

EOC NEWS

Equal Opportunity Commission
Promoting Equality

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EOC Nationwide Caravan Launch A SUCCESS

The Equal Opportunity Commission's (EOC) nationwide caravan found early success with its first stop in Tobago.

Scores of Tobagonians visited the EOC's blue tent outside of Roxborough Administrative Complex on Thursday 17th November and Port Mall in Scarborough on Friday 18th November. They received free legal advice on discrimination and learnt about the EOC's function and free services. Visitors also won fun prizes by participating 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.

EOC Chairman Ian Roach said, "word from our team on the ground is that many visitors asked if we had an office in Tobago and indicated their interest in accessing our services. This is very encouraging and we hope in the new year, to make good on our promise to return to Tobago with regular office days. I would like to thank all who visited our caravan for their support and the hard working staff of the EOC for their diligence in ensuring the launch was a success."

The caravan is in keeping with the EOC's mandate to broaden and intensify the Commission's advocacy and outreach activities.

Shelly Dolabaille, Manager-Corporate Communications at the EOC was at the caravan on both days and said,

about their rights than when they entered the tent."

Also on hand at the caravan was EOC's Director of Legal Services, Haran Ramkaransingh who said, "many people were surprised that discrimination, as it relates to the status grounds and categories covered by the Equal Opportunity Act, are unlawful. Further, that the Act applies to situations outside of employment, such as education, provision of goods and services and accommodation."

Follow the EOC's social media pages or press for more details about the Nationwide Caravan.



"we received well over 100 visitors to our blue tent. I observed that young people were particularly interested in the activities and had knowledge and convictions on inclusivity. Most of them and other members of the public attempted the trivia games but they had to first read our brochures to play. This means that not only were they rewarded with EOC promotional items, but they also left more knowledgeable



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

EWAN HEA LEY
Writer:
ewan.headley@eoc.gov.tt

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

Driving the Traffic Branch TTPS to inclusivity

The Traffic and Highway Patrol Branch of the Trinidad and Tobago Police Service is now more equipped to understand and treat with persons with disabilities on our nation's roads. The Equal Opportunity Commission (EOC) was a part of a collaborative outreach campaign with the Holy Spirit Project and the Trinidad and Tobago Occupational Therapy Association (TTOTA).

Over 70 members of the Traffic Branch of the Trinidad and Tobago Police Service benefitted from the session, which focused on disability sensitivity and awareness.

Legal Officer I at the EOC, Lorelei Wong shared her legal expertise on matters of discrimination and presented to the group on reasonable accommodation. This is accommodation that is made to facilitate persons, which does not cause undue hardship to an employer, school, business owner, landlord or any other service that members of the public access. She listed simple solutions such as having an office space on the ground floor for a person in a wheelchair if there is no elevator at the workplace or installing automatic double doors at a business place.

EOC's Manager, Corporate Communication presented on the role and function of the EOC and highlighted the categories and status grounds protected by the Equal Opportunity Act (the Act). She told the group that the provisions of the Act affect them in many ways, and it is recommended that they familiarise themselves with the legislation.

She said that it is important for them to understand the avenues for redress that are available to members of the public if they are being discriminated against. The traffic branch provides a service to the people of Trinidad and Tobago and the Act covers the category of provision of goods and services, therefore a complaint can be lodged against them

if a member of the public who has a disability feels that they are being discriminated against.

Further, as members of staff, the Act also protects them if they have been discriminated against under the category of employment.

TTOTA presented on the topic, 'How to Recognise and Interact with Persons with Disabilities'.

Mrs. Jeanista Agard of the Holy Spirit Project said that she wanted to start the outreach campaign with this group of officers, given the increased likelihood of daily encounters with persons with disabilities by virtue of their profession.

The session was held on Tuesday 22nd November at the Traffic Branch's headquarters in San Juan.



Manager, Corporate Communications Shelly Dolabaille presents the EOC's Guidelines for Employers on Disability to Senior Superintendent Wayne Mystar of the Traffic and Highway Patrol Branch of the Trinidad and Tobago Police Service. Pictured centre is Mrs. Jeanista Agard, Holy Spirit Project.



Legal Officer I, Lorelei Wong presents the EOC's Guidelines for Employers on Disability to TTOTA member, Priya Gomes.

