - CEO

harassment policy, written guidance for managers on harassment and discrimination and an internal complaints procedure.

The webinar took place on Wednesday 24 August, 2022 and created an avenue for attendees to learn about the mandate of the EOC and have their questions answered on workplace discrimination and other relevant topics. TIC is a multisectoral tradeshow that brings together local, regional and international businesses.

Ms. Wong said, "we all have the right to work in an environment free from discrimination and employers need to ensure that their employees, and people who apply for a job with them are treated fairly."

Participants were also encouraged to lodge a complaint with the EOC if they have been discriminated based on their sex, religion, race, ethnicity, marital status, disability and origin (including geographic origin).



LORELEI WONG
Legal Officer I

How do I lodge a complaint?

1. Complete the online complaint form on the EOC's website:

www.equalopportunity.gov.tt

2. Send an email to: complaints@eoc.gov.tt.

3. Fill out a hard copy complaint form and drop it off at the EOC's office located at 55-57 Manic Street, Chaguanas. The EOC regularly educates members of the public through virtual education sessions and webinars like TIC. Persons interested in learning more about the remit of the EOC and how to get redress are encouraged to use access the following:

 @EOCTT

 Equal Opportunity Commission Trinidad and Tobago

 Equal Opportunity Commission TT

 Instagram page: Equal Opportunity Commission TT

 communications@eoc.gov.tt



Suicide: Understanding and spotting the signs

“Creating Hope Through Action”, the triennial theme for World Suicide Prevention Day (2021-2023)

Today, September 10, is World Suicide Prevention Day. In this article, Counselling Psychologist Dr Krystal-Jane Verasammy gives advice on signs that could indicate someone is suicidal and how you can deal with it.

Understanding the ‘inner psyche’ of a person who is suicidal

Given 13 years of experience, working with persons who experience suicidal thoughts and behaviours, I’ve learned that a person who is suicidal may feel very alone, conflicted, lost and frightened.

It may be that in a given moment they are overcome with deep feelings of sadness, despair, and emotional pain. They may be unable to think clearly of other possibilities, other solutions, other alternatives, and other ways of coping. For them, the option of suicide is a solution – however, it is a permanent solution to a temporary situation.

I’ve learned the concept of ‘hope’ is far from the horizon, or the inner psyche of the mind, for persons who feel a pervasive sense of hopelessness and despair. A person who has lost hope sees suicide as a viable option. But, suicide is very final.

If you are feeling suicidal know that these feelings, at the moment, may be temporary – you may not always feel like this. Also, know that there are other people who have been in similar positions, but somehow found a way to survive, thrive and live more fulfilling lives with help and support. They have found alternatives to suicide and are very grateful that they gave themselves a chance to live. And, you will too.

Suicide is preventable

Suicide is preventable. And we, as a society, as civil leaders in schools, hospi-

tals, communities, Government agencies and private organisations all play a part in raising awareness on suicide and suicide prevention. Everyone has a role in suicide prevention. One such way is by spotting the signs.



Dr Krystal-Jane Verasammy
Counselling Psychologist

Spot the signs

How do we know if someone is thinking of suicide? There are often ‘signs’ we can look for which indicate that someone could be considering ending their own life. Signs can manifest in many ways, such as:

Ideation: someone who is suicidal will have thoughts of taking their life and express this through verbal cues such as:

“everyone will be better off without me”

“I am a burden to others”

“all of my problems will end soon”

“I don’t want to be here”

or “I want to die”

• Dark humour and joking about death, e.g. “what would happen if I’m not here?”.

- Making cryptic social media posts, “would anyone miss me if I am gone.”
- Giving away possessions or cleaning out their apartment/home
- Withdrawing socially from friends and family to lessen the impact of their death on others
- Acting impulsively
- Recklessness, e.g. driving, substance abuse, gambling
- Expressing a sense of hopelessness, helplessness and worthlessness
- Purposeless, loss of meaning and purpose in life
- Feeling trapped
- Physical changes, such as self-neglect, disrupted sleep pattern, and/or changes in appetite (overeating or loss of appetite)
- Struggling with a mental health disorder such as anxiety, depression or eating disorders

Calmness

Interestingly, unexpected positive changes in a person’s behaviour could also signal thoughts of suicide. There may be an eerie sense of marked calmness and finality in contrast to their visible pain and struggle previously. This may be an indication of intent and a plan, which gives the feeling of relief. The key is to trust your intuition. If you have a felt sense that something is not ok, use this to ask a direct question, “are you thinking of suicide?”

