

The final category covered by EOA

THE CATEGORIES included in the Equal Opportunity Act (EOA) are broad and provide coverage for a wide range of services and accommodations. In previous columns, we discussed three categories, which are employment, education and provision of accommodation. Today we will address the fourth and final category covered by the act, which is provision of goods and services.

As we gear up to fully embrace the reopening of the economy, the business community can fully operate and return to business as usual when offering goods and services to members of the public. The decision remains with the individual establishment to choose which protocols it will enforce when accessing goods or services, such as the wearing of masks, sanitising before entering or checking temperature.

While these protocols are in the hands of the proprietor and they can refuse service, there is one area that all goods and service providers must embrace, and that is anti-discriminatory practices. Not only should they embrace these practices to promote inclusivity, but it is also unlawful for any person, establishment or entity to discriminate against a person based on any of the seven protected status grounds under the act.

All consumers have the right to access goods and services regardless of their race, ethnicity, sex, marital status, religion, disability or origin (including geographic origin).

The Equal Opportunity Act explicitly states how and in what circumstance it may be considered discriminatory:

I) An establishment that refuses to supply the goods, provide the facilities or perform the services solely based on a person's



‘All consumers have the right to access goods and services regardless of their race, ethnicity, sex, marital status, religion, disability or origin (including geographic origin)’

inherent characteristics or status. For instance, refusing to provide a personal service such as spa or hairstyling because of a person's race or ethnicity.

II) The terms on which the entity supplies the goods, provides the facilities or performs the services. For example, if a supplier refuses to offer transport services to your location without a reasonable explanation, and has a reliable service throughout other parts of the country. This can be considered discrimination based on geographic origin.

III) The manner in which the entity supplies the goods, provides the facilities or performs the services infringes on the rights of people under the act. This can be true if people belonging to a particular status are given preferential treatment when accessing goods or services. For instance, if people from a particular religion

is debarred from entering a public space for recreation or refreshments while other sections are allowed to partake without any such restrictions.

Exemptions under the EOA

There is one exception that was categorically stated in the act in which a person, establishment or entity can refuse to admit a person based on a protected status ground; this is the status ground of "sex." Where the good or service can only be provided to members of one sex, then this will not qualify as discrimination under the act. This can even apply to education as a service, whereby establishments only admit students of one sex. Another circumstance is whereby a members' club has been established specifically for patrons of one sex.

It is to be noted that establishments both private and public do have the right to maintain some acceptable standards at their place of business. For example, the public sector has enforced a strict dress code when visiting any ministry or its division. However, these dress codes are universally applied and does not apply to a certain section of society or violates the rights of anyone as outlined by the Equal Opportunity Act.

Similarly, many private entities have enforced rules such as dress codes and rules of conduct while accessing goods or services which have not debarred any from access based on a protected status ground under the act.

If you have been discriminated against when accessing goods and services, you can lodge a complaint at the Equal Opportunity Commission. Visit our website at www.equalopportunity.gov.tt.