

EOC NEWS

Equal Opportunity Commission
Promoting Equality

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Remove laws that harm, create laws that empower

“The Equal Opportunity Act is progressive and continues to be a work in progress.” Chairman of the Equal Opportunity Commission (EOC) Ian Roach made the statement ahead of Zero Discrimination Day (ZDD) 2022. The theme for ZDD 2022 is **“Remove laws that harm, create laws that empower.”**

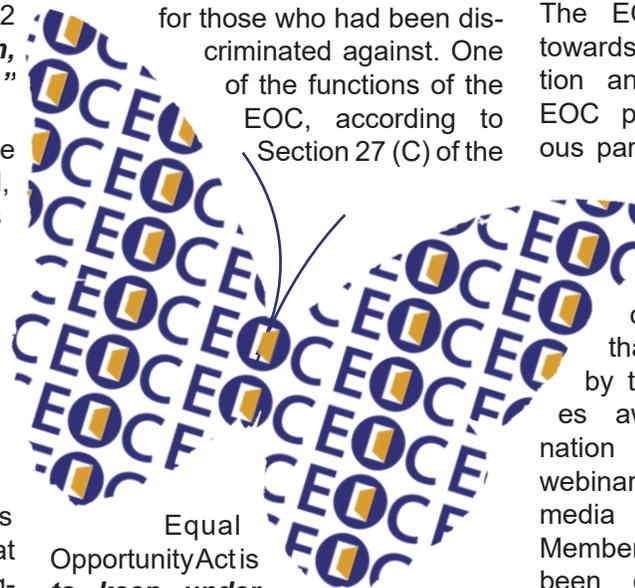
The EOC Chairman said, “As the needs of society are recognized, the Commission will, as it has done in the past, make recommendations for the Act to be amended. This goes a long way to ensure that the Act evolves with society and protects a wider spectrum of human rights.”

ZDD is a global movement that focuses on raising awareness and taking action to ensure that everyone can live a life of dignity and have access to opportunities by ending all forms of discrimination and promoting inclusion. UNAIDS launched the first ZDD in 2014 and it has been observed March 1 every year since.

Chairman Roach said that “the need to dedicate a day to take action against discriminatory laws across the world points to the many states and societies that do not benefit from equality legislation, as we do in Trinidad and Tobago, as a result of the Equal Opportunity Act (the Act). I acknowledge that there are laws, outside of the Act, that are discriminatory and should be amended. However,

if there was ever a time to appreciate the critical role of the Act and the EOC, it is now.”

The Act creates a remedy that had not existed before the legislation to address and bring justice for those who had been discriminated against. One of the functions of the EOC, according to Section 27 (C) of the



Equal Opportunity Act is **to keep under review the working of this Act and any relevant law and, when so required by the Minister, or otherwise thinks it necessary, draw up and submit to the Minister proposals for amending them.**

The Equal Opportunity Act is a law that empowers; it seeks to prohibit certain kinds of discrimination, and to create a mechanism for those who have been discriminated against to get redress. It operates in four broad areas and on seven status grounds; it prohibits employers, educators, the providers of goods and services, and the providers of accommodation, from treating

with persons adversely because of any one of the following inherent and personal attributes: their race, ethnicity, sex, religion, origin, marital status or any disability that they may have.

The EOC is mandated to work towards eliminating discrimination and promoting equality. The EOC proactively works with various partner organisations to magnify their calls for justice and

Page 2 of 3 continues to advocate for inclusivity of various communities, even those that are not yet protected by the Act. The EOC also raises awareness on anti-discrimination through activities such as webinars, presentations, social media campaigns and outreach. Members of the public who have been discriminated against can lodge a complaint on the EOC's website or send an email to complaints@eoc.gov.tt. All services of the EOC are free of charge up to the stage of conciliation. We will receive, investigate and conciliate the matter.

Facebook page: @EOCTT 
LinkedIn page: Equal Opportunity Commission Trinidad and Tobago 
YouTube: Equal Opportunity Commission TT 
Website: www.equalopportunity.gov.tt
Weekly column: Online Newsday

55-57 Manic Street, Chaguanas, 500621, Trinidad and Tobago, W. I.

