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EQUAL OPPORTUNITY COMMISSION (EOC)

2011 FREEDOM OF INFORMATION STATEMENT

IN COMPLIANCE WITH SECTIONS 7, 8, 9 OF THE FREEDOM OF INFORMATION ACT 1999 (FOIA)

- In accordance with section 7, 8 and 9 of the Freedom of Information Act 1999 (FOIA) the Equal Opportunity Commission (EOC) is required by law to publish this statement, which lists the documents and information generally available to the public from the EOC.

The FOIA gives members of the public:

- A legal right for each person to access information held by the Commission.
- A legal right for each person to have personal/official information relating to him/herself amended where it is held by the Commission and such information is incomplete, incorrect or misleading.
- A legal right to obtain reasons for adverse decisions made regarding an applicant's request for information under the FOIA.
- A legal right to complain to the Ombudsman and to apply to the High Court for judicial review to challenge adverse decisions made under the FOIA.

SECTION 7 STATEMENTS

SECTION 7 (1) (a) (i)

Structure and Function of the Equal Opportunity Commission

Establishment of the Equal Opportunity Commission

The Equal Opportunity Commission was established by Section 26 (1) of the Equal Opportunity Act, 2000 as amended (“the Act”) for the purpose of exercising the jurisdiction conferred upon it by that Act. The Commission commenced operations in April 2008 with the appointment of the first Commissioners.

Mission Statement

“The Equal Opportunity Commission will be guided by the Equal Opportunity Act of 2000 which seeks to prevent, eliminate and discourage acts of discrimination in relation to race, gender, religion, disability, origin including geographical origin, ethnicity, and marital status or by victimization in employment, education, provision of accommodation, provision of goods and services and acts of offensive behaviour. It recognizes the importance of the removal of all barriers to the free flow of resources of talent, opportunities and aspirations so that each individual can contribute to the national endeavor and expect a fair response in return. In the pursuit of these objectives, the Commission shall seek to conciliate complaints that come before it, sensitize the public through education programmes and other programmes for the purpose of eliminating discrimination, prepare and publish appropriate guidelines for the avoidance of discrimination and will invite the wider society to participate as fully as possible in this enterprise”.

Structure of the EOC

The Commission comprises five Commissioners including a Chairman and a Vice- Chairman.

Administratively the Commission is divided into six units with a Chief Executive Officer (CEO) heading the units. The CEO is responsible for planning, organizing, coordinating activities and resources for all the operational functions of the Commission.

The six (6) Units are as follows:

- Administration Unit
- Communications Unit
- Research Unit
- Legal Unit
- Investigators/Social Workers
- Conciliation/Mediation Unit

ADMINISTRATION UNIT

The Administration Unit is divided into four sub units Administration, Human Resources, Accounts and Information Technology.

Administration is responsible for facilities and office management in the EOC. The unit handles procurement of goods and services and ensures that the physical and material requirements of the EOC

are supplied. This unit also maintains the inventory of stationery and supplies and conducts office maintenance and improvements.

The Unit includes the following personnel who carry out the administrative functions within the unit: Receptionist/Telephone Operator, Verbatim Reporter, Office Attendant, Clerk/Stenographer, Driver/Messenger and Business Operations Assistants.

The unit also includes the Records Manager who is responsible for the safe-keeping and maintenance of all the EOC records.

Human Resource is responsible for all human resources requirements at the EOC. This unit maintains personnel records of all members of staff and other matters relating to terms and conditions of employment. The Unit consists of the Human Resources Officer and a Clerical Officer.

Accounts is responsible for the receipt and management of the EOC's financial resources and for the management of the EOC's expenditures according to good accounting standards. The Unit consists of the Accounting Assistant and a Business Operations Assistant.

Information Technology is responsible for providing and managing the information technology and systems policy; which includes planning administration, information system and application support, networking and communications and service support.

The Unit consists of the Information Technology Manager and Data Operators.

