



**EQUAL
OPPORTUNITY
TRIBUNAL**
Trinidad & Tobago

OPPORTUNITY KNOCKS

Issue 002

Newsletter

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JUDGMENTS DELIVERED

Aisha Subur v. the National Maintenance & Security Company Limited

On the 3rd March 2023, the Equal Opportunity Tribunal delivered a judgment in the complaint brought against the respondent (the National Maintenance & Security Company Limited) by the complainant (Aisha Sabur). In the complaint, Ms. Aisha Subur alleged that she had been discriminated against by the respondent based on her religion.

In this case, the complainant was invited, by an officer of the respondent, to attend the respondent's offices to be interviewed for a position as a security recruit. She did so wearing a hijab, (an Islamic head covering). The hijab covered her hair, neck, and ears but the respondent's policy (at that time) required the hair, ears, and neck of applicants to be visible during the screening stage of the interview.

The complainant registered to be interviewed but because of her religious beliefs she refused to remove her hijab publicly to expose her hair, ears, and neck. The complainant was thereafter unable to proceed with the interview. The Tribunal noted that this case spotlights the issue of indirect discrimination (through policy) and held that the complainant's treatment by the respondent was materially different to that of her comparators (the applicants present who were not in head-dress). The complainant was awarded damages in the said sum of \$35,000.00.

Parasram Heerah v. Trinidad Cement Limited

By Notice of Application filed on March 10, 2021, the respondent sought to have the Tribunal proceedings struck out on the ground of abuse of process or stayed pending the hearing and determination of High Court Action ("the High Court Action") CV 2020-00129 intitled between the complainant herein as claimant, and the respondent as defendant.

The complainant initiated the High Court Action, in which he sought damages and or ancillary relief for his alleged wrongful dismissal. In the Tribunal proceedings, the complainant alleges discrimination under section 9 of the Equal Opportunity Act ("EOA") based on his status as a Trinidadian, and victimisation attendant on his said alleged wrongful dismissal under section 6 of the EOA.

In the circumstance, the High Court being already seised of the pivotal issue of wrongful dismissal, the Tribunal issued the following orders:

- i) These proceedings be stayed until the 5th October 2023 pending the hearing and determination of the High Court Action;
- ii) The complainant do advise the Tribunal by Notice if a decision is given in the High Court Action before the 5th October 2023;
- iii) Further Case Management Hearing is fixed for the 5th October 2023; and
- iv) Costs be reserved for consideration at the end of the trial.

Spotlight On Current Trials

In the matter of Melissa Messiah v. Guardian Media Limited, the Trial commenced on the 23rd March 2023 and continued on the 28th March 2023 with cross examinations of witnesses. The case focuses on an alleged complaint of discrimination by disability.

Both parties were ordered to file their respective closing written submissions for final determination.



Photo (L): Mr. Raphael Ajodhia from Raphael Ajodhia Associates all smiles as he cross-examined the witness.

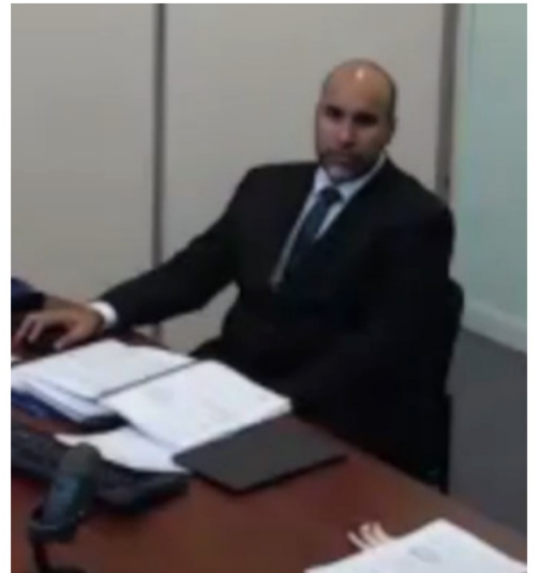


Photo (R): Mr. Jason Nathu, Attorney-at-Law from the Legal Aid Clinic, Hugh Wooding Law School.

Photo (L): Ms. Melissa Messiah testifying during her trial.