Phone: (868) 672-0928 Fax: (868) 671-8826 Email: eoc@gov.tt Website: www.equalopportunity.gov.tt

Zero Discrimination Day



We celebrate the right of everyone to live a full and productive life – and live it with dignity.

FRAME US UP!



We create and uploaded a frame on facebook for Zero Discrimination Day. You can temporarily add this frame to your profile photo on Zero Discrimination on Tuesday 1st March. Join the movement to end discrimination and promote equality by raising awareness via your profile photo.

- Step 1: Open Facebook on your profile page
- Step 2: Click the camera icon on your photo
- Step 3: Select "Add Frame" option
- Step 4: Search EOC Zero Discrimination
- Step 5: Select: Use as profile photo
- Step 6: Share with friends

#ZERODISCRIMINATIONDAY

Small Steps can effect big change...

Lorelei Liselle Wong

It is said that if every person does their part, we can repair the world. The Equal Opportunity Commission has taken a significant step to ensure that it continues to fulfill its mandate while contributing to a progressive society.

In August 2009, the then HIV/AIDS Workplace Advocacy and Sustainability Centre (HASC), now HIV and AIDS Workplace Advocacy Unit (HWAU), was established. The main focus of this division was to implement Trinidad and Tobago's National Workplace Policy on HIV and AIDS (2008) within various public and private sector organizations, including but not limited to civil society organizations and working environments in the informal economy.

In May 2017, the Commission signed a Memorandum of Understanding for one (1) year with the then Ministry of Labour and Small Enterprise Development outlining the Commission's commitment to drafting an internal HIV and AIDS Workplace Policy in tandem with programme development and implementation.

Stigma and discrimination relating to HIV and AIDS are prevalent and sometimes rarely spoken of. A fundamental rationale for having an internal policy is to ensure that the impact of HIV and AIDS in the workplace is mitigated if not eradicated and by further eliminating the associated stigma, which is a catalyst of such an epizootic.

An internal committee on HIV and AIDS was instituted at the Commission. The team consists of Ms. Christine Cole (Chairman), Ms. Lorelei Wong (Focal Point), Ms. Nickeelia Payne (Member) and Mr. Navindra Narine (Member). The team was responsible for developi

ng, coordinating, and monitoring the Commission's response to HIV and AIDS with the guidance of the International Labour Organisation (ILO) Code of Practice on HIV and AIDS and the World of Work (2001) as well as ILO Recommendation No. 200 (2010). The main objectives are ensuring the reduction of the impact on workers living with or infected by HIV, promoting zero-tolerance for HIV-related stigma and discrimination and encouraging a healthy workforce through programmes, ultimately fostering the wellbeing of workers and increasing productivity.

The Committee has since widely disseminated information on HIV and AIDS to all workers and has led efforts to understand workers' needs through discussion, questionnaires, and confidential baselines studies in the form of a KAPB Survey.

The internal workplace policy was created and launched on 02nd December 2019 in commemoration of World Aids Day, which is held on the 01st of December, each year. As a part of its programme development initiative, the Commission adopted a quarterly approach to its roll-out, directed to various target audiences. The areas for address were sensitization, education, internal stakeholder awareness, and external stakeholder awareness.

Despite the first quarter unwinding as expected, the Covid-19 restrictions limited the deployment of the programme. Consequently, a review was conducted and alternative methods of implementation were adopted. The activities were fun, interactive and competitive, incentivizing employees to partake, while actively learning and edifying themselves on various thematic areas surrounding HIV and AIDS.

The Commission continues to work closely with the HWAU and is in the process of renewing its Memorandum of Understanding. The Committee remains as a repository for confidentiality, receiving, documenting and addressing HIV and AIDS-related complaints from both management and staff.

As we go forward into a new year, the Committee will strive to ensure proper training of staff and peer educators to deliver information and educational programmes. The Internal Workplace Policy on HIV and AIDS can be found in each Unit's Policy Manual. The work of the Commission was recently highlighted by the Chamber of Commerce in partnership with the HWAU and was published in the Daily Express Newspaper.

