

EOC: A Chamber of Knowledge

The Equal Opportunity Commission (the Commission) was recently invited by the Trinidad and Tobago Chamber of Commerce to present on vaccine discrimination at a webinar for its members.

Mr. Haran Ramkaransingh, Director, Legal Director at the Commission joined the esteemed panel

and presented on the topic.

He said that while the Equal Opportunity Act (the Act) does not cover the

status of vaccination, it can offer redress for individuals who are unable to be vaccinated due to an existing disability. The Act protects seven (7) status grounds, of which disability is one.



HARAN RAMKARANSINGH
Director, Legal Services
Equal Opportunity Commission

This is not limited to the workplace since the Act covers four (4) broad categories; these are employment, education, provision of goods and services, and provision of accommodation.

Haran advised that to be protected by the Act, a person must prove

that their disability prevents them from taking the vaccine. This means that they will need to provide evidence by way of a medical certificate from a board registered doctor stating that taking the COVID-19 vaccine would exacerbate their current medical condition.

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day 30th November 2021.

To request the EOC's participation on webinars or a virtual inclusivity session at an organisation, send an email to:

communications@eoc.gov.tt. These two services are free of charge.

International Day of Persons with Disability

Furthermore, ahead of International Day of Persons with Disability on December 3rd, Haran took the opportunity to emphasize the need for us to work harder toward the inclusion of persons with disabilities as it is an essential condition to upholding human rights, sustainable development, peace and security. This is also central to the promise of the 2030 Agenda for Sustainable Development adopted by the United Nations 'To leave no one Behind'.

According to the United Nations, there are approximately one billion people living with disabilities glob-

ally. Yet, they are one of the most excluded groups in our society and are among the most affected during this Covid-19 pandemic. Actively incorporating inclusive policies for persons with disabilities will result in a Covid-19 response and recovery that better serves everyone. It will provide for more agile systems capable of responding to complex situations like first and foremost, reaching the group that is furthest behind.

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Workplace tip: Record all sexual harassment incidents

If you have been a victim of sexual harassment in the office, keep an accurate and detailed written log or diary.

The helpful tip was shared by Ms. Lorelei Wong, Legal Officer I, Equal Opportunity Commission (EOC) at a virtual presentation with employees from the Ministry of Works and Transport (MOWT). Ms. Wong also shared why it is important to keep a diary and tips on how to record and secure evidence of harassment.

It is unfortunate that there are power dynamics and work cultures that imply acceptance of sexual harassment and a victim may be subject to multiple advances. It is even more unfortunate that a victim must go the extra mile to prove that they are being harassed. However, there are a few challenges that makes it necessary to record incidents. 1, It is the victim's word against the offender in some instances; 2, there are some people who claim to be victims of sexual harassment but this is not the case, making it difficult for genuine cases; and 3 some organisations do not have a robust sexual harassment policy with a proper grievance procedure. Gathering evidence makes it easier for an organization to track and penalize an offender.

Securing proof and building a case means taking notes of what happened and maintaining records of written or electronic communication. In other words, you should save those text messages, images, emails, or social media posts. Write it down, screenshot it, print it out if possible, or do what is necessary to help yourself keep track. It is much better to write too much information rather than not enough.

She expressed, "It is best to record an incident as soon as you believe you have experienced sexual

harassment. These include offensive conversations or remarks, sexual contact or touching and requests for sexual favours in the workplace".



LORELEI LISELLE WONG
Legal Officer 1
Equal Opportunity Commission

She explained that even if you do not intend to bring a claim, or you are not sure whether something constitutes as harassment, it is still important to record it.

In most cases, sexual harassment complaints can be very sensitive and involve personal information about employees. As such, the EOC's Guidelines on Sexual Harassment in the workplace recommends that employers develop guidelines on how to document and record complaints/reports and make it known to employees in order to maintain staff confidence.

In addition, the EOC offers further guidance by helping organizations develop their sexual harassment policies or reviewing draft/existing policies free of charge.

The Permanent Secretary of the MOWT, Mrs. Sonia Francis-Yearwood said that the webinar provided much needed information and clarification on how to treat with critical challenges an organization may encounter. She

said that the Ministry looks forward to the continued partnership with the Equal Opportunity Commission as we work towards the strategic development of the Ministry.

Akido Forde Ag. Training Officer at the MOWT said, "The information presented was relevant to the Ministry and we took much pride being recipients to the webinar".