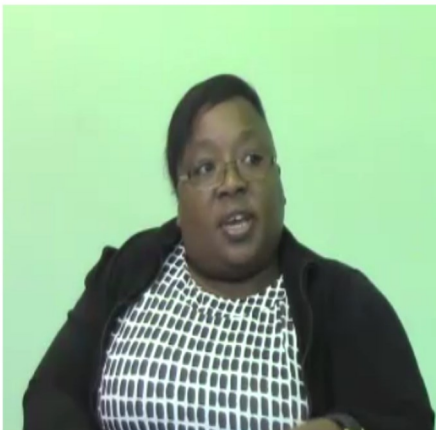


Photo (R): Mr. Jerome Herrera from the Legal Aid Clinic, Hugh Wooding Law School cross-examination a witness from Guardian Media Limited.



Upcoming Court Sittings

1. E.O.T No. 0006 of 2016 Sean Ocho v Water and Sewerage Authority of Trinidad and Tobago - 9th May & 11th May.

2. Trial for EOT No. 0015 of 2017 Carlisle Ropchand v PCS Nitrogen Trinidad Ltd - 23rd May & 25th May .

3. Trial for E.O.T Clarise Jupiter v. Petroleum Company of Trinidad and Tobago - 31st May & 1st June.

4. Trial for E.O.T No. 0003 of 2019 Makesi Soanes v South-West Regional Health Authority - 6th June & 8th June.

5. Trial for E.O.T No. 0001 of 2017 Rishi Persad Maharaj v Cascadia Hotel Limited - 13th June & 15th June.

6. Hearing for E.O.T. No. 0002 of 2022 Kamal Mangaroo v Trinidad and Tobago Defence Force - 20th June.

7. Pre-Trial for E.O.T No. 0003 of 2020 Charmaine Lewis v Port Authority of Trinidad and Tobago - 6th July.

For full Judgments and / or Rulings, please email:

eot.courtstaff@gov.tt



European Courts Meet with the Equal Opportunity Tribunal

The Equal Opportunity Tribunal through its Let's Talk Equality, made two strategic connections with the European Court of Human Rights and the Court of Justice for the European Union.

The Tribunal met virtually with officials from the European Court for Human Rights and the Court of Justice for the European Union on 23rd January 2023, and 22nd March 2023 respectively. In the meeting with the European Court of Human Rights they presented their Knowledge Platform which is a one stop dynamic platform that seeks to share Convention case-law information and knowledge. The European Court of Human Rights also shared at lengths its court 'Know-how' including its Case Management Information System.

The meeting with the Court of Justice for the European Union focused on judicial training and case management best practices. The Tribunal shared on the work of the court and its recent trust to fully digitalise the courtroom.

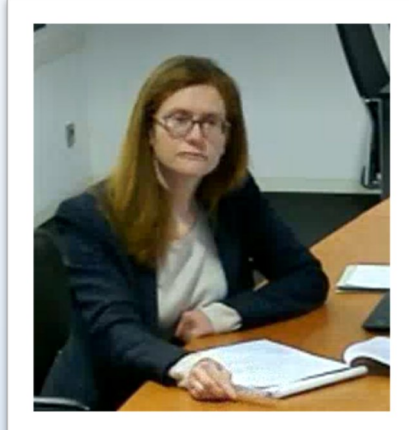
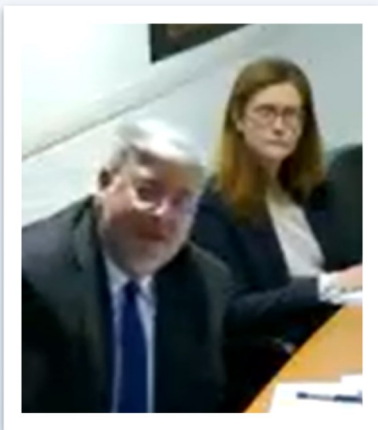


Photo (L-R): Mr. Alfredo Calot Escobar, Registrar, Court of Justice for the European Union; Ms. Valeria Giacobbo, Court of Justice for the European Union and Her Honour Madam Justice Donna Prowell-Raphael, Chairman and Judge of the Tribunal.

Courtesy Visit to the Office of the Parliament



The Equal Opportunity Tribunal in its continued effort to sensitize key stakeholders paid a courtesy visit to the Honourable Annisette - George, Speaker of the House, Office of the Parliament on the 14th April, 2023.

The meeting was one of many under the Equal Opportunity Tribunal's Let's Talk Equality initiative. The initiative focuses on building relationships with stakeholders and sharing the strategic mandate of the organisation.

At the visit, Her Honour Madam Justice Donna Prowell-Raphael, Chairman and Judge shared the work of the Tribunal including recent judgments, initiatives and efforts to raise awareness.

The Tribunal thanks the Honourable Speaker for the opportunity to meet and share the work of the Tribunal with the Office of the Parliament.