This article can be found at https://trinidadexpress.com/business/local/respect-for-diversity/article_a1eede56-6839-11ec-8184-f73013e12baf.html

Remember, act as if what you do makes a difference in someone's life. Awareness and education are key pillars in eliminating HIV and AIDS-related stigmas and discrimination.

SHELLY DOLABAILLE

Editor - in - Chief:
shelly.dolabaille@eoc.gov.tt

EWAN HEADLE

Writer:
ewan.headley@eoc.gov.tt

LEON BAIN

Graphic Designer:
leon.bain@eoc.gov.tt

EMPLOYEE BURNOUT AND MANAGING STRESS – THE IMPORTANCE OF MANAGING YOUR MENTAL HEALTH

Cheryl Ann Peters

Mental Health is integral to living a balanced life, as it can impact your thoughts, behaviour and emotions and can significantly contribute to the health of your relationships, adapting to change as well as coping with adversity. It affects how we feel, think, and live our lives by encompassing our emotional, psychological, and sociological well-being.

Many of us are facing challenges that can be stressful and overwhelming, which may have been exacerbated by the current COVID-19 pandemic. Taking this in to consideration, the Corporate Communications Unit (CCU) and Social Events Committee (SEC) on January 26th 2022, hosted a workshop on “Employee Burnout and Managing Stress”, with specific focus on Mental Health.

According to the World Health Organisation (WHO) Mental Health is defined as “a state of well-being in which an individual recognises his or her own potential, can cope with normal stressors of life, can work productively and fruitfully and is able to make a contribution to his or her society.” Fear, worry, and stress are normal responses to perceived or real threats, especially when faced with uncertainty and the unknown. It is therefore normal and comprehensible that people are experiencing distress in the context of the COVID-19 pandemic. Added to the fear of contracting the virus or loss of loved ones, are the significant changes to our daily lives, as our movements are restricted in support of efforts to contain and slow down the spread of the virus. Additionally, we are faced with new realities of working from home,

home schooling of children, and lack of physical contact with other family members, friends and colleagues, it is therefore imperative that we do what is necessary to safeguard our mental health.

Staff were therefore elated to



have the workshop facilitated by our very own Commissioner, Dr. Krystal-Jane Verasammy, a qualified counselling psychologist.

During her presentation, Dr Verasammy highlighted that the workplace represents one of the key environments that affect our mental health and wellbeing stating that at least one in six workers experience common mental health problems, including depression and anxiety and that two in five (41%) people said that their mental health had in fact worsened during the pandemic. Work related stress and the fac-

tors that commonly cause it were discussed, as well as the fear and worries that have been intensified by the COVID-19 pandemic.

The physical, psychological and behavioural symptoms attributed to same were also emphasized for example, fatigue, sleeping difficulties, anxiety, depression and withdrawal.

Problem focused coping, which aims to eliminate the sources of stress or work with the stressors themselves and emotion focused coping which helps a person to be less emotionally reactive or alter the way they experience situations, were identified as mechanisms for the management of stress. Emotion-focused techniques, breathing techniques, self-care reminders and steps to stress management were addressed to foster awareness and act as a guide to assist staff in finding mechanisms that could manage stress and highlight the importance of self-care. To ensure that staff were prepared to manage areas of stress and focus on their mental well-being, they were given real life scenarios wherein they had to offer advice on preventing and/or coping with different areas such as anxiety, grief/bereavement/burnout and stress. A poll done at the end of the session indicated that staff found it very useful and had a much better understanding of mental health and the importance of self-care. The CCU and SEC would like to thank staff for attending and participating and remember always **YOUR MENTAL HEALTH IS A PRORITY and SELF CARE IS NOT SELFISH!**

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 7th February.

<https://equalopportunity.gov.tt/downloads/publications/What%20is%20Reasonable%20Accommodation.pdf>

What is reasonable accommodation?

