

EOC NEWS

Equal Opportunity Commission
Promoting Equality

JUNE 2ND 2023 ISSUE 19

EOC APPEARS BEFORE JSC

On Friday 19 May, the Equal Opportunity Commission (EOC) appeared before the Joint Select Committee on Finance and Legal Affairs to examine the efficiency and effectiveness of the institution.

The EOC team highlighted the Commission's role, function and its current needs. In addition, the team also highlighted EOC's accomplishments as well as solutions to address the organisation's shortcomings.

While the EOC faces financial and staff constraints, EOC Chairman, Ian Roach said the major problem appeared to be the limitations of the Equal Opportunity Act (EOA). He explained that the EOA needs to be amended to support the Commission's to transition into the National Human Rights Institution of Trinidad and Tobago to better serve its stakeholders.



EOC REPRESENTATIVES

- **Ian Roach** - Chairman
- **Haran Ramkaransingh** – Director- Legal Services
- **Shelly Dolabaille** – Manager - Corporate Communications
- **Christine Cole** - Conciliator/Mediator
- **Debbie-Ann Trotman**- AOIV Ag.

The objectives of this inquiry were:

1. To evaluate the performance of the EOC in the execution of its core mandate including:
 - its ability to eliminate discrimination;
 - and
 - promote equality among persons of diverse backgrounds.

2. To determine whether the resources,

systems and procedures of the EOC are sufficient to allow it to operate efficiently.

3. To evaluate the adequacy of the existing regulatory framework that informs the operations of the EOC.

Click the link to view the inquiry:

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THE EOC IS ON TV!



We are proud to announce that our four animated videos are now running on TV6, TTT and CNC3!

Look out for videos on:

- About the Equal Opportunity Commission
- About the Equal Opportunity Act
- How to lodge a complaint
- The complaints process

Click the thumbnails on the left to access the videos



EOC TALKS DISABILITY ON TALK CITY 91.1FM

On Friday 12th May, Ms. Lorelei Wong, Legal Officer I appeared on the Holy Spirit Project programme on Talk City 91.1 FM hosted by Ms. Jeanista Agard.

Ms. Wong discussed the creation of the EOC, our role and functions, limitations when lodging complaints and the EOC's proposed amendments to the Equal Opportunity Act. In addition, she clarified the role of the Equal Opportunity Tribunal, which is a separate institution to the EOC.

During this informative discourse, she highlighted the extensive work that the Commission has done so far in terms of promoting the inclusion for persons with disabilities as well as the strategic partnerships that the EOC has built with the Ministry of Labour and SALISES. At the same time, she pointed out what has been done at a national level to include persons with disabilities.

Also, she briefly spoke on the important topics of 'disabled children in education' and 'children with disabilities appearing in the court system'.

The EOC frequently appears on the Holy Spirit Project in an effort to achieve its mandate of promoting equality and eliminating discrimination.



LORELEI LISELLE WONG
Legal Officer I

EOC CARAVAN STOPS AT MARABELLA

Hundreds of patrons visited the Equal Opportunity Commission's (EOC) nationwide caravan activation in Marabella.

The outreach initiative, which was held at Massy Stores on Friday 5 May, 2023, is part of the EOC's efforts to raise awareness of the categories covered and status grounds protected by the Equal Opportunity Act and the services offered by the EOC.

Patrons also won fun prizes by partaking in the EOC's activities which included trivia, crossword puzzles and participants listing do's and don'ts when interacting with a person with a disability.

This was the fifth stop in the caravan and the EOC will continue taking its messages to locations across the country. See press and the EOC's social media pages for more details on the caravan and to find out where we will be heading next.



Marabella patrons play trivia tic tac toe.



Mr. Ewan Headley explains the status grounds.

EOC FREE INCLUSIVITY TRAINING WITH BUILDING MAINTENANCE SERVICES LTD

Pregnancy and maternity discrimination occurs when an individual is being treated less favourably because they are pregnant or have given birth. This is considered a form of sex based discrimination, given that only females can become pregnant and under the Equal Opportunity Act, sex is defined as being either male or female.

Thus, the Act can protect such individuals who experience or may be experiencing less favourable treatment because they are pregnant, seeking or are on maternity leave, breastfeeding and/or any other factors associated with pregnancy. These include illness suffered as a result of pregnancy, compulsory maternity leave or because an individual is exercising or seeking to exercise their right to maternity leave.