Photos (L): Gift exchange between Her Honour Madam Justice Donna Prowell-Raphael and the Honourable Annisette George, Speaker of the House.

The Tribunal presents to the Law Association's Membership



In our continued efforts to raise the profile of the Tribunal, Ms. Mintri Beharrylall on 7th February 2023, presented to Attorneys-at-Law newly admitted to the Bar.

Ms. Beharrylall's presentation focused on the background of the Tribunal, areas of complaints which include discrimination, discrimination by victimization and victimization, initiating proceedings at the Tribunal court operations.

Special thanks to the Law Association of Trinidad and Tobago for the opportunity to share with its membership.

Photo: Ms. Mintri Beharrylall, Legal Research Officer presenting at the Law Association of Trinidad and Tobago's Seminar.

Employee Enhancement Programme



The Equal Opportunity Tribunal in its employee enhancement programme hosted a Protocol and Etiquette Training session for ten (10) members of staff on 29th March 2023. The session was facilitated by Ms. Reita Toussaint, Permanent Secretary, Ministry of Foreign and CARICOM Affairs.

Photo (L-R): Ms. Reita Toussaint, Permanent Secretary, Ministry of Foreign and CARICOM Affairs; Her Honour Madam Justice Donna Prowell-Raphael, Chairman and Judge, Equal Opportunity Tribunal; Ms. Denese Toby-Quashi, Deputy Permanent Secretary (MFCA) and Ms. Andria Nainesingh, Protocol Officer.

A range of officers — administrative, clerical and technical — benefited from the intensive Protocol and Etiquette Training.

Employees were taught some of the laws governing international relations; events protocol including addressing and seating dignitaries; deportment and cross-cultural protocol. Members of staff were given the opportunity to ask questions and were provided with feedback.

The Tribunal thanks the Permanent Secretary Toussaint and her team for their expertise and making the training relevant and understandable.

Here are some of the feedback offered by receipts of the Protocol and Etiquette Training:

“ I have a better understanding of the areas of Protocol and how I can apply this knowledge to my work and life in general.

“ Protocol is what we do everyday. It impacts every area of our lives home, church, community, work and our nation.

“ With this new found knowledge, I feel confident and better equipped to serve others.

World Day of Social Justice

Commemorated on the 20th, February, World Day of Social Justice recognizes the importance of creating “a society for all” where issues of poverty, discrimination, marginalization, employment, gender parity and access to social well-being are systematically targeted. The United Nations theme for this year’s observance is “**Overcoming Barriers and Unleashing Opportunities for Social Justice.**”

As a champion/pioneer of civil and human rights, the Equal Opportunity Tribunal is doing its part in promoting social justice and creating opportunities for all. The Tribunal has been promoting access to justice in three strategic ways: access to information, electronic access and legal access.

Access to Information is the first step toward access to justice. Being aware of your rights under the constitution and the Equal Opportunity Act is key. At the Tribunal, we place a high priority on education, as such, we started the ‘Let’s Talk Equality’ initiative with key stakeholders. The initiative seeks to inform stakeholders about who we are, what we do and how members of the public can access our services.

Electronic access through the creation of digital platforms would transform the Tribunal into a

contemporary E-court. To date, the Tribunal’s registry has been digitised using a commercial electronic platform. The Tribunal is now able to offer electronic filing and electronic hearings as well as both real-time and recordings on its YouTube Platform.

Legal access to justice is critical for the average man to receive redress for grievances. The Tribunal has been working assiduously towards being included in the Second Schedule Part I of the *Legal Aid and Advice Act, Chap. 7:07*. This will assist litigants who are unable to finance the legal costs of their complaints before the Tribunal. This in turn will assist complainants with sound legal advice and assist in leveling the playing field.

As we observe World Day of Social Justice 2023, let us seize the chance to reaffirm our dedication to this vital cause and to acknowledge that while there has been progress, much more work still needs to be done to remove barriers and unleash opportunities for all to access.

Every step towards creating an equal and equitable space is vital in achieving “**a society for all**”.