Occasionally, a significant event or a change in a person’s life can lead to thoughts of suicide. Changes of any nature, positive or negative, can be associated with feelings of loss. Similarly, certain events or experiences can make someone feel particularly vulnerable to thoughts of suicide.

What can I do?

If someone seems different following a life change, consider their feelings with empathy and an open mind. Avoid making assumptions about how they may feel. What's important is that the event is significant to them, even if you can't understand why this has caused them to feel suicidal.

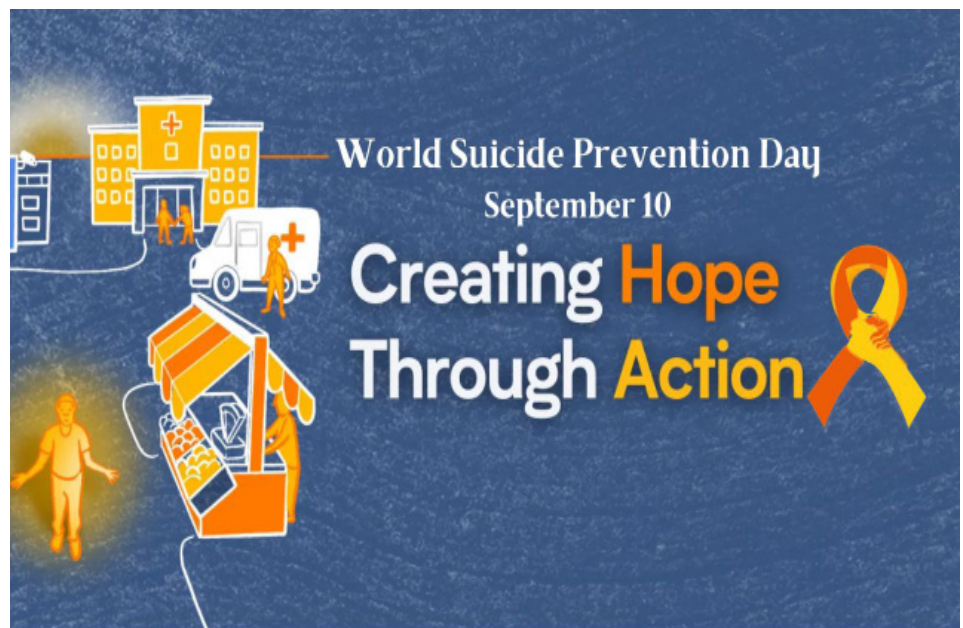
Anyone can experience thoughts of suicide and there is no definitive guide on how to tell if someone is suicidal. Almost anything could be considered an indicator, so identifying these signs requires your own individual knowledge of that person and their usual behaviour.

People who are suicidal rarely admit openly how they are truly feeling due to self-stigma and societal stigma. Many of these subtle indicators seem like normal behaviours, but when they come together it can be a cry for help or a silent declaration.

Research consistently shows that asking someone if they have suicidal thoughts does not increase their risk of suicide. If someone around you shows these signs, I encourage you to ask, you may just save a life.

Lastly, it's absolutely paramount that a person who is having suicidal thoughts or displaying suicidal behaviours get the professional help that they need and deserve. It's important that they see a trained, qualified, experienced mental health professional.

If you are the one experiencing suicidal thoughts there is H.O.P.E. Hold On. Pain Ends. Allow others to care for you, just as you would for a friend or loved one who is suicidal



About the author

Dr Krystal-Jane Verasammy is a Counselling Psychologist, Founder and Managing Director of Therapeutic Spaces Counselling and Psychotherapy Ltd. She holds a professional Doctorate in Counselling Psychology from the University of Roehampton, London, U.K. therapeuticspaces2019@gmail.com

EOC hosts Independence competition

Trinidad and Tobago has more to be thankful for including the relatively good relations we enjoy as a people, despite our multicultural backgrounds. The EOC set out to prove this timely reminder by hosting an Instagram competition that asked persons to show us “Real Unity”.

This competition was launched on Monday 22 August and invited members of the public to show what real unity means to them by capturing and submitting photographs or videos showing unity among one or more of the following categories:

- Race
- Ethnicity
- Sex/gender
- Religion
- Marital status

- Origin (geographic origin)
- Disability

In addition, this competition was used to launch the EOC’s Instagram page and gain following.