Ms. Cheryl Ann Peters, Legal Officer I at the EOC highlighted these important points at the EOC 's inclusivity training session with Building Maintenance Services Limited on Wednesday 24 May 2023. Ms. Peters also emphasised that such employees can seek redress at the EOC under the status ground of sex within the category of employment. This was the EOC's second presentation to the company's staff.

Ms. Peters further stated that pregnancy and maternity discrimination could include dismissal, being by-passed for promotion, unfavourable changes in duties on return from maternity leave and other issues that would result in any kind of unfavourable treatment due to pregnancy or maternity.

She indicated that in order to create an inclusive work environment, both employers and employees are encouraged to understand the law it relates to this and exercise compassion during such times. The Maternity Protection Act is another piece of legislation that one can turn to.

To request a free inclusivity session for your organisation, send an email to:

communications@eoc.gov.tt





Happy **Mother's Day**

14 May



**INTERNATIONAL
DAY OF FAMILIES**

15 May



**INTERNATIONAL
DAY OF LIVING
TOGETHER IN PEACE**

16 May



**Happy Indian
Arrival Day**

Monday 15th May

NHRIs: Different models around the world

Part III

IN PART three of the series, we continue the discussion on the Equal Opportunity Commission's (EOC) strategic vision of becoming the National Human Rights Institution (NHRI) of TT. Today we examine the different models that exist in countries that address human rights holistically, as well as look at the suitability of a particular model for the TT context. NHRIs have different names, depending on the region, legal tradition and common usage. Generally, there are six models that are recognised.

1. Human Rights Commission(HRC)

Commissions generally have broader mandates such as receiving and investigating complaints, promoting human rights, and public education and engagement. As we have noted previously, the Equal Opportunity Act has given these powers and mandate to the EOC. However, the types of matters that the EOC can treat with is limited to non-discrimination on specific grounds, whereas HRCs can typically promote all aspects of human rights. For example, the HRCs in both Kenya and Uganda can visit prisons and other places of detention to assess and inspect the conditions under which inmates are held. In TT, this power rests with the Inspector of Prisons, who is appointed by the Minister of National Security. The EOC sees itself as progressing towards an HRC, while simultaneously recognising that there are multiple institutions in TT with specific human rights mandates such as the Children's Authority and the Inspector of Prisons. For the EOC to function effectively as an NHRI, it would have to collaborate with these other institutions, to collectively deliver more robust human rights protection.

2. Human rights ombudsman

Whereas HRCs are governed by a board of commissioners, ombudsmen tend to



be a single person (assisted by a complement of staff). Ombuds institutions traditionally focus on receiving, investigating and conciliating complaints related to maladministration. Human rights ombudsmen differ in that they are given a mandate to promote and protect human rights and are not limited to issues of good governance. All ombudsmen are generally limited to making recommendations as opposed to handing down decisions that bind the parties. For it not to be labelled as "toothless," it should have the power to refer a complaint to a court or to a specialised tribunal where their recommendations have been ignored or rejected.

3. Hybrid institutions

Hybrid institutions have multiple mandates; they deal with human rights but may also address maladministration or corruption. For example, in Spain, the Defensor del Pueblo is a high commissioner of parliament responsible for defending the fundamental rights and public liberties of citizens by supervising the activities of all public administrations and investigating any misconduct by public authorities. These can include conduct that causes a breach of the rights guaranteed by their constitution, and rights recognised in certain international conventions that Spain has ratified. While in principle it is desirable to have a single institution that can handle multiple jurisdictions, the challenge in practice is how well they can effectively handle the different and sometimes unrelated areas under their remit.

4. Multiple institutions

The reverse of a single institution with multiple mandates is multiple institutions, each with responsibility for promoting and protecting a specific class of rights or rights of a specific group. For example, in TT, the Children's Authority specifically promotes and protects the rights of children. In the Bahamas there exists the National Commission for Persons with Disabilities (PWDs), which specifically promotes rights and advances equal opportunities for PWDs. The challenge is oftentimes a lack of coordination among different institutions.

