

COMMENTARY

Vital complaint provisions in act

THE EQUAL Opportunity Act protects citizens who have been discriminated against and seeks to promote equality of opportunity and treatment for all. One of the functions of the Equal Opportunity Commission (EOC) in implementing the act is to receive, investigate and conciliate complaints of discrimination.

Today, we share with readers some of the provisions in the act that are important to note when lodging a complaint at the EOC and the ensuing investigation process.

How to lodge a complaint

To lodge a complaint at the commission, the person who has been affected must do so in writing, setting out the details of the alleged act of discrimination. Visit the EOC's website www.equalopportunity.gov.tt and click the "lodge a complaint" tab to the top of the home page. There are three options to submit the complaint form: 1. complete the online form on the website; 2. download the PDF form, fill out, save and up-



load to the website; or 3. follow the steps in option two but instead of uploading to the website, send to complaints@eoc.gov.tt or mail or deliver a printed copy to the EOC's office located at 55-57 Manic Street, Chaguanas.

Lodging a complaint: There is a deadline

According to the act, a complaint must be lodged with the commission within six months from the date of the alleged act of discrimination. In exceptional circumstances the commission may accept a complaint that is lodged more than six months after the events occurred.

People with a disability

The act states that a person who because of a disability is unable

to lodge a written complaint may authorise another person to act on his behalf in relation to the complaint. The authorised person has the same powers in relation to the lodgement of the complaint as the person on whose behalf he acts.

This authority may be given in writing or other manner as the commission approves.

Investigation

The commission is mandated by the act to investigate all complaints of discrimination lodged at its office.

Notice

When conducting its investigation, 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. This notice may also require the person to attend at the time and place specified in the notice and to give oral evidence about and produce all documents in his possession or control relating to any

matter specified in the notice.

Grounds for complaint

When investigating the complaint, if the commission finds that there is no evidence of discrimination, the commission informs the complainant in writing and gives its reasons. No further action is taken by the commission.

Alternatively, if the commission finds that the subject matter of the complaint may be resolved by conciliation, the commission makes all reasonable endeavours to do so.

Failure to comply with notice: Liable to fines

Section 36 of the act outlines that a person who, without reasonable excuse, refuses or fails to comply with any requirement of the above notice and/or conciliation notice is liable on summary conviction to a fine of \$1,000; and in the case of a body corporate, to a fine of \$5,000. This fine is for every day that the individual or body corporate refuses or fails to comply with any requirement of a notice.