The prizes for this contest included:

- The first place prizewinner in the video category - a three-day, two-night trip for two to Tobago to stay the Magdalena Grand Beach & Golf Resort Tobago
- The first place prizewinner in the photograph category – a two-day, one night getaway for two at the Hilton Trinidad and Conference Centre for the first prizewinner in the photograph category.
- The second place prize in both the video and photograph categories - all access passes for Five Islands Water &

Amusement Park.

- Third place prize in both the video and photograph categories- season passes for MovieTowne.

After the submission stage, the voting started on Tuesday 6 September and ended on Friday 9 September 2022 with the following winners:

Photograph category

- 1st place - @bg.trini
- 2nd place - @sp_inspires 349
- 3rd place - @precious_995

Video category

- 1st place - @slicked_network
- 2nd place - @n.i.c.o.l.e.t.t.e.s.
- 3rd place - @nx_chill

CONGRATULATIONS!
to all our winners!



Training Session: Discrimination by Victimization

In ordinary speech, persons use the word ‘victimisation’ to describe a situation where they believe that they were singled out and treated unfairly by someone who had malicious intent, or who wanted to ‘get back’ at them, and who held some power, authority or privilege over them. They feel helpless and abused and thus see themselves as a victim. However, victimisation has a unique meaning under the Equal Opportunity Act (EOA).

Ms. Lorelei Wong, Legal Officer was presenting at an inclusivity training session with the Southwest Conservancy, Forestry Division, Ministry of Agriculture, Land and Fisheries, when she shared this little-known fact with participating staff members. The Equal Opportunity Commission (EOC) offers free training and public education sessions to organisations to create or deepen inclusivity in the workplace.

Ms. Wong informed participants that the EOA makes it unlawful to discriminate against people in certain areas/categories of public life based on seven status grounds, and by victimisation and offensive behaviour.

She further clarified that victimisation in accordance with the EOA is very specific and only occurs when the person alleging victimisation 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 contraven-



Ms. Lorelei Wong, Legal Officer 1 presenting



animated discussions on sexual harassment in the workplace, how to create a workplace free from discrimination, and were informed of the EOC’s investigative process.

To request a free inclusivity session for your organisation, send an email to: communications@eoc.gov.tt.

tion 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 victimised has done or intends to do, any of them. Staff members also benefitted from

Rid Workplaces of Sexual Harassment

By: Mitzi Yee Loy

In considering a case of sexual harassment, the victim determines whether or not they are uncomfortable and that the behaviour exhibited is unwelcome. This and other essential information were discussed at a sexual harassment training session hosted by the Equal Opportunity Commission (EOC) with the management team of the Civilian Conservation Corps (CCC) on Wednesday, 10th August 2022. The Equal Opportunity Act (EOA) protects persons who are discriminated against based on their sex, including sexual harassment.

The session aimed to encourage executive management to create a positive working environment for all persons within the organization, free from sexual harassment. This is part of the EOC's public awareness and education initiative, which encourages organisations to adopt and practice inclusivity in the workplace. EOC's Legal Officer I, Ms. Lorelei Wong, and Investigating Officer, Ms. Jamika Wiggins, together with the Corporate Communications Unit, facilitated the session.

One of the conversations, which resulted in an animated discussion was how people dressed and whether the revealing or sexy nature of their clothing invited or attracted sexual attention and harassment. However, Ms. Wong highlighted that focusing on the victim's clothing encourages victim blaming and a person's choice of attire is not a justification for sexually harassing another individual.

Ms. Wong defined sexual harassment *inter alia*, its effects in the workplace, preventative measures, and steps towards lodging a sexual harassment complaint. Further discussions were held, including but not limited to the dimensions and forms of sexual harassment, legislation, and the remedies and recourse available to persons who have been sexually harassed. To ensure that participants understood



Training session in progress



the information available, the EOC's staff performed short scenarios demonstrating incidents of sexual harassment in the workplace, which required the CCC's team to assess the situation and determine if there was a claim of sexual harassment.