TRINIDAD and Tobago signed the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) on September 27, 2007 and it was further ratified into domestic law on June 25, 2015. Even before this convention was ratified, the Equal Opportunity Act (EOA) Chap 22:03 placed a duty on employers to make reasonable adjustments for their staff to assist them in overcoming disadvantages resulting from any impairment.

According to the UNCRPD, reasonable accommodation is defined as "the necessary and appropriate modification or adjustments where needed to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms."

The basis of reasonable accommodation as explained in the EOA can be perceived and conceptualised from the key notions within the UNCRPD's definition of reasonable accommodation. Some examples are as follows:

- **Necessity** – Reasonable accommodation is not about fulfilling the personal preferences or whims of people with disabilities; it is about providing what is required to ensure that they can join in on an equal basis with others. For example, providing sugar-free meals is a reasonable accommodation for someone who has diabetes, but you need not provide them

'The person with a disability seeking prospective employment must ensure that the essential job functions to be qualified for the position can be performed. Essential functions are duties that are fundamental to the post and the main reason that the position exists'



with smoked salmon or lobster because that is their favourite food.

- **Appropriateness** – This is not about making changes merely for their own sake; it is about doing what is needed to ensure that people with disabilities can participate equally with others. For instance, constructing a ramp to enable a disabled worker to access the washrooms or cafeteria in the workplace, whereas putting in new windows is not.

- **Modification and adjustments** – Reasonable accommodation is about tweaking what currently exists. For instance, an organisation that has premises, services, programmes and activities that are equally accessible to people with disabilities and others may not need to provide extra reasonable accommodations. This is un-

doubtedly the best option and can result from disability mainstreaming.

- **Disproportionate or undue burden** – No person or entity has to provide reasonable accommodations that are unduly extensive, disruptive and causes financial difficulty to the operations of their business. While the above statement is echoed in the EOA, there should be a balance between the accommodations required by the employee versus the capacity of the employer. Interestingly, studies have shown that reasonable accommodations cost little or nothing to most employers, but each matter would need to be reviewed on a case-by-case basis.

- **In a particular case** – Reasonable accommodation is an individual requirement to enable people to partake fully and

equally in their working life. Accessibility, which is covered under Article 9 of the UN-CRPD, is a general requirement that applies to all workplaces and other environments.

- All human rights and fundamental freedoms – Reasonable accommodation applies to all aspects of the lives of people living with a disability.

Notwithstanding that, employers have a duty to provide such reasonable accommodations as necessary. The EOA states that it would be reasonable for an employer not to hire a person with a disability if the employer could demonstrate that an unreasonable risk of injury to others or a substantial risk of injury to themselves may occur. Further, the person with a disability seeking prospective employment must ensure that the essential job functions to be performed. Essential functions are duties that are fundamental to the post and the main reason that the position exists.

The Equal Opportunity Commission (EOC) continues to receive and review all complaints lodged including those concerned with disability-related illnesses and the denial of reasonable accommodation. If you believe that you have been discriminated against based on your disability, you can lodge a complaint via the EOC's website: <https://equalopportunity.gov.tt/> or send an e-mail to complaints@eoc.gov.tt

Requesting reasonable workplace accommodation

Part 2

IN OUR last article, we addressed the topic of reasonable accommodation and looked at key concepts within its definition. Today we will delve further into submitting requests for accommodation and how an employer should handle each employee's request.

If you are a person with a disability, either seeking prospective employment or currently employed at an organisation, it is essential to note that you can request reasonable accommodations at any time during the job application process or the course of your employment. The Equal Opportunity Commission (EOC) advises that you should make these requests as soon as you are aware that there may be hindrances at the workplace that may inhibit you from applying for the job, carrying out the roles and functions of the job, or equally accessing benefits such as promotions and training opportunities associated with your employment.

Research has shown that in the workplace some employees tend to conceal their disabilities for many reasons, including but not limited to fear, stigma and discrimination that are inextricably linked to their specific disability. In some instances, an employee's performance at work may suffer due to their disability and an uninformed employer may resort

to taking disciplinary actions against that employee.

