



## **EQUAL OPPORTUNITY TRIBUNAL**

### **FREEDOM OF INFORMATION STATEMENT**

#### **Updated Public Statement 2017 in Compliance with Sections 7, 8 and 9 of the Freedom of Information Act ('FOIA'), Chapter 22:02**

In accordance with Sections 7, 8 and 9 of the Freedom of Information Act, ('FOIA') Chapter 22:02 of the Laws of the Republic of Trinidad and Tobago, the Equal Opportunity Tribunal ('the Tribunal') is required to publish the following statements which lists the documents and information generally available to the public from the Tribunal.

The FOIA gives members of the public:

- 1) A legal right for each person to access information held by the Tribunal.
- 2) A legal right for each person to have official information relating to him/her amended where it is incomplete, incorrect, or misleading.
- 3) A legal right to obtain reasons for adverse decisions made against an applicant's request for information under the FOIA.
- 4) A legal right to complain to the Ombudsman and to apply to the High Court for Judicial Review to challenge adverse decisions made under the FOIA.

## **SECTION 7 STATEMENTS**

### **SECTION 7 (1) (a) (i)**

#### **Function and Structure of the Equal Opportunity Tribunal**

##### **History:**

The Equal Opportunity Act Chap 22:03 ('the Act') was passed by the Parliament of Trinidad and Tobago (Act 69 of 2000) on October 2<sup>nd</sup>. 2000, and assented to on the 20<sup>th</sup> of October 2000. It was subsequently amended by Act No 5 of 2001. Part VI of the Act came into operation on 20<sup>th</sup> of November 2000 and Parts I - V and Parts VII to IX of the Act came into operation on the 31<sup>st</sup> of January 2001.

This Act was enacted to -

*“... to prohibit certain kinds of discrimination, to promote equality of opportunity between persons of different status, to establish an Equal Opportunity Commission and an Equal Opportunity Tribunal...”*

The Act therefore provides protection for persons from discrimination on the basis of sex; race; ethnicity; the origin, (including geographical origin, religion; marital status; or any disability of that person (sections 4 and 5); victimisation (section 6) and offensive behaviour (section 7).

##### **Establishment of the Equal Opportunity Tribunal**

Part VIII of the Act provides for the creation of the Equal Opportunity Tribunal ('the Tribunal') as a superior court of record, headed by a Judge of equal status to a High Court Judge. The commencement of the Tribunal faced certain constitutional hurdles that continued up to 2007 when the Privy Council in the watershed decision of *Suratt v. Attorney General* [2007] UKPC 55 ruled that the Tribunal was constitutional and paved the way for the Tribunal to begin operations two (2) – (3) years later.

##### **Structure of the Equal Opportunity Tribunal**

The Tribunal comprises a Chairman, two Lay-Assessors supported by a Registrar appointed by the JLSC, and the approved staff and officers. The Tribunal's structure as approved by Cabinet is shown in Appendix I hereto.

## **Decision-making powers and other powers of the Equal Opportunity Tribunal**

The Tribunal has the jurisdiction to hear and determine unresolved complaints referred to it pursuant to section 39(2) of the Act and makes such declarations, orders, and awards of compensation as it thinks fit (section 41(4) of the Act.

As a superior court of record, the Tribunal has all powers inherent in such a court as well as the special jurisdiction and powers conferred on it by the Act.

Decisions of the Tribunal in any proceedings are to be made and delivered by the Chairman (s. 44(7)) and the Lay-Assessors are to assist the Chairman in arriving at a decision (s. 42(4)). The Chairman must preside at all sittings of the Tribunal, but may sit with only one Lay-Assessor. The Tribunal may (subject to the approval of the President of the Republic) make rules to govern its procedure and practice, including costs (s. 44(8)).