To schedule a Public Education and Sensitisation Session for your organization, please visit the EOC's website at www.equalopportunity.gov.tt or contact the Corporate Communications Unit at communication@eoc.gov.tt



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 1st August

Emancipation greetings from the EOC

DID YOU know that Trinidad and Tobago was the first independent country in the world to officially declare Emancipation Day as a public holiday to celebrate the abolition of slavery? On August 1, 1985, Emancipation Day replaced Columbus Discovery Day, which commemorated the arrival of Columbus to Moruga. It made the shift from celebrating the moment our country was colonised to instead honouring and celebrating our African ancestors who brought a rich culture to our shores and the contributions of their descendants to our country's development.

Emancipation Day reminds us of the struggle of our ancestors and the story of their resilience. The liberation of enslaved Africans was the end of an atrocious period in our history. Slavery was designed to break the spirit of the Africans, erase their culture and religions and destroy any glimmer of hope for a better life.

Emancipation Day was not just freedom from harrowing work on the plantations, but freedom to endeavour to be treated with dignity, respect and equality. It is in the DNA of our nation to fight against the odds to define who we are and what our future looks like.

Because of this, we as a nation must take immense pride in this day by recognising and celebrating this historical moment that today allows us to live in a society of freedom, a society not bound by the shackles of ignorance, intolerance, discrimination and inequality, but rather unified by our differences, cele-

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brating each other and appreciating the ethnic diversity that is TT.

We should also take this as an opportunity to reflect and address our own unresolved issues and not be complacent when it comes to matters that compromise our convictions and sabotage the values of our beloved country. Emancipation is therefore not just a day of celebration, emancipation is a call to action, a pursuit towards the elimination of racial inequality or acrimony because of one's ethnicity.

Race and ethnicity are two of the seven protected status grounds covered under section 4 of the Equal Opportunity Act and it is unlawful to discriminate against someone based on their race under the broad categories of employment, education, provision of goods and services and provision of accommodation.

Discrimination based on race or ethnicity occurs when a person is treated less favourably, or not given the same opportunities, as others in a similar situation, because of their race or ethnicity. The commission continues to receive complaints of discrimination based on ethnicity, but more so race. While today is a day of celebrating how far we have come as a nation, the fact that such complaints are still received should also be a reminder to us how much further we have to go.

Emancipation can therefore only truly be achieved when we individually and collectively strive towards a society free from inequality and discrimination, as real achievement can only come from living in a just society that strives to eliminate discrimination and prohibit inequality to allow each individual to reach their full potential; by truly living as free human beings unhindered by prejudice, intolerance and attitudes that diminish the morals of our society.

Happy Emancipation Day!

Monday 8th August

The final category covered by EOA

THE CATEGORIES included in the Equal Opportunity Act (EOA) are broad and provide coverage for a wide range of services and accommodations. In previous columns, we discussed three categories, which are employment, education and provision of accommodation. Today we will address the fourth and final category covered by the act, which is provision of goods and services.

As we gear up to fully embrace the re-opening of the economy, the business community can fully operate and return to business as usual when offering goods and services to members of the public. The decision remains with the individual establishment to choose which protocols it will enforce when accessing goods or services, such as the wearing of masks, sanitising before entering or checking temperature.

While these protocols are in the hands of the proprietor and they can refuse service, there is one area that all goods and service providers must embrace, and that is anti-discriminatory practices. Not only should they embrace these practices to promote inclusivity, but it is also unlawful for any person, establishment or entity to discriminate against a person based on any of the seven protected status grounds under the act.

All consumers have the right to access goods and services regardless of their race, ethnicity, sex, marital status, religion, disability or origin (including geographic origin).

The Equal Opportunity Act explicitly states how and in what circumstance it may be considered discriminatory:

I) An establishment that refuses to supply the goods, provide the facilities or perform the services solely based on a person's inherent characteristics or status. For instance, refusing to provide a personal service such as spa or



'All consumers have the right to access goods and services regardless of their race, ethnicity, sex, marital status, religion, disability or origin (including geographic origin)'

hairstyling because of a person's race or ethnicity.

II) The terms on which the entity supplies the goods, provides the facilities or performs the services. For example, if a supplier refuses to offer transport services to your location without a reasonable explanation, and has a reliable service throughout other parts of the country. This can be considered discrimination based on geographic origin.

III) The manner in which the entity supplies the goods, provides the facilities or performs the services infringes on the rights of people under the act. This can be true if people belonging to a particular status are given preferential treatment when accessing goods or services. For instance, if people from a particular religion is debarred from entering a public space for recreation or refreshments while other sections are allowed to partake without any such restrictions.