It is important to note that the onus is on the employee to apprise the employer of their accommodation needs. It is not for the employer to envisage this need. This is consistent with the concept that individuals should refrain from making biased assumptions about a person's disability and what they can and cannot achieve. At the same time, once the employee shares this information, the employer has a duty of trust and confidentiality to not divulge it to others, unless it is necessary to do so. For example, it may be necessary for the employer to consult with specialists and advisers to ascertain what could reasonably be done to accommodate the employee.

Although it has not been fully proclaimed, employers should be guided by the provisions of the Data Protection Act Chap 22:04 [Act No 13 of 2011]. They should note that information concerning an employee's physical and mental health or condition is deemed "sensitive personal information" [section 2]; it must be kept private and per-

sonal [section 4], and can only be processed by healthcare professionals, or for specific purposes such as research and statistics [sections 40 and 76].

The EOC recommends that any request for accommodation should be written and submitted to a supervisor or Human Resources, despite it not being a requirement. This letter should include the following information:

The employee's name and the position held - This helps in larger organisations or corporations where managers, CEOs, directors, or chairpersons may not be acquainted with the person making the request.

The date on which the request is being made - For the purpose of evidence, in the event that a dispute arises between the employee and the organisation.

Information relating to your disability - State the exact name of the disability or diagnosis and give a brief description. A copy of a medical certificate or note identifying your limitations from your physician may enhance the chance of your request being granted.

A brief explanation of how your disability affects your performance at work - A critical concern of any employer is completion of the job, and doing it efficiently and effectively. As such, you should highlight any barriers you encounter in the workplace that may impede your productivity.

A specific statement that you are "requesting reasonable accommodation" - This is what the employee is actively seeking and it should be explicit in the letter. It is also essential for clarification purposes as employers may claim that a request for reasonable accommodation was not made.

Provide examples of the accommodations you are seeking - This will assist the employer in making decisions, as they are not the ones experiencing the effects of the disability on a daily basis.

The EOC strongly suggests that the employee documents everything. Once the request has been made, the employee should follow up on the status of the application. If this was done verbally, the employee should summarily iterate what was discussed in a follow-up e-mail. Since this is the initial step in accessing reasonable accommodation, the employee is encouraged to maintain active discourse with the employer to ensure their needs are met without placing any undue financial hardship upon the employer.



Achieving social justice

THE Equal Opportunity Commission (EOC) joins United Nations (UN) members to commemorate World Day of Social Justice. This year's theme is "Achieving Social Justice through Formal Employment." The day is observed on February 20 annually, starting from 2008.

The day recognises the promotion of social justice and efforts to overcome the barriers that prevent social mobility, such as poverty, exclusion, gender inequality and unemployment. The theme for 2022 focuses on the longstanding inequalities of workers in the informal economy, who usually engage in jobs such as street-vending, home-based work, waste-picking and domestic jobs; this has been exacerbated by the covid19 pandemic. These workers often lack any form of social protection or employment-related benefits and are thus twice as likely to be underprivileged compared to formal workers.

Workplace discrimination continues to be the leading category for complaints received by the EOC. In 2021, 45 per cent of the complaints lodged at the offices of the EOC were under the category of employment. This means that employment complaints are almost equal to all of the other categories combined (employment, education, provision of goods and services and provision of accommodation). This contin-



ues the trend where, every year, employment tops the most lodged category list.

While the solution requires an all-hands-on-deck approach to address and end these inequalities, the EOC offers a small but significant avenue for redress for employees. All employees, whether in the informal or formal economy, are protected by the Equal Opportunity Commission and can lodge a complaint at the EOC if they have been discriminated against. This includes at the hiring stage or while on the job. The EOC will investigate and conciliate the complaint. This service is free of charge.

The EOC also offers free inclusivity training to organisations including guidance on internal policies that promote equality within the work place and even at the recruitment stage. A key part of these sessions is informing employees on their rights and, employers on their responsibilities to promote equality at the work place. These inclusivity obligations are required irrespective

of the sector, or whether it is part of the formal or informal economy.