Approximately thirty staff members of the MOWT including the Permanent Secretary, Mrs. Sonia Francis-Yearwood, Deputy Permanent Secretary, Ms. Dhanmattee Ramdath, Director Human Resource, Ms. Carline Ross; Human Resource Officers, Legal Officers and other senior employees benefited from this virtual education session on Tuesday 7th December.

"In most cases, sexual harassment complaints can be very sensitive and involve personal information about employees."

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 17th January

Status under Equal Opportunity Act

THE WORD status can have many meanings, but exactly what does it mean under the Equal Opportunity Act? Status refers to characteristics inherent to an individual and discrimination against individuals based on these protected characteristics is contrary to the act.

The act covers seven status grounds under which a person can be treated less favourably: sex, race, ethnicity, origin, including geographic origin, religion, marital status and disability. A complaint to the Equal Opportunity Commission can contain one or more status grounds, based on the nature of the matter.

Less favourable treatment towards an individual based on any of these specified grounds would be considered discrimination under the act and is against the law.

What exactly does each status ground cover?

Sex under the act refers to male or female and does not include sexual preference or orientation; it therefore refers to the biological and physiological characteristics that define male and female, eg reproductive organs.

Sex discrimination refers to the differential treatment between men and women. This should be differentiated from gender, which refers to characteristics that are socially constructed, eg norms, roles and behaviours associated with being male or female.

Gender, however, is not a recognised status ground under the act. The commission has made recommendations for amendments to the act to include sexual orientation as a recognised status ground.

Race and ethnicity are often used interchangeably. However, under the act

‘Religion is not defined under the act, but speaks to the worship of a supreme being or divine entity’



they have very specific meanings. Race in relation to a person means a group of people of common ethnic origin, colour or of mixed race. Ethnicity refers to the origin, characteristics, classification and distinctive cultural or aesthetic traditions of a group of people.

In other words, race is considered a biological classification which can sometimes be determined by a person's physical appearance, while ethnicity is considered to be a cultural identity, which can sometimes be determined, for example, by a person's manner of dressing. A member of one race cannot join another race, but a member of one ethnicity can join another ethnicity.

Origin is not specifically defined under the act but includes geographical/national and familial origin. Geographical origin discrimination is unfavourable treatment towards someone because of their actual or perceived place of birth.

country of origin, ancestry, native language, accent etc.

Religion is not defined under the act, but speaks to the worship of a supreme being or divine entity. It may be defined as either religious or spiritual belief of preference, regardless of whether or not this belief is represented by an organised group, or affiliation with an organised group having specific religious or spiritual tenets.

Equal opportunity legislation in other jurisdictions specifically include “non-religion” as part of religion. This speaks to the absence of any religious beliefs, eg atheism. However, since religion is not specifically defined, “non-religion” as a form of religion would be a matter for adjudication.

Marital status under the act refers to being single, married, married but living separately and apart from one's spouse, divorced or widowed. The act does not include cohabitational relationships, or what we refer to as common law relationships, but recommendations have been made for amendments to the act to include same.

The seventh status ground under the act is that of disability, which under the act refers to total or partial loss of bodily function; total or partial loss of a part of the body; malfunction of a part of the body including a mental or psychological disease or disorder; or malformation or disfigurement of part of the body.

It is important to remember, however, that notwithstanding the status ground, the complaint must fall under one of the four specified categories covered under the act, that is, employment, education, provision of goods and services, and accommodation. Unless it meets the necessary criteria, the complaint would not fall within the purview of the act.

RESPECT FOR DIVERSITY

Insights on dealing with HIV/AIDS in the workplace

IN KEEPING with its mission of eliminating discrimination and promoting equality for all, the Equal Opportunity Commission, with technical support from the Ministry of Labour's HIV Workplace Advocacy Unit developed their Workplace Policy on HIV and AIDS, which was launched on December 2, 2019. The EOC's Workplace Policy on HIV and AIDS, has become the Commission's vanguard of success in advocating for the fundamental human rights of persons living with HIV. This article captures the experience of the EOC in working with the HWAU to develop their policy and provides insight to the business community on how they too, could go about implementing such a policy.

How was the Commission's experience throughout the collaboration with the HWAU from introduction to programme development? What were the challenges?

The Commission had a wonderful experience during its collaboration with the HWAU from inception to completion of policy and programme development. The staff of the HWAU were professional in their disposition and ensured at every step in the process, to appraise the Committee on relevance, and information. This support from the HWAU allowed for an easy flow throughout the programme's development process to implement the policy through various activities.