International Day for the Elimination of Racial Discrimination

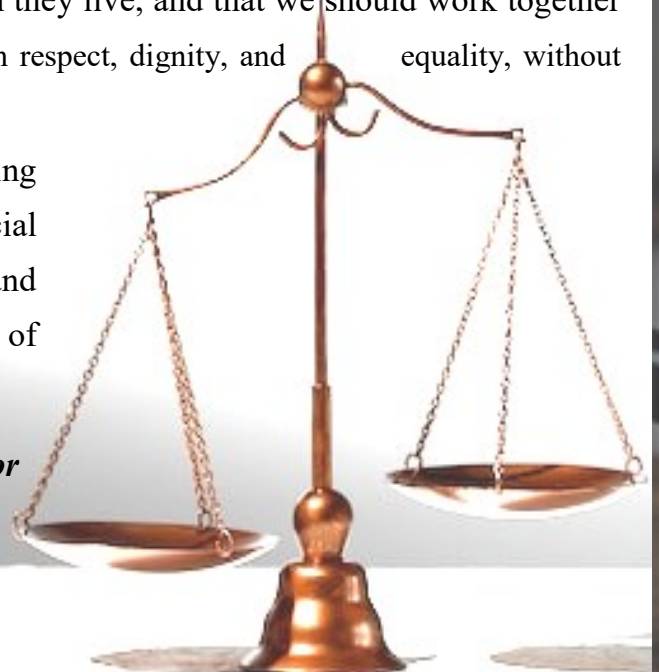
21st March has been designated International Day for the Elimination of Racial Discrimination by the United Nations. The United Nations theme for the International Day 2023 “*The urgency of combating racism and racial discrimination*”, reminds us that racism and discrimination can have damaging impacts on individuals and societies in which they live, and that we should work together to resist it. It prompts us to earnestly treat each other with respect, dignity, and equality, without regard to our race, ethnicity, or skin colour.

As we join the global community in observing International Day for the Elimination of Racial Discrimination, let us stand together against racism and discrimination, and embrace diversity as a source of strength and richness for our world.

“No one should be judged by the color of their skin or their ethnicity.

It is what they do, how they act, that counts.”

(Nelson Mandela.)



BALANCE FOR BETTER

The Equal Opportunity Tribunal celebrated International Women's Day under the theme 'Balance for Better' with an empowerment session that focused on personal branding. The session was facilitated by Ms. Mrinalini Supersad, Senior Sales Consultant, Guardian Life and Founder of Confident Creator.



Photo 1 (Center Left): Ms. Mrinalini Supersad and Her Honour Madam Justice Donna Prowell-Raphael, Chairman and Judge surrounded by some of the beautiful women of the Tribunal.



Photo 2: The dedicated ladies of the Tribunal's Court Administrative Team seated with Ms. Mrinalini Supersad and Her Honour Madam Justice Donna Prowell-Raphael, Chairman and Judge.



Photo (L-R): Ms. Jevene Roopnarine and Ms. Sally Rogers-Charles.

the 6th April, 2023.

The celebration included music from the Tribunal's own choir, an exhortation on the resurrection of Jesus and ended with an Easter puzzle hunt.

In the exhortation provided by Ms. Jeneve Roopnarine and supported by Ms. Sally Rogers,

Celebrating Easter!

The Equal Opportunity Tribunal commemorated the Easter season with a staff breakfast celebration on

Ms. Roopnarine laid the foundation for the reason Easter is celebrated through reviewing the Jewish celebration of the Passover feast and its correlation to the biblical laws and its connection to Christ's death and resurrection.

Special thanks to all members of staff for making the occasion a memorable one.



Photo: Her Honour presents Ms. Bianca Griffith-Cummings and Ms. Victoria Benicourt with the winning certificate for the Easter Hunt.

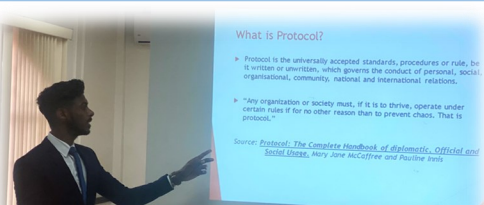


Photo (Above): Mr. Damian Gangerbissoon presenting on Protocol and Etiquette.

Administrative Professional's Day

The Equal Opportunity Tribunal hosted its Tea Party and Fashion Show in honour of its Administrative Professionals.

Administrators were treated to an afternoon of fine tea, wine and cheese, fashion, tokens of appreciation and a special presentation of Protocol and Etiquette.



Picture (L-R): Ms. Victoria Benicourt and Ms. Sally Rogers-Charles rocking ethnic work wear and Ms. Alisa Samai showing her business wear. One of the administrators Ms. Lana Katwaroo receiving her token of appreciation from Ms. Jannel Naimool-Graham.

In Her Honour Madam Justice Donna Prowell-Raphael's message to staff she praise administrators for their unwavering commitment to fulfilling the vision of the Tribunal and their passion to work.



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