Workshop on the Prevention of Sexual Exploitation and Abuse (PSEA)

Staff at the EOC attended a workshop hosted by the Cipriani College of Labour and Co-operative Studies (CCLCS) in collaboration with the United Nations Population Fund (UNFPA) on Thursday 15th December 2022. The session focused on the Prevention of Sexual Exploitation and Abuse (PSEA). Sexual Exploitation and Abuse (SEA) represent grave breaches of the right to safety, security and dignity of persons of concern.

Darren Taitt, Research Officer II Ag at the EOC wrote on his experience at the workshop:

The agenda included guest speakers with knowledge of different aspects under Sexual Exploitation and Abuse and the various mechanisms that employers can utilize to protect their workers and further systems to put in place to assist victims.

It was very informative session and provided useful information to the audience. The workshop was recorded also if further recap of the information is needed. What was impactful was the discussion of sexual exploitation and abuse. I came from not knowing what to expect to being moved regarding the plight of workers and victims and doing everything to prevent PSEA from happening. Each guest speaker with their wealth of knowledge used their given time wisely to articulate clearly their subject matter to the audience whether theoretical or practical. The coordination function of bringing multisectoral, interagency teams from the UN, NGOs, the government and civil society. This wealth of diversity experience and dynamics and skills was most welcome and augured well for the con-



Dr Shelene Gomes, Lecturer, Sociology Unit, Department of Behavioural Sciences, Faculty of Social Sciences, The University of the West Indies, St. Augustine-min

tinual protection of all citizens in Trinidad and Tobago job market.

It was important for Equal Opportunity Commission to be a part of this session. Also, participants can now examine their mechanism in EOC to protect workers and see if it follows the standards guidelines as some job industries are unique. If not, they can go about finding ways to strengthening

the internal mechanisms. At EOC, our team makes sure the board and senior management is committed to PSEA matters and what is signed international agreements in the form of contracts, and their obligations to protect communities occur in reality

EOC talks sexual harassment with TTR

The EOC closed off its inclusivity training for 2022 with a session to Trinidad and Tobago Regiment (TTR) on sexual harassment in the workplace.

Ms. Lorelei Wong, Legal Officer, was the main presenter at the session and provided participants with an array of information on the EOC, its processes, and the forms of redress to those who lodge complaints of sexual harassment with it. In addition, she highlighted what constitutes sexual harassment and what is not, and identified the potential consequences of workplace harassment. Most importantly, she explained

the main actions an organisation can take to both prevent and resolve complaints of sexual harassment.



Lorelei Wong Conducts the session at TTR

This session was hosted by the EOC on Monday 5th December at the Army

Learning Centre at Teteron Barracks in Chaguaramas.

To learn more about sexual harassment in the workplace, visit the EOC's website to download our Guidelines on Sexual Harassment.





Christmas Games Afternoon Event



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 21st November 2022

The scourge of Domestic Violence

IN MANY ways, the work of the Equal Opportunity Commission (EOC) centres on protecting our human rights and advocating for dignity and respect for all members of society.

Eliminating discrimination and promoting equality of opportunity for all, points to the Bill of Rights in our constitution and the protection of our individual rights and freedoms.

It is one of the reasons the EOC is involved in human rights work that supports sex and gender equality, which is a fundamental human right and an ideal to which most nations of the world aspire.

For a number of years, the commission has suggested its role in society is best suited as a National Human Rights Institute.

The EOC continues to advocate for sex and gender justice through our partnership with TTT to produce a television series entitled, “Sex and Prejudice,” which looked at discrimination based on sex and gender and further, dug deeper into the sources of this discrimination to raise awareness and purport solutions.

International Women’s Day is also a fixed and significant day on the EOC’s calendar.

The commission joins human rights advocates to observe International Day for the Elimination of Violence Against Women on November 25.

The day aims to foster awareness globally and call for action to prevent and eliminate violence by promoting advocacy, as well as creating avenues for discussion on the challenges faced and recommended solutions. This year’s theme is “UNiTE! Activism To End Violence Against Women



and Girls.” The aim is to mobilise all networks to join forces in addressing the issue. Early human rights law enacted by the United Nations is relevant to Domestic Violence (DV).

The International Bill of Human Rights consists of the Universal Declaration of Human Rights (1948) and its implementing covenants, articulate the State’s duty to protect fundamental human rights that are commonly infringed in DV cases – the right to life, the right to physical and mental integrity, the right to equal protection of the laws and the right to be free from discrimination – while not explicitly addressing DV.

