



**EQUAL
OPPORTUNITY
TRIBUNAL**
Trinidad & Tobago

OPPORTUNITY KNOCKS

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Newsletter

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Project Green Gavel: Advancing Equal Opportunity

As the gavel strikes with the promise of equal opportunity, the Tribunal shares an insight into Project Green Gavel – our ambitious leap into the future. This transformative project marks the beginning of a new era for the Tribunal, where digital innovation and environmental consciousness intertwine to redefine our administration of justice.

At the heart of Project Green Gavel is the development of a state-of-the-art digital registry and case management system. E-filing, real-time case tracking, and a dynamic organisational structure will propel our efficiency. With the imminent relocation of the Tribunal to a strategically positioned facility our services are set to become more visible and approachable. In addition, Project Green Gavel integrates green practices into the Tribunal's operations. From paperless procedures to eco-friendly court facilities, fostering a more sustainable future.

But what is a transformation without the heartbeat of its people? Through a robust social outreach media program, we aim to bring the public closer to the workings of the Tribunal, ensuring transparency and inclusivity. As we forge ahead, we invite you to be an integral part of this exciting transformation. Your support, your insights, and your feedback are the keystones of this evolution.



THE NEWS

COMING SOON!

The Equal Opportunity Tribunal Bi-Monthly Articles in the T&T Guardian



The Tribunal will now grace the pages of the T&T Guardian twice a month on a Wednesday.

Stay tuned for insightful articles shedding light on pressing issues of transformation, equality, diversity, and inclusivity.

Check the Tribunal's social media page for further details.

Case Digest

Simon Wiltshire v the North West Regional Health Authority

In these proceedings before the Equal Opportunity Tribunal, the complainant alleged discrimination by victimisation by the respondent in not being shortlisted for a Chief Operating Officer position, which he attributed to a previous trade dispute.

The Tribunal had to determine whether the Industrial Relations Act (IRA) was 'relevant law' under the Equal Opportunity Act (EOA), whether the respondent's knowledge of the trade dispute could be imputed to the Chairman who did the shortlisting, and if such knowledge influenced the decision-making process.

Findings;

1. IRA as 'Relevant Law': In determining whether subsections 10(6) of the IRA has been engaged as '*relevant law*' under section 6 of the EOA in these proceedings, the Tribunal must assess whether the circumstances of the unfair dismissal of the complainant in the trade dispute, entail discrimination by victimisation within the contemplation of the EOA. The IRA was not considered 'relevant law' under the EOA in this context of these proceedings.
2. Knowledge and Materiality of the Trade Dispute: The Tribunal applied principles from *Webster v. Attorney General of Trinidad and Tobago* to assess discrimination. The complainant failed to establish that his qualifications were similar to those of the shortlisted candidates and that the trade dispute was material to his non-selection. The Chairman's testimony that she was unaware of the trade dispute at the time of shortlisting was not discredited.

Disposition: The Tribunal dismissed the complaint, holding that the IRA does not constitute 'relevant law' under the EOA for this case, and the complainant did not meet the burden of proof to show discrimination by victimisation. The complainant was ordered to pay costs to the respondent.



Citations:

Webster v. Attorney General of Trinidad and Tobago [2015] UKPC 10
Royal Mail Group Ltd. v. Efobi [2021] UKSC 33.
Glasgow City Council v Zafar [1997] 1 WLR 1659 at 1664
Nagarajan v London Regional Transport 2000 1 AC 501

UPCOMING MATTERS

JUNE 4	E.O.T No. 0006 of 2020 Daryl Dillon v Yara Trinidad Limited.
JUNE 6	EOT No. 0005 of 2017- Nigel Meltz v Trinidad and Tobago Fire Service. E.O.T No. 0001 of 2021 Samuel Johnson v Tobago Regional Health Authority. E.O.T No. 0006 E.O.T. No. 0011 of 2017 Nicole Cowie v Employers Consultative Association of Trinidad & Tobago.
JUNE 6	E.O.T. No. 0004 of 2018 Donna Patterson v The Water and Sewerage Authority. E.O.T No. 0001 of 2014,0001 of 2015 Afroza Bhanji : Afroza Bhanji v Superpharm Limited 2015.
JUNE 11	E.O.T No. 0003 of 2020 Charmaine Lewis v Port Authority of Trinidad and Tobago. EOT 0001 of 2019 Raymond Ramcharitar v The University of the West Indies.

UPCOMING MATTERS

JUNE 13	E.O.T No. 0003 of 2020 Charmaine Lewis v Port Authority of Trinidad and Tobago.
JUNE 18	E.O.T No. 0001 of 2022 EOT NO.0001 of 2022 – Crystal Rampersad & Ors v PSAEL..
JUNE 25	E.O.T. No. 0003 of 2019 Makesi Soanes v South West Regional Health Authority.
JUNE 27	E.O.T. No. 0003 of 2019 Makesi Soanes v South West Regional Health Authority. E.O.T No. 0006 of 2016 Sean Ocho v Water and Sewerage Authority of Trinidad and Tobago.



Photo: Her Excellency Candace A. Bond, US Ambassador and Her Honour Madame Justice Donna Prowell-Raphael, Chairman and Judge of the Equal Opportunity Tribunal.