## **Effects of functions of the Equal Opportunity Tribunal on Members of Society**

The effects of the Act on the society are limited. In general, most persons agree with the principles of non-discrimination, and equal treatment as underpinning the Act. Support for the legislation is therefore high. However, knowledge of the specific legal provisions in the Act and rules for enforcement coupled with inadequate support and expert legal assistance, and possible fear of victimisation by complainants affect access to the remedies provided by the Act.

The enforcement of Act is left mainly to persons/victims of discrimination, who have to take action to enforce the law. Not surprisingly, therefore, despite the legal protection provided by the Act against discrimination, victimisation and offensive behaviour, and the broad jurisdiction of the Tribunal to punish infringements of the Act, some of these discriminatory practices are continuing.

## **Arrangements for consultation with, or representation by, members of the public in relation to the formulation of policy in, or the administration of, the public authority**

The Tribunal does not have any such arrangements at this time.

## **SECTION 7 (1) (a) (ii)**

### **Categories of Documents in the Possession of the Equal Opportunity Tribunal**

- 1) Administrative files used in the daily operations of the Tribunal.
- 2) Documents relating to communication with other Ministries and or other arms of the State.
- 3) Copies of Cabinets Notes and Minutes
- 4) Documents filed in proceedings before the Tribunal.
- 5) Verbatim Notes of proceedings.
- 6) Copies of written judgements and orders of the Tribunal.
- 7) Conciliation Agreements and or orders registered with the Tribunal.
- 8) Documentation relating to the accounting and financial management of the Tribunal.
- 9) Financial records (vouchers, purchasing orders, receipts etc.).
- 10) Documentation relating to the procurement of supplies, services and equipment.
- 11) Personnel records containing information on job specifications, job applications, staff appointments; transfers, applications for vacation leave, resignations etc.
- 12) Legal Opinions and related matters.
- 13) Legislation and legal instruments.
- 14) Policy documents.
- 15) Procedural Guidelines and Manuals.
- 16) Records of Human Resource Development and Training.
- 17) Contract documents and incidental material.
- 18) Statistical Reports of Court matters.
- 19) Files dealing with circulars, memoranda, notices and bulletins.
- 20) Books and journals.

## **SECTION 7 (1) (a) (iii)**

### **Material Prepared for Publication or Inspection**

The public may inspect and/or obtain copies of the following materials:

- 1) Decisions/Judgments and Orders of the Equal Opportunity Tribunal
- 2) The Equal Opportunity Act, Chap 22:03;

### 3) The Equal Opportunity Tribunal Rules of Practice and Procedure 2016

These materials are available between the hours of 8:00 am – 4:00 pm on normal working days at:

Address: The Equal Opportunity Tribunal  
No. 55-57 Manic Street,  
Chaguanas,  
Trinidad and Tobago  
Tel. No.: +1 (868) 672-2929' Fax No.: (868) 671-6947  
Website: [www.tteot.org](http://www.tteot.org)

#### **SECTION 7 (1) (a) (iv)**

##### **Literature available by Subscription**

The Tribunal does not possess any literature available by subscription.

#### **SECTION 7 (1) (a) (v)**

##### **Procedure to be followed when accessing a document from the Tribunal**

###### **How to request information:**

- **General Procedure**

The policy of the Tribunal is to respond to all oral and written requests for information. However, in order to derive the rights given to the applicant under the FOIA (for example the right to challenge a decision if the request for information is refused), the applicant must make such request for information in writing. The applicant must, therefore, complete the Request for Access to Official Document(s) Form that is available at the Registry at the Tribunal or from the Designated Officer, for information that is not readily available to the public.

- **Addressing Requests**

To ensure prompt handling of requests, please address it to the Designated Officer of the Tribunal. Requests will be acknowledged as official when made on the prescribed form.

- **Details in the Request**

Applicants must provide sufficient information which will enable the Designated Officer to identify the document(s) being requested. If insufficient information is

provided, clarification will be sought from the applicant. If the applicant is not sure how to write his/her request or what details to include therein, communication with the Designated Officer is recommended.