Studies have shown that training is a key component of diversity management in the workplace. When done right, training raises awareness and nurtures a better understanding of the impact of discriminatory behaviour. Diversity and inclusion training also informs employees and managers about the steps they can take when they see or experience unfair treatment stemming from protected characteristics.

Preventing discrimination begins before an individual is employed, for example job advertisements. The law explicitly forbids job adverts from stating or implying that certain candidates are preferred based on their protected characteristics.

Furthermore, during the interview process, hiring managers cannot ask candidates about their protected characteristics unless they are doing so for "positive action" to improve equality in the workplace.

According to the United Na-

tions, more than 60 per cent of the world's employed population, that is two billion women, men and youth, earn their livelihoods in the informal economy. Promoting the transition to formal employment is a necessary condition to reduce poverty and inequalities, advance decent work, increase productivity and sustainability of enterprises, notably in times of crisis.

In keeping with our mandate, the EOC continues its advocacy aimed at eliminating inequalities as well as promoting inclusion via our free public education sessions, live discussions on social media, weekly columns in the *Newsday*, its website and publishing monthly newsletters.

Information about the Equal Opportunity Act

The act addresses discrimination in four broad categories: employment, education, provision of goods and services, and provision of accommodation. Complaints of discrimination must be based on the status grounds of sex, race, ethnicity, religion, marital status, geographical origin and disability.

Lodge a complaint at the EOC's website, www.equalopportunity.gov.tt or send an e-mail to complaints@eoc.gov.tt if you have been discriminated against

EOC Observes Zero Discrimination Day 2022

THE Equal Opportunity Commission (EOC) joins United Nations member states to observe Zero Discrimination Day (ZDD) 2022.

ZDD is a global movement that focuses on raising awareness and taking action to ensure that everyone can live a life of dignity and have access to opportunities by ending all forms of discrimination and promoting inclusion. UNAIDS launched the first ZDD in 2014 and it has been observed March 1 every year since. The theme for 2022 is "Remove laws that harm, create laws that empower."

The Equal Opportunity Act is a law that empowers; it seeks to prohibit certain kinds of discrimination, and to create a mechanism for those who have been discriminated against to get redress. It operates in four broad areas and on seven status grounds; it prohibits employers, educators, the providers of goods and services and the providers of accommodation from treating with people adversely because of any one of the following inherent and personal attributes: their race, ethnicity, sex, religion, origin, marital status or any disability that they may have.

It should be noted that the act fills critical gaps and created a remedy that had not existed before the legislation to address and bring justice for those who had been discriminated against. These include:

* The ability to lodge complaints against private individuals and public or



private companies.

* The ability to seek discrimination-specific redress.

The act is progressive and continues to be a work in progress. The commission is empowered to make recommendations to the Attorney General to amend and update the act, as deemed necessary from time to time. As the needs of so-

ciety are recognised, recommendations for appropriate amendments to the act to protect a wider spectrum of human rights will be sent to the Office of the Attorney General for consideration.

If you have been discriminated against, you can lodge a complaint on the EOC's website or send an e-mail to complaints@eoc.gov.tt.

To find out more about the Equal Opportunity Act, the Equal Opportunity Commission and all its services, visit: Website: www.equalopportunity.gov.tt

Facebook: EOC TT

LinkedIn: Equal Opportunity Commission of Trinidad and Tobago

YouTube: Equal Opportunity Commission TT

UNAIDS excerpt

EXCERPT from UNAIDS' campaign publication on Zero Discrimination Day:

On Zero Discrimination Day this year, under the theme "Remove laws that harm, create laws that empower," UNAIDS is highlighting the urgent need to take action against discriminatory laws.

In many countries, laws result in people being treated differently, excluded from essential services or being subject to undue restrictions on how they live their lives, simply because of who they are, what they do or who they love. Such

laws are discriminatory - they deny human rights and fundamental freedoms.

States have a moral and legal obligation to remove discriminatory laws and to enact laws that protect people from discrimination. Everyone has a responsibility to hold states accountable, call for change and contribute to efforts to remove discriminatory laws.

On Zero Discrimination Day, March 1, we celebrate the right of everyone to live a full and productive life - and live it with dignity and free from discrimination.