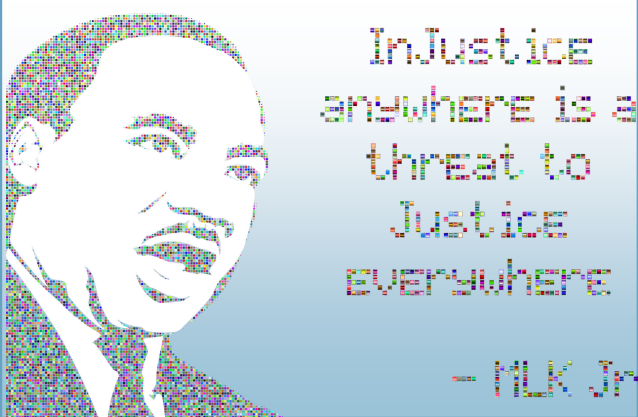
The US Ambassador commemorates Martin Luther King Day with the Equal Opportunity Tribunal

In a momentous celebration of Martin Luther King Day, the Equal Opportunity Tribunal recently attended a special luncheon with Her Excellency Candace A. Bonds, US Ambassador. The event not only marked the profound legacy of Dr. Martin Luther King Jr. but also highlighted the ongoing efforts of the Tribunal in fostering equal opportunities and justice.

Martin Luther King Jr., a towering figure in the American civil rights movement, devoted his life to advocating for equality, justice, and the elimination of racial segregation. His relentless pursuit of civil rights and social justice resonates globally, inspiring organizations like the Equal Opportunity Tribunal to carry on the torch of equality and fairness.

During the luncheon, Her Honour Madam Justice Donna Prowell-Raphael, Chairman and Judge of the Tribunal drew parallels between the principles advocated by Martin Luther King and the Tribunal's commitment to eliminating discrimination and promoting diversity in various spheres of society. Her Honour also shared the vast work of the Equal Opportunity Tribunal

As part of the luncheon, both the US Ambassador and the Tribunal's Chairman engaged in a meaningful dialogue on strategies to further strengthen the global commitment to equal opportunities. They explored potential collaborations and initiatives to address emerging challenges and promote inclusivity in an ever-changing world.



The luncheon served as a poignant reminder that the principles championed by Dr. King remain as relevant today as they were during the civil rights movement, and the pursuit of his dream requires a collective and unwavering effort.

Investing in Women: Unleashing Equality's Potential



Photo: Her Honour Madame Justice Donna Prowell-Raphael, Chairwoman and Judge of the Equal Opportunity Tribunal.

As we mark International Women's Day 2024, the Equal Opportunity Tribunal stands in global solidarity with the United Nation's theme: *"Invest in Women: Accelerate Progress"*.

The Equal Opportunity Act enshrines our commitment to a society where sex is no barrier to ambition. With legal roots in our Constitution, the Act ensures every individual, woman or man - equal protection and the opportunity to thrive. In the Caribbean diaspora, our unique history

shapes challenges from economic disparity to gender-based abuse. Tackling these inequities requires a holistic strategy - legal action coupled with cultural change - to secure gender parity and equality for women in their unique struggles.

As we reflect upon the powerful 2024 message of the United Nations, let us acknowledge that progress in this context means more than economic development. It encompasses social justice, equality, and the upholding of human rights. The Equal Opportunity Tribunal as a State investment in equality, is not just a body for adjudication but also a pivotal institution for societal transformation and progress - a transformation that sees men and women enjoying respectively the same rights and opportunities.

The female population in Trinidad and Tobago now exceeds 700,000, accounting for just over 50% of the population. Upholding the Equal Opportunity Act through investing in women, does not only honour a legal mandate but unlocks the potential of half our population to propel the country to a future where every individual's potential is the measure of their opportunity.

As we celebrate International Women's Day, let us continue to uphold the principles of the Equal Opportunity Act and strive to create an environment where sex discrimination is a relic of the past, and an individual's ability to aspire, achieve and contribute is not dictated or stymied by their sex.



SPECIAL MESSAGES

World Day of Social Justice



The world joins together annually on February 20th to commemorate World Day of Social Justice, a day to reaffirm our shared commitment to creating a society that is fairer and more equal for everyone. "Advancing Social Justice," this year's theme, strikes a deep chord with the Equal Opportunity Tribunal.

One case at a time, the Equal Opportunity Tribunal works to advance justice. By providing a platform for individuals to pursue legal action in instances of discrimination, we have enabled countless people to express their rights and confront structural obstacles. The Tribunal's influence is felt across society, promoting a climate of justice and inclusivity, whether it is combating housing inequity, promoting equal access to education, or opposing workplace discrimination.

As we reflect on the theme of advancing social justice, let us recommit ourselves to the pursuit of a world where every individual is treated with dignity, respect, and fairness. Together, let us work towards a world where social justice is not just a dream but a reality for all.

Zero Discrimination Day

The commemoration of Zero Discrimination Day serves as a sobering reminder of the ongoing fight against prejudice in all forms and the strive towards equality and fairness. The theme for this year's observance is "Protect Everyone's Health, Protect Everyone's Rights" which strikes an inextricable connection between human rights and health.

Imagine a society where every individual, regardless of their race, gender, sexual orientation, disability, or socioeconomic status, has equal access and is treated with dignity and respect. This motivates the efforts of the Equal Opportunity Tribunal to combat discrimination head-on and create a more equal society. As we stand united in our pursuit of a world free from discrimination, let us challenge discriminatory attitudes and practices wherever they may arise and advocate for the promotion of inclusivity, equality, and justice for all.

International Day for the Elimination of Racial Discrimination

The United Nations' observance of the International Day for the Elimination of Racial Discrimination serves as a beacon of hope and a call to action. The 2024 theme focus on "A Decade of Recognition, Justice, and Development: Implementation of the International Decade for People of African Descent".

The Equal Opportunity Tribunal stands in solidarity with the United Nations and all those who are committed to the cause of racial equality. We recognize that the fight against racial discrimination is far from over, but we draw inspiration from the resilience of those who have come before us. Together, we can build a future where every person, regardless of their race or ethnicity, can live with dignity, equality, and justice.



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