DV is a unique crime that demands innovation from the legislative system, the judicial system and from community partners.

The progressive nature of DV, which tends to become more and more violent with each incident, underscores legislation should foster proactive approaches to this form of crime.

The TTPS received more than 6,000 DV reports over the period March 2020 to March 2022 and since the outbreak of covid, DV intensified.

Notwithstanding this, most victims remain silent, and violations remain unreported due to embarrassment or fear thus, as alarming as the statistics are, they do not accurately reflect the urgency of the situation.

The commission recognises DV as an endemic problem in TT and has been committed to advocating for improve-

ment in the DV response pursuant to its mandate under section 27(c) of the Equal Opportunity Act (“EOA”) by keeping under review the working of the EOA and any relevant law. First passed in 1991 and amended in 1999, the Domestic Violence Act Chap. 45:56 is a progressive piece of legislation which aims to provide protection for victims of DV.

Notwithstanding this, the EOC has been collaborating with various institutions to highlight the need for legislative amendments to the DV Act to ensure that zero tolerance is adopted, further protection for victims and higher efficiency in enforcement, the need for prevention and punishment of DV, strengthening the engagement between the key players and their work on DV related matters and playing its part in eliminating the scourge of DV.

Monday 28th November

In recognition of World AIDS Day

THE Equal Opportunity Commission joins United Nations (UN) members to commemorate World AIDS Day 2022. Every year on December 1, the world celebrates the extraordinary progress in the fight against HIV and AIDS and shows support to the millions of persons living with HIV or AIDS globally.

This year, the theme is “Equalize,” emphasising the elimination of the inequalities that have slowed the fight against the disease. Inequalities, such as gender inequality, limit women’s access to HIV care and other forms of sexual and reproductive health care.

It also stresses the importance of law reform, policies and practices to tackle the stigma and exclusion faced by persons living with HIV or AIDS and the distribution of technology to enable equal access to the best HIV science among nations.

While the world has come a long way since 1983 when HIV was discovered, data from UNAIDS on the global HIV response reveals that during the last two years of covid19, the progress made against the HIV pandemic has faltered, resources have shrunk, and millions of lives are at risk as a result.

The World Health Organization (WHO) is calling on global leaders and citizens to boldly recognise and address the inequalities which stall the progress in ending AIDS; and equalise access to essential HIV services, particularly those that cater to children and key vulnerable populations.

The Equal Opportunity Commission (EOC) endorses this call by the WHO and encourages its stakeholders to do their part to stop the stigma and discrimination associated with HIV and AIDS by being intentional and thoughtful when choosing their words.



We strongly recommend the use of supportive rather than stigmatising language when having a discourse about HIV and AIDS.

In its efforts to do its part to combat stigma associated with HIV and AIDS, the EOC has renewed its Memorandum of Understanding with the National HIV and AIDS Workplace Advocacy Unit, (HWAU) of the Ministry of Labour.

The aim of this partnership is to help prevent the transmission of HIV among workers, to mitigate the impact of the epidemic on workplace productivity and to eliminate the stigma and discrimination related to HIV and AIDS.

Further, the EOC has established an internal HIV/AIDS Committee, which spearheaded the workplace policy on HIV and AIDS; this has been implemented at the commission. The policy document is in keeping with the vision and mission of the EOC and acknowledges the significant impact HIV has within the workplace.

The commission is committed to its responsibility as an employer to provide a safe system of work and a healthy work climate. This provides an enabling and productive environment for all employees to lead a normal life within the workplace, which may include continuous employment by the organisation.

In commemoration of World AIDS day, the EOC will join the Ministry of Labour’s World AIDS Day Walk on Charlotte Street to show its support for

persons living with HIV and AIDS.

The EOC will join the HWAU to engage business owners and vendors by distributing educational material about the mandate of the EOC, the services we offer and an instructional on how to lodge a complaint.

If you have been discriminated against based on your HIV status, you can lodge a complaint at the EOC via email at complaints@eoc.gov.tt or via our website www.equalopportunity.gov.tt.

Monday 5th December

Our inability to facilitate the disabled

HAVE YOU ever broken a leg? How did you cope? Who did you need? What did you do? Imagine life without a leg. The inconvenience of a broken leg for a few months, which some could hardly bare, is the life that some people with disabilities (PWDs) endure for the rest of their lives.