Exemptions under the EOA

There is one exception that was categorically stated in the act in which a person, establishment or entity can re-

fuse to admit a person based on a protected status ground; this is the status ground of "sex." Where the good or service can only be provided to members of one sex, then this will not qualify as discrimination under the act.

This can even apply to education as a service, whereby establishments only admit students of one sex. Another circumstance is whereby a members' club has been established specifically for patrons of one sex.

It is to be noted that establishments both private and public do have the right to maintain some acceptable standards at their place of business. For example, the public sector has enforced a strict dress code when visiting any ministry or its division. However, these dress codes are universally applied and does not apply to a certain section of society or violates the rights of anyone as outlined by the Equal Opportunity Act.

Similarly, many private entities have enforced rules such as dress codes and rules of conduct while accessing goods or services which have not debarred any from access based on a protected status ground under the act.

If you have been discriminated against when accessing goods and services, you can lodge a complaint at the Equal Opportunity Commission. Visit our website at

www.equalopportunity.gov.tt.

Monday 15th August

The Bark and bite of the act

THE EQUAL Opportunity Act empowers the Equal Opportunity Commission (EOC) to resolve discrimination matters fairly and impartially and, further, escalate a matter if there is no resolution or non-compliance. In some instances, consequences for non-compliance can hit an individual or a company in the pocket. In today's column, we will explore three ways in which the act has both bark and bite in its pursuit of equality of treatment for all.

Conciliation

In a previous column, we looked at conciliation services; a mediatory type of process which is a form of alternative dispute resolution (ADR). As the name suggests, ADR brings together the alleged discriminator and the aggrieved person to discuss the issue and come to a solution.

There are many benefits to conciliation including avoiding long, drawn-out and costly procedures associated with litigation. For companies/organisations, it can mean resolving the issue without the matter being exposed to the public. Also, conciliation services at the commission are free of charge. In many ways, conciliation is an opportunity to right a wrong and amicably settle a matter.

Sanctions

When the commission serves a conciliation notice for the alleged discriminator and aggrieved to attend conciliation, both parties must comply. The act imposes sanctions for failure to comply with a conciliation notice. Any person who, without any reasonable excuse, refuses or fails to comply with any notice issued to attend a conciliation hearing can be brought before the Magistrates' Court and is liable on summary conviction. The penalty is \$1,000 for an individual and \$5,000 for a body corporate for each day the party does not respond to the notice.



If parties arrive at a settlement during conciliation, this arrangement will be made in writing and registered at the Equal Opportunity Tribunal. The agreement shall be deemed as an order of the tribunal and parties can be prosecuted for one or more breaches of any such order.

If there is no resolution at conciliation, the commission, pursuant to its powers under the act, prepares a report on the investigation of that complaint. This report, often called a "report for publication," will encompass a comprehensive account of the investigation and, once prepared and approved by the Board of Commissioners, is subsequently forwarded to all parties involved in the complaint.

The commission will then publish the report and make it available for public inspection.

Thereafter, with the consent of the complainant, the commission will initiate proceedings before the tribunal. At this stage, the matter is no longer within the remit of the commission. Crucially to note, evidence of anything said or done in the course of conciliation proceedings is not admissible in proceedings before the tribunal.

Equal Opportunity Tribunal

The Equal Opportunity Tribunal is the second institution established by the act and is an independent and distinct institution from the commission. It is a superior court of record and has jurisdiction to hear and determine complaints referred to it by the EOC. That is, if a matter is not resolved at concil-

iation it can be referred to the tribunal. The tribunal comprises a judge with status equal to that of a High Court judge and who is commonly referred to as the chairman. There are also two lay assessors attached to the tribunal. The tribunal can award the payment of compensation, damages, or fines. Sometimes in the media we see judgments coming out of the tribunal where the complainant is awarded more than \$100,000 in damages. Unlike the other courts within Trinidad and Tobago, an individual cannot access the services of the tribunal unless a complaint was initially lodged with the commission and was investigated and determined best suited for adjudication by the tribunal. To find out more about your right to equality of treatment, visit the EOC's website at

www.equalopportunity.gov.tt

Monday 22nd August

The right to freedom of religion

TODAY marks International Day Commemorating the Victims of Acts of Violence Based on Religion, an observation on the United Nations (UN) human rights calendar. The day is designed to draw attention to those who suffered or were persecuted for trying to exercise their freedom of religion or belief.

