

Seeking redress under Equal Opportunity Act

THE EQUAL Opportunity Act is often described as a progressive piece of legislation. While the act is still somewhat limited in protecting the full spectrum of human rights, it is a ground-breaking piece of legislation that partially fills a critical gap, one which the Equal Opportunity Commission hopes would one day be closed.

The act is a work in progress and the commission is empowered to make recommendations for amendments to ensure the legislation remains agile and relevant to society's needs. Several recommendations for amendments have been sent to the Office of the Attorney General for consideration. These include but are not limited to sexual orientation as a status ground and co-habitational relationships under marital status.

The truth is, before

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the act there were limited avenues to seek redress if someone had been discriminated against. One significant remedy that the act brought about that must be emphasised ever so often is the ability for individuals who have been victims of discrimination to lodge complaints against private individuals and public or private companies.

Prior to the act, the only people who could get redress were those

who suffered discrimination by the State, that is, from a government ministry, the police service, customs and excise, immigration, the service commissions or any agency or entity of the Government. Moreover, to get relief they would had to file a constitutional motion in the High Court.

This means that there was no piece of legislation that accommodated the right to redress outside of the

State in relation to discrimination.

The commission receives, investigates and conciliates discrimination matters. The criteria for the commission to investigate the complaint is based on one of, or combination of, seven status grounds covered by the act and tied to broad categories. The status grounds are sex, race, ethnicity, origin, including geographic origin, religion, marital status and disability. These must be tied to the categories of employment, education, provision of goods and services and provision of accommodation.

In other words, if a person who is married (status ground marital status) was turned away from a university

(category education) for the sole reason of being married, that person can lodge a complaint at the Equal Opportunity Commission.

To make the individual versus individual distinction, think about a person who is looking for accommodation but was turned away because of their race. That person can lodge a complaint at the commission, citing discrimination based on race while attempting to access accommodation. Prior to the existence of the Equal Opportunity Act, these people could not seek redress. The commission also offers its services free of charge, making access to redress possible for many.

To find out more about the Equal Opportunity Act, the Equal Opportunity Commission and all its services, visit: <https://equalopportunity.gov.tt/>