- **Requests not handled under the FOIA**

A request under the FOIA will not be processed to the extent that it asks for information, which is readily available to the public, either from this public authority or from another public authority, for example brochures, pamphlets, reports etc.

**Responding to your Request:**

- **Retrieving Documents**

The Tribunal is required to furnish copies of documents only when they are in our possession or we can retrieve them from storage.

- **Furnishing Documents**

An applicant is entitled to copies of information we have in our possession, custody or power. We are required to furnish only one copy of a document. If we cannot make a legible copy of a document, we will furnish the best copy possible and note its quality when replying.

In treating with requests, the Tribunal is not obligated to create new documents, for example, we are not required to write a new program so that a computer will print information in the format you prefer. We are also not required to perform research for you.

**Time limits:**

- **General**

The FOIA sets a time limit of thirty (30) calendar days for determination of your request for access to documents. If we fail to meet this deadline, the FOIA gives you the right to proceed as though your request has been denied. The Tribunal will try diligently to comply with the time limit, but where it appears that processing a request may take longer than the statutory limit, the Tribunal will acknowledge the request and advise the applicant of the status. Since there is a possibility that requests may be incorrectly addressed or misdirected, an applicant may wish to call or write to confirm that the Tribunal has received a request and to ascertain its status.

- **Time Allowed**

We will determine whether to grant your request for access to information as soon as practicable, but no later than thirty (30) days as required by Section 15

of the FOIA. If a decision is taken to grant access to the information requested, you will be permitted to inspect the documents and/or be provided with copies.

- **Fees and Refunds**

Section 17 (1) of the FOIA stipulates that no fee shall be charged by a public authority for the making of a request for access to an official document. However, where access to an official document is to be given in the form of printed copies or copies in some other form, such as a tape, disk, film or other material, the applicant will be required to pay the prescribed fee incurred for duplication of the said material.

**SECTION 7 (1) (a) (vi)**

The Officer in the EOT responsible for:

- a) the initial receipt of and action upon notices under section 10 of the FOIA;
- b) requests for access to documents under section 13 of the FOIA; and
- c) applications for correction of personal information under section 36 of the FOIA is as follows:

The Designated Officer is: Ms. Shelly D. Clarke  
Legal Research Officer  
The Equal Opportunity Tribunal  
No. 55-57 Manic Street,  
Chaguanas,

Tel. No.: +1 (868) 672-2929, ext. 310

Fax No.: (868) 671-6947

E-mail: [sclarke@eot.gov.tt](mailto:sclarke@eot.gov.tt)

**SECTION 7 (1) (a) (vii)**

**Advisory Boards, Councils, Committees, and other bodies (where meetings/minutes are open to the public).**

At this time, there are no bodies in the Tribunal that fall within the meaning of this section of the FOIA.

**SECTION 7 (1) (a) (viii)**

**Library/Reading Room Facilities:**

Information can be accessed through the Designated Officer **between the hours of 8:00 am – 4:00 pm from Mondays to Fridays, at the EOT’s office located at No. 55-57 Manic Street, Chaguanas.**

## **SECTION 8 STATEMENTS**

### **SECTION 8 (1) (a) (i)**

**Documents containing interpretations or particulars of written laws or schemes administered by the Tribunal, not being particulars contained in another written law.**

This section is not applicable to the Tribunal at this time.

### **SECTION 8 (1) (a) (ii)**

**Manuals, rules of procedure, statements of policy, records of decisions, letters of advice to persons outside the public authority, or similar documents containing rules, policies, guidelines, practices or precedents.**

1. Equal Opportunity Act, Chap 22:03.
2. The Equal Opportunity Tribunal Rules of Practice and Procedure 2016.
3. The Civil Proceedings Rules 1998; as amended.
4. Judgements and Decisions of the Equal Opportunity Tribunal.
5. Orders issued by the Equal Opportunity Tribunal.
6. Conciliation Agreements at the Equal Opportunity Commission registered with the Equal