5. Consultative and advisory committees

These committees generally have a broad membership. They engage in human rights education and research and provide advisory services to the government on major human rights issues and problems. They generally do not investigate individual complaints, and this is seen as limiting their effectiveness, as they cannot grant redress for violations of human rights. While they may inquire into broader, systemic human rights issues, they can only provide advice and make recommendations, which may or may not be accepted by those with the power to implement the needed changes.

6. Human rights institutes and centres

Like committees, centres generally have a broad membership and focus on human rights research and advice, and do not treat with individual complaints. They differ from committees in that they have a more defined institutional structure: a board of governors sets general policy framework and operational activities are handled by professional staff. Many centres are affiliated with universities and exist as non-governmental, not-for-profit organisations.

Monday 1st May

NHRI Part II: The Paris Principles and the EOC

This is the second column discussing the Equal Opportunity Commission's (EOC) strategic vision of becoming the National Human Rights Institution (NHRI) of TT. On April 17, we spoke about what are NHRIs. Today we will explain how NHRIs are recognised in the United Nations (UN) system. Contrary to other national institutions, NHRIs are accredited with an internationally accepted quality label, based on their compliance with the UN's Paris Principles.

In 1946, the UN Economic and Social Council (ESC) invited member states to consider establishing local human rights committees. In 1960, the ESC went further and encouraged to form such bodies. In 1978, the Commission on Human Rights approved guidelines for the structure and functioning of these bodies. These guidelines were endorsed by the General Assembly. Coming out of a workshop held in Paris in 1991 on NHRIs the commission endorsed a list of "principles relating the status and functioning of NHRIs" which set out the minimum standards that NHRIs must meet to be considered credible and to operate effectively (the Paris Principles). Up until that time, there were fewer than 20 NHRIs around the world. The Vienna Declaration and Programme of Action, coming out of the Second World Conference on Human Rights, held in Vienna in 1993, gave renewed impetus for establishing NHRIs in line with the Paris Principles. In December 1993, the General Assembly adopted the Paris Principles (Resolution A/RES/48/134). Since that time, the number of NHRIs has grown rapidly to 120 in 2018, of which 79 have been accredited as compliant with the Paris Principles by the Global Alliance for National Human Rights Institutions.



These principles include:

1. The NHRI should be set up by written law or by the Constitution.
2. The law/constitution must guarantee its independence from the government; for example, its members must be appointed and could only be removed on clearly defined reasons or by a clearly defined process.
3. As part of its independence, it should be given adequate resources and financial autonomy: it should receive funding from the government but should not be subject to onerous financial control or oversight.
4. It must be given as broad a mandate as possible to protect and promote human rights.
5. Its membership shall represent civil society as plurally as possible.
6. It should have the power to inquire into any question of human rights, including the power to obtain information and documents.
7. It should have the power to investigate complaints by individuals or groups who allege that their human rights have been infringed, including the power to conciliate these disputes.
8. It should have the power to submit opinions, recommendations and proposals on the reform of laws, regulations or administrative practices or on any situation concerning a violation of human rights.
9. It should have the power to formulate or coordinate programmes for the teaching of, and research into, human rights.
10. It should be able to to contrib-

ute to the reports which states are required to submit to international bodies pursuant to treaty obligations, including any opinion and commentary without prior political approval.

11. It should develop networks and relations with other bodies concerned with the protection and promotion of human rights, such as local and foreign ombudsmen, NGOs, and special interest groups (for example, groups that treat with vulnerable communities such as children, migrants, refugees and persons with disabilities). At present, the EOC meets some of these criteria for example:

- i. It is set up by a written law, the Equal Opportunity Act (EOA), which provides for how its members may be appointed or removed.
- ii. The act mandates at section 26(2) and (5) that its membership shall be as plural as possible.
- iii. The act gives the EOC the power to investigate and conciliate complaints brought by members of the public, including the power to obtain information and documents (section 33).
- iv. The act gives the EOC the power to make recommendations for law reform and to conduct research and educational programmes (section 26). However, the EOA did not create the EOC as an autonomous body, and this was one proposal for amendment that has been submitted.

Additionally, the EOC does not have the power to inquire into human rights generally, it can only inquire into complaints that individuals have lodged with it. Thirdly, its mandate is to protect and promote only those rights guaranteed by the EOA and not to human rights generally. It is hoped that with the appropriate amendments to the EOA, the EOC can meet the requirements of the Paris Principles to become an NHRI.