COMMUNICATIONS UNIT

Communication Unit has the following responsibilities:

- To conduct all communications with internal and external stakeholders;
- Press releases, conferences and events letters, website content and key presentations;
- To communicate with the public about the EOC's functions, policies, programmes and services in order to inform and educate;
- To ensure such information is accurate, reliable, complete, timely, relevant and understandable;
- To ensure that the EOC is visible, accessible, responsive and answerable to all its stakeholders.

The Communication Unit consists of the Communication Specialist and a Business Operations Officer.

RESEARCH UNIT

The main responsibility of the Research Unit is to develop, conduct and foster research and educational programmes and other programmes for the purpose of eliminating discrimination and promoting equality of opportunity and good relations between persons of different status.

More specifically the Unit,

- assist in planning, organizing and conducting programmes of research into areas related to the functions and objectives of the EOC;
- collects, analyses and evaluates data on relevant trends of equality ; and

- Liaises and collaborates with other Research Units in Government Ministries and Departments and private organizations, for the exchange of information relating to the Equality of Opportunity for the citizenry of Trinidad and Tobago.

LEGAL UNIT

This Unit advises the EOC on all legal issues that pertain to the investigation, conciliation, legislation and function of the EOC.

INVESTIGATIONS/SOCIAL WORKERS

The primary function of this unit to investigate all complaints of discrimination lodged with the EOC.

CONCILIATIONS/MEDIATIONS UNIT

The primary function of this unit is to facilitate voluntary un-coerced resolution of a dispute among parties to the complaint.

The Organisational Chart of the EOC is contained herein at Appendix 1.

Functions of the Commission

The functions of the Commission as set out in section 27 (1) of the Act are as follows:

- (a) to work towards the elimination of discrimination;
- (b) to promote equality of opportunity and good relations between persons of different status;
- (c) to keep under review the working to the Act and any relevant law and when so required by the Minister, or where necessary draw up and submit to the Minister proposal for amending them;
- (d) to receive, investigate and as far as possible, conciliate allegations of discrimination;
- (e) to develop, conduct and foster research and education programmes and other programmes for the purpose of eliminating discrimination and promoting equality of opportunity and good relations between persons of different status;
- (f) to prepare and publish appropriate guidelines for the avoidance of discrimination;
- (g) to do any other thing conducive or incidental to the carrying out of its functions.

SECTION 7 (1) (a) (ii)

Categories of documents in the possession of the EOC:

1. Files dealing with administrative documents for the operation of the EOC.
2. Personnel files, which detail all staff appointments to date, job applications etc.
3. Files dealing with the accounting functions of the EOC.
4. Financial records (vouchers, purchasing orders, receipts etc.)
5. Files dealing with matters relating to the procurement of supplies, services and equipment.
6. Complaints files.

7. Publication Files and Reports
8. Legislation and legal instruments.
9. Pamphlets/leaflets, brochures, newspaper clippings and posters.
10. Minutes and agenda of meetings.
11. Files dealing with circulars, memoranda etc.
12. Books and journals.

SECTION 7 (1) (a) (iii)

Materials prepared for publication or inspection:

- 1) The Equal Opportunity Act, 2000 and The Equal Opportunity (Amendment) Act 200;
- 2) Complaint Form;
- 3) Lodging a complaint of discrimination leaflet;
- 4) Freedom of Information Statement 2010;
- 5) Reports relating to investigations of complaints pursuant to section 39(1)(d) of the Act;
- 6) Publication notices

Copies of the above publications are available for inspection at the EOC's office between the hours of 8:00am and 3:00pm Mondays to Fridays.

Alternatively the Complaint Form and lodging a complaint leaflet can be obtained from the Regional Corporation Office, the Wardens Office or the District Revenue Office in your area or downloaded from the EOC website www.equalopportunity.gov.tt .