The day speaks to the responsibility of states and society at large to promote and protect human rights, including religious minorities. For us in Trinidad and Tobago, it is also a timely reminder that we should be thankful that, despite having a multitude of religions, we manage to exist and live harmoniously without the extremist persecution reflected in other parts of the world where religious war and oppression are the order of the day.

Our nation has been fortunate not to have the same history as places like Nazi Germany or Yugoslavia where groups of people have been killed because of their beliefs.

However, we cannot forget that things were not always harmonious as they are now. For example, many years ago Shouter Baptists were subjected to a prohibition ordinance which criminalised many of their practices. Recently much is being said about moving on from the shackles of our colonial legacy. However, those who forget the past are doomed to repeat it.

It is foolhardy to glorify past discrimination, but it is equally foolhardy to erase it. It is a reminder of where we came from, it helps us to celebrate what we have achieved, and it provides a roadmap for where we do not want to go in the future.

As the leading state advocate for equality of treatment and opportunity for all, the Equal Opportunity Commission



“All people should have the right and freedom to practise their religion without fear of persecution.”

(EOC) is one such critical institution that guides the nation on its roadmap to an inclusive and hopeful future. It is the mandate of the EOC to receive, investigate and conciliate reports of discrimination and at the same time receive and impart information to play a positive role in strengthening democracy and combating religious intolerance. All people should have the right and freedom to practise their religion without fear of persecution. This right of freedom of religion is protected through the Equal Opportunity Act (EOA) and, secondly, the Bill of Rights at section 4 of the Constitution, along with other fundamental human rights such as the rights to life, liberty, equality before the law, the protection of the law, and the freedom of association and assembly. These fundamental rights contained in the Bill of Rights are seen as a social contract between the State and the individual in that they guarantee what sort of treatment the person can expect from any and all institutions that are part of the state apparatus. For example, the police, immigration, the judiciary, regional corporations, service commissions and so on. If any of these agencies or entities contravene any of these rights, then the person affected has to

retain an attorney and file a constitutional motion before the high court.

The EOA differs from the Constitution in two main ways. Firstly, whereas the rights under the Constitution are only enforceable against the State, those under the EOA can be enforced against both the public and private sectors. So, it would be possible under the EOA to claim redress if a bank, insurance company, supermarket, or doctor's office violates the individual's right not to be discriminated on the ground of their religion. Secondly, the rights under the EOA can be enforced simply by the individual lodging a complaint with the Equal Opportunity Commission. To lodge a complaint, visit our website www.equalopportunity.gov.tt or send an e-mail to complaints@eoc.gov.tt. All the services of the EOC are free of charge up until the stage of conciliation.

Monday 29th August

The right to freedom of religion

WE SEE flags and buntings in our national colours red, white and black adorning buildings throughout the country. It is an indication that our nation's independence anniversary is nigh.

However, this year is not like any other year, it is Trinidad and Tobago's diamond jubilee anniversary. It is a suitable time for us to reflect on what we prioritise as a society and decide if this is the path we would like to continue traversing together.

Six decades have gone by since we were free at last to make our own laws, determine our identity and chart the direction we want for our society. To understand our fledgling nation's hopes and aspirations for its future, we can look to our national motto, Together We Aspire, Together We Achieve; our nation's watchwords, Discipline, Production and Tolerance; and key words in our national anthem that say, "Here every creed and race finds an equal place." It is evident that as a young and free nation, our leaders were also wise and understood that to move forward as a nation we must do it together, unified across our differences.

The Equal Opportunity Commission (EOC) is, therefore, critical to our nation's development and a guide for us to continue to aspire to the ideal of inclusivity and equal opportunities and treatment for all.

To a large extent, we as a nation have been able to achieve this and the EOC's independence campaign this year focuses on "Real Unity," acknowledging what some societies seem inept at doing, and that's focusing on the posi-



tive strides we have made, together. We are asking members of the public to upload to Instagram a photo or video that

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they captured or made that shows “real unity” in the status grounds covered by the Equal Opportunity Act, which are race, ethnicity, religion, origin (including geographic origin), disability, sex and marital status.

It is impactful to gather data in one place to show the true enormity of our unity. These are not just photos and videos, these are stories reflected in a moment or moments that we all have to share about that time when we didn't see colour, a person's gender or even the person's origin. In our country, it is more common than not to strike up a friend-

ly conversation with a stranger, “form a crew” with random people in a Carnival band or event, or even hug someone in a cricket match when West Indies clinches an edge-of-the-seat win; all of whom have different backgrounds to you. But in that moment, you were all Trinidadians/Tobagonians, cognisant only of your similarities.