The main challenge faced with the implementation of the policy was, the delay in having meetings to plan and execute events as a result of the Covid-19 Pandemic. Notwithstanding the same, the Commission generally had a smooth implemen-

tation of the policy.

How has the policy and programme been implemented? Was it well received?

Policy implementation through programme development took the form of events and activities coordinated by the EOC's HIV and AIDS Committee with the assistance of the Commission's Corporate

have been working remotely, but the Committee is currently considering alternatives.

Notably, some activities included an HIV and AIDS photo frame booth with various paraphernalia, word scrambles, crosswords, word search, "tidbits and blurbs". The Committee rewarded staff with vouchers resulting in increased levels of participation.

What is the intent of the EOC in implementing the policy through the service they provide?

The EOC continues to partner with the HWAU as it actively seeks to renew its Memorandum of Understanding between both entities. The intent is to ensure that all staff and clients of the Commission, internal and external, are treated fairly, free from HIV and AIDS-related stigma and discrimination. It is envisioned that persons who experience discrimination at any level, can feel confident and safe knowing that they can reach out to the organisation to have their complaint effectively addressed.

Does the role and function of the Commission play a part in the national response to HIV and AIDS in the workplace?

One of the Commission's core functions is to receive, investigate, and as far as possible conciliate allegations of discrimination lodged with the organisation. The Commission currently receives and accepts complaints of discrimination against persons who are HIV positive and who therefore fall within the ground of being disabled within the Equal Opportunity Act.



Communications Unit. The Committee opted for a Quarter 1 to Quarter 4 (Q1 to Q4) approach under the guidance of the HWAU to execute its programme implementation. The Committee then set up specific internal activities for each quarter. The Q1 to Q4 breakdown was as follow:

IQ1 – Sensitisation,

IQ2 – Education,

IQ3 – Internal Stakeholder Awareness,

IQ4 – External Stakeholder Awareness.

The initial objective was to conduct one event monthly in keeping with the theme for that specific quarter, which began on the commemoration of World AIDS Day 2020. Due to the Covid-19 restrictions many activities were put on hold as staff



Persons who have suffered some form of discrimination in their workplace based on their real or perceived HIV status, may should visit the EOC, as they may have an avenue for redress through Conciliation or the Equal Opportunity Tribunal.

What was the benefit to the EOC in developing a Workplace Policy on HIV and AIDS?

In keeping with our core values at the Commission, this policy was an added-value benefit to the organisation. It allows our staff to feel safe within the working environment and feel included in the office's day-to-day activities as it ensures that we promote a non-discriminatory environment as well as the proper management of HIV at the organisation. The policy is a starting point for individuals to take comfort knowing that the employer is sensitive towards issues of care, treatment and support for all employees, regardless of their HIV status. Additionally, staff are aware

and have more information readily available for a topic still considered taboo. Having correct and concise HIV information in the workplace, allows for an increase in the national prevention efforts. Both employers and employees can take the necessary prevention measures towards reducing transmission and protecting themselves.

Why did the EOC decide to develop a Workplace Policy on HIV and AIDS?

This decision was taken as an initial and proactive step to demonstrate the Commission's commitment to addressing the issues surrounding HIV and AIDS. The Policy will assist both employer and employees regarding guidelines for handling complaints, knowing their rights and responsibilities, including their rights at work, with professionalism, dignity and respect. The Commission proposed including HIV and AIDS in its amendments to the Equal Opportunity Act. As an equal opportunity employer, the policy

was undoubtedly great initiative in keeping with our mandate, vision and mission.

The Trinidad and Tobago Chamber of Industry and Commerce continues to work with HWAU in advocating for the adoption and implementation of the National Workplace Policy on HIV and AIDS. Achievements as highlighted by the EOC can be realised by other organisations as we work towards eliminating discrimination against persons living with or affected by HIV and AIDS. The business community is invited to contact the HWAU Manager, Ms. Heather Rodney at 462- 5236 or email hivadvocacy2018@gmail.com for the development or review of their HIV Workplace Policy.

The T&T Chamber takes this opportunity to extend warmest good wishes to our readership and all of Trinidad and Tobago for the holiday season and for the New Year 2022. Please continue to practice the 3 Ws —wear a mask, wash your hands and watch your distance.