SECTION 7 (1) (a) (iv)

Literature available by Subscription

Not applicable at this time

SECTION 7 (1) (a) (v)

The procedure to be followed when accessing documents from the EOC:

1. How to request information:

- **General Procedure**

The EOC's policy is to answer all requests, both oral and written, for information. However in order to exercise the rights given by the FOIA (for example the right to challenge a decision if a request for information is refused), a request must first be made in writing. An applicant must, complete the appropriate form (Request for Access to Official Documents) available from the EOC's Reception Desk or from its Designated Officer, for information that is not readily available in the public domain.

- **Addressing Request**

To facilitate the prompt handling of a request, it should be addressed to the Designated Officer at the EOC:

The Designated Officer is:

Miss Michelle Benjamin

Legal Officer II

1st Floor, Ceramic (Trinidad) Limited Building

37 Wrightson Road

Port of Spain

Tel: 625 5815 Fax: 623 4319

E-mail: michelle.benjamin@equalopportunity.gov.tt

- **Details in the Request**

An applicant should provide details that will allow for ready identification and location of the records that are being requested. If insufficient information is provided, clarification will be sought from the applicant. An applicant who is unsure how to write a request or what details to include should inquire of the Designated Officer.

- **Request not handled under the FOIA**

A request under the FOIA may not be processed to the extent that it seeks information that is readily available in the public domain, either from the EOC or from another public authority (e.g. brochures and pamphlets etc.), or if the said information is exempted.

2. Responding to your Request

- **Retrieving Documents**

The EOC is required to furnish copies of documents only when they are in its possession.

- **Furnishing Documents**

The EOC is required to furnish only one copy of a document. If it cannot make a legible copy of the document to be released, it will not attempt to reconstruct it, instead the best copy possible will be furnished.

Please note the EOC is not compelled to do the following:

- (a) Create new documents, or
- (b) Perform research for an applicant.

3. Time Limits

- **Time Allowed**

The EOC will determine whether to grant a request for access to information as soon as practicable **but no later than 30 days as required by Section 15 of the FOIA.**

- **General**

The FOIA sets certain time limits for a public authority to decide whether to disclose documents requested. If the EOC fails to meet the deadlines, the FOIA gives an applicant the

right to proceed as if the request has been denied. Every effort will be made to comply with the time limits, but where it appears that processing a request may take longer than the statutory limit, the EOC will acknowledge the request and advise the applicant of its status. Since there is a possibility that requests may be wrongly addressed or routed, an applicant may wish to call or write to confirm that EOC has received a request and to ascertain its status.

4. Fees and Charges

Section 17 (1) stipulates that no fee shall be charged by a public authority for the making of a request for access to an official document. However, where access to an official document is to be given in the form of printed copies or copies in some other form, such as a tape, disk, film or other material, the applicant will be required to pay the prescribed fee incurred for duplication of the said material.

SECTION 7 (1)(a)(vi)

The officer in the EOC responsible for:

- a) the initial receipt of and action upon notices under section 10 of the FOIA;**
- b) requests for access to documents under section 13 of the FOIA; and**
- c) applications for correction of personal information under section 36 of the FOIA is as follows:**

The Designated FOI Officer is:

Miss Michelle Benjamin

Legal Officer II

1st Floor, Ceramic (Trinidad) Limited Building

37 Wrightson Road

Port of Spain

Tel: 625 5815 Fax: 623 4319

E-mail: michelle.benjamin@equalopportunity.gov.tt

SECTION 7 (1)(a)(vii)

A statement listing all boards, councils, committees and other bodies constituted by two or more persons, that are part of, or that have been established for the purpose of advising, the EOC, and whose meetings are open to the public, or the minutes of whose meetings are available for public inspection.

Panel of Advisors on religious issues

Pursuant to section 26(3) of the Act a panel of advisers to the Commission comprising representatives of every principal religion in Trinidad and Tobago is to be appointed by the Minister with responsibility for Equal Opportunity. There is to be consultation with such panel when the EOC considers a complaint of discrimination on the grounds of religion.

SECTION 7 (1)(a) (viii)

Information can be accessed through the Designated Officer **between the hours of 8:30am and 3:00pm Mondays to Fridays, at the EOC's office located at:**

1st Floor, Ceramic (Trinidad) Limited Building,

#37 Wrightson Road, Port of Spain.

SECTION 8(1) STATEMENTS

Section 8(1)(a)

The public is entitled to access documents that are provided by the EOC for the use or guidance of the EOC or its officers in making decisions or recommendations, or in providing advice to persons outside the public authority, with respect to rights, privileges, benefits, obligations, penalties or other detriments, being:

- (i) documents containing interpretations or particulars of written laws or schemes administered by the EOC, not being particulars contained in another written law; or;
- (ii) Manuals, rules of procedure, statements of policy, records of decisions, letters of advice to persons outside the EOC, or similar documents containing rules, policies, guidelines, practices or precedents.

The above documents will be made available to the public as they are developed, and include:

Governing Legislation

Equal Opportunity Act of 2000

Equal Opportunity (Amendment) Act 2001

SECTION 8(1)(b)

The public is also entitled to access documents that are provided by the EOC for the use or guidance of the EOC or its officers in enforcing written laws or schemes administered by the EOC where a member of the public might be directly affected by that enforcement, being documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of the written laws or schemes.

There are documents available which can be requested using the procedure set out in **section 7 (1) (a) (v)** above.

SECTION 9 STATEMENTS

SECTION 9 (1) (a)

Any report or statement containing the advice or recommendations, of a body or entity established within the EOC:

There are no reports or statements to be published under this section at this time

SECTION 9(1) (b)

Any report or statement containing the advice or recommendations:

- of a body or entity established outside the EOC by or under a written law, or
- by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the EOC or to the responsible Minister of the EOC.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1)(c)

Any report, or a statement containing the advice or recommendations, of an interdepartmental Committee whose membership includes an officer of the EOC.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (d)

Any report, or a statement containing the advice or recommendations, of a committee established within the EOC to submit a report, provide advice or make recommendations to the responsible Minister for the EOC or to another officer of EOC who is not a member of such committee.

There are no reports or statements to be published under this section at this time.

SECTION 9 (1) (e)

Any report (including a report concerning the results of studies, surveys or tests) prepared for the EOC by a scientific or technical expert, whether employed within the EOC or not, including a report expressing the opinion of such an expert on scientific or technical matters.

There are no reports to be published under this section at this time.

SECTION 9 (1) (f)

Any report prepared for the EOC by a consultant who was paid for preparing the report.

There are no reports to be published under this section at this time.

SECTION 9 (1)(g)

Any report prepared within the EOC and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on, the feasibility of establishing a new or proposed Government policy, programme or project.

There are no reports to be published under this section at this time.

SECTION 9 (1)(h)

Any report on the performance or efficiency of the EOC, or of an office, division or branch of the EOC, whether the report is of a general nature or concerns a particular policy, programme or project administered by the EOC.

There are no reports to be published under this section at this time.

SECTION 9 (1)(i)

Any report containing:

- **Final plans or proposals for the re-organization of the functions of the EOC;**
- **the establishment of a new policy, programme or project to be administered by the EOC;**
or
- **the alteration of an existing policy programme or project administered by the EOC, whether or not the plans or proposals are subject to approval by an officer of the EOC, another public authority, the responsible Minister for the EOC or Cabinet;**

There are no reports to be published under this section at this time.

SECTION 9 (1)(j)

Any statement prepared within the EOC and containing policy directions for the drafting of legislation.

There are no statements to be published under this section at this time.

SECTION 9(1)(k)

Any report of a test carried out within the EOC on a product for the purpose of purchasing equipment.

There are no reports to be published under this section at this time.

SECTION 9 (1)(l)

Any environmental impact statement prepared within the EOC.

There are no statements to be published under this section at this time.

SECTION 9 (1)(m)

Any valuation report prepared for the EOC by a valuator, whether or not the valuator is an officer of the EOC.

There are no reports to be published under this section at this time.

EQUAL OPPORTUNITY ORGANIZATIONAL CHART

Appendix 1