In many ways our inability to facilitate PWDs is the main barrier to their still living full and productive lives. This is reflected in a liberty that most of us may take for granted or may not even consider to be a right or freedom: the ability to exercise choice.

The choice to select any mode of transportation to get to work or to leisurely activities; the choice to go to any supermarket or clothing store to purchase items based on cost or variety; your choice of secondary school based on your scholastic abilities; our choice of career after achieving the requisite qualifications. Choice is a privilege not afforded to many PWDs.

There are many types of disabilities, but most can be categorised into physical disabilities or intellectual disabilities. Physical disabilities include blindness, deafness, lack of bodily functions and other disabilities stemming from health. Intellectual disabilities include Down syndrome, dyslexia and autism.

How do we go about providing special accommodations for this range of disabilities? The solution starts with acknowledging that we are asking the wrong questions.

There can be functional facilitation, not special arrangements, to accommodate



PWDs. In other words, treating people in a manner that does not remind them every day about the disadvantages of PWDs and instead opens the possibility of choice.

There is a concept called “reasonable accommodation” which speaks to how people with disabilities can be accommodated at workplaces, schools or at businesses that provide products or services. These accommodations must not cause undue hardship on those who must provide it.

Consider the concessions for convenience made all the time for people based on business decisions. These are not considered undue hardships even when significant costs are involved and do not prevent these conveniences from being commonplace or a way of life.

For instance, drive-through facilities are a significant cost to restaurateurs, but they invest in them because they are a convenient way for people to access their services unencumbered by time, lines inside the restaurant or simply having to come out of their vehicle. How is it possible for conveniences such as this to be an integral part of a business but a ramp, which would cost significantly less, is an undue hardship?

We make exceptions for convenience all the time. How then as a society can we justify not making accommodations

for PWDs? Seemingly, the only difference is purchasing power. It is one of the reasons that access to income-generating opportunities can solve many issues that PWDs face.

The Equal Opportunity Act protects people who may be discriminated against based on their disability under the category of employment. However, many PWDs continue to face discrimination and stigma in many spheres of our society.

Sometimes there is the typical assumption that people with a physical disability are less intelligent than others. This is reflected in the way some people raise the volume of their voices to communicate with a person who is blind, or refer to the person accompanying a PWD for answers to questions intended for the PWD.

The focus here is not on the actual capabilities of PWDs (which undisputedly, based on the contributions by PWDs to our nation and the world, are innumerable) but on how some people may collectively and incorrectly view them.

We should therefore ask the question: is society’s failure to see through the lens of PWDs an inability or disability?

Monday 12th December

Protecting our human rights

THE United Nations observed World Human Rights Day on Saturday. This date commemorates the day the General Assembly adopted and proclaimed the Universal Declaration of Human Rights (UDHR) in 1948, and, in fact, this year marks its 75th anniversary.

The UDHR was the precursor to many United Nations conventions on specific areas of human rights. In our column published on October 24, we noted that TT has signed and ratified six of these conventions, three of which are the conventions on the rights of people with disabilities, on eliminating all forms of racial discrimination, and on eliminating discrimination against women.

These three are of relevance to the work of the Equal Opportunity Commission as we are empowered by legislation to receive, investigate and, as far as possible, conciliate complaints by people who have suffered discrimination on the ground of their race, their ethnicity, their sex or their disability, as well as on three other grounds (their religion, their marital status and their origin).

However, human rights are larger than these specific areas. Human rights are inherent to all people, that is, each person has them simply by being born, regardless of demarcating factors such as their race, religion, class or family background. Section 4 of our Constitution, which enshrines a number of fundamental rights, begins by saying:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms...” And it goes on to list a number of rights, beginning with the right to life, liberty, enjoyment of property, equality before the law, equality of



treatment, and then a number of freedoms such as freedom of movement, of conscience and religious belief, of thought and expression, and of the press.

It is noteworthy that the Constitution declared these rights to “have existed,” that is, the Constitution did not create these rights, they existed even before the Constitution came into being. What the Constitution does is that it seeks to enshrine these rights: they are declared for all to see so no one is left in doubt, and they are protected from being interfered with by the State.

Parliament cannot pass any law infringing or taking away from these rights except in limited ways provided for in the Constitution; for example, only through what is commonly called “special majorities” of the members of the House of Representatives and the Senate. Then, if any agent of the State attempts to do something that trespasses on these rights, any person who is aggrieved can file what is commonly referred to as a “constitutional motion,” in which they ask the High Court to stop the infringement.