This is not a national identity that we should take for granted. In some parts of the world the relative peace and unity we enjoy in Trinidad is only a dream to others. The EOC is committed to ensuring that we evolve into a society that focuses on our positive progress and reduces the reports of intolerance and unity that threaten to divide us. Do we have work to do as a nation? Sure! However, let us do something different this independence, let us do something different this independence. Let us take a moment to appreciate the unity that exists in our nation and recommit to the vision of our forefathers, so we can go forward in unity, just as they dreamed, for the future of our twin-island republic.

Monday 5th September

Sexual harassment and the employer

Part II

How the employer should respond to instances of sexual harassment

THIS IS our fourth column in the series on sexual harassment following the recent judgment of the Court of Appeal in Equal Opportunity Commission and Rishi Persad-Maharaj vs Cascadia Hotel Ltd. On April 18, we spoke about the judgment and explained that sexual harassment can be sex-based discrimination in employment that is prohibited by the Equal Opportunity Act. On April 25, we spoke about sexual harassment in the world of work and noted that harassment may manifest as a single incident, such as where a manager or supervisor demands sexual favours in return for a benefit (that is, quid-pro-quo harassment) or in a series of incidents that creates a harmful and uncomfortable work environment for the victim (that is, hostile work harassment).

Then on May 9, we explained why the employer should take issues of sexual harassment seriously and what they should do to try to prevent it. Today we will consider what the employer should do when harassment actually occurs, that is, what would be appropriate corrective responses. These topics are covered in greater detail in our “Guidelines on Sexual Harassment in the Workplace” which, as we noted before, is available for free download on our website.

As we discussed in the previous article, the employer should have a complaints/grievance procedure where people can report instances, and they could be treated with. The process can be both informal and formal. Informal processes emphasise a forward-looking settlement of the conflict, confidentiality and reconciliation. The victim is allowed to air their grievance, and the



offender is spoken to privately; they are told that their behaviour is unwelcome and they are asked to stop it going forward. Oftentimes the victim is happy just to have the conduct ended.

The formal process emphasises investigation, adjudication and imposition of a sanction, if appropriate. An investigator has to be appointed, who may be internal or external, and it may be one person, two people or a panel. They would have to interview the alleged victim, and would have to convey to the alleged offender a statement of the allegations against them; it is akin to a hearing before a court and the alleged offender must be treated with natural justice and fairness.

For example, they must be presumed innocent until proven otherwise, they must be given an adequate opportunity to respond and to present their defence, and as part of this may be entitled to cross-examine the alleged victim.

The investigator (or panel) has to make a finding on whether the complaint is substantiated, and they must put their findings in a written report. It is open to them to make a recommendation on what corrective measures should be taken, but if this involves any disciplinary sanction against the offender, the report needs to be sent to that person and they must be given the opportunity to comment or respond. If the report is submitted to another body to decide (for example the board of directors), then that decision-maker must likewise give the offender the opportunity to be heard before any adverse action is taken against them.

Adverse actions include things like

demotion, suspension, or dismissal, but there is the possibility of ameliorative actions such as training and counselling. What actions should be taken against the offender would depend on factors such as:

- I. The severity or frequency of the harassment;
- ii. The wishes of the person who was harassed;
- iii. The extent to which the harasser could have anticipated that their behaviour was unacceptable or unwanted;
- iv. The level of remorse; and/or
- v. Whether there have been any prior incidents or warnings.

It is also important to remember the victim; the employer should not only take action to sanction the offender, but should also take appropriate action to remedy the person who suffered. This would include things like:

- I. Restore losses the victim may have suffered, or things that were taken away or withheld from them because they refused to submit to the harassment.
- ii. Restore sick or annual leave taken because of the harassment.
- iii. Consider granting additional leave to allow them the opportunity to mentally settle and recentre.
- iv. Provide access to counselling and medical support if needed.
- v. Remove negative reports and evaluations that the offender might have given to them because they did not submit to the harassment.

For more information people can consult our guidelines on our website www.equalopportunity.gov.tt. Additionally, people can request training and sensitisation sessions from the EOC on this topic and other aspects of discrimination, which are provided free of charge. Send an e-mail to communications@eoc.gov.tt.