The Constitution is not the only source of human rights. As noted, the Equal Opportunity Act protects the rights of people to not be discriminated against on the previously mentioned grounds. There are other pieces of legislation that impact other areas of human rights. For example, one of the six UN conventions that we have ratified is the Convention on the Rights of the Child; the Children Act of 2012 (Chap 46:01)

seeks to give teeth to many of the rights in this convention, and has created the Children’s Authority to enforce them. Generally, there are two types of human rights:

1. Civil and political: These are rights that protect individual liberties from abuse of power by the State or private entities, and allow people to exist without persecution or repression. For example, all of the rights at section 4 of the Constitution will fall in this category. These are first-generation rights.

2. Social, economic and cultural: These are freedoms, privileges and entitlements that people require in order to live in dignity and participate fully in society. These are second-generation rights, as they can only exist once the first-generation freedoms are protected. These are rights relating to the workplace, social security, family life, access to housing, food, water, health-care and education.

For example, things like the right to minimum wage, to maternity protection for pregnant women, to consumer standards, to adequate protection in the event of unemployment, sickness or old age such as national insurance and pension, are also part of the human rights apparatus.

Unlike the constitutional rights, they do not require filing a motion before the High Court to be enforced. In fact, the best protector of these rights is each individual member of society; each must be vigilant in guarding their rights and conscientious to not infringe the rights of others.

Monday 19th December

Vital complaint provisions in the act

ON OCTOBER 17, we examined some of the vital provisions in the Equal Opportunity Act Chap 22:03 that govern how the commission handles complaints. Recall that according to section 33, the commission may issue a notice in writing requiring any person to furnish the information described in the notice and specify the time within which the required information is to be furnished.

A question that arises frequently is: Does the other party to the complaint have a right to be given a copy of the documents that the commission has received?

When a party furnishes documents to the commission, further to a section 33 notice, it does so because of the commission's statutory power to demand same. If the party fails or refuses to comply with this request, they can be prosecuted before the magistrates court for an offence under section 36. Put bluntly, they do so because they are compelled, and not because they want to.

This is different to if the complainant, that is, the person who has lodged the complaint, had retained an attorney and that attorney had written what is commonly called a "lawyer's letter."

The recipient can respond if they so choose and how they so choose. They are under no obligation to answer any questions or provide any documents.

The commission's letter is different because it has teeth. However, when the commission writes to a person, it does not do so as the agent, representative or advocate of the complainant in the way that an attorney or a trade union functions. When the commission investigates a complaint that has been lodged, it does so as an independent public entity pursuing its statutory mandate.



In order to investigate a matter, a complaint must be lodged by a person, but when the commission investigates, it does so in the public interest, to inquire into whether a breach of the EOA has been committed. The investigation belongs to the commission, and although instigated by the complainant's complaint, it is not on their behalf.

As such, information and documents furnished to the commission remain its property and it would be inappropriate for the complainant to ask that they be given a copy. The commission may allow one party to view some of the information provided by the other party to assist with the investigation.

A respondent can request an appointment to view the complaint form and other documents submitted by the complainant and vice versa. This helps to ensure that either party is endowed with the necessary information to adequately and appropriately respond to any allegations made against them. However, they are not, as of right, entitled to ask the commission for a copy of the other party's information.

They may approach the other party and make this request directly to them; for example, if the respondent is a public entity, they may be able to request access under the Freedom of Information Act.

If the commission is unable to resolve the matter by conciliation, it can be referred to the Equal Opportunity Tribunal, which is a court of law, and its mandate is to hear and adjudicate on unresolved complaints. At the level of

the tribunal, it may be possible for one party to access the other's documents through court processes known as disclosure and inspection.

Additionally, at section 45 the tribunal has all of the powers of the High Court with respect to the production and inspection of documents, and it can issue what is commonly referred to as a subpoena, commanding any party, including even the commission, to produce documents or provide information.

The information and document that the commission receives from the parties will be used to generate its report. Before a matter is referred to the tribunal, the commission is required at section 39 to prepare and publish a report into its investigation of the complaint. The report will discuss the nature and allegations of the complaint, the issues investigated, the process of the investigation, and what information was received.

These reports are public documents and anyone is free to come into the commission's offices to read them, and can request copies under the Freedom of Information Act.



2023 Happy New Year

From the Commission, Management and Staff
of the Equal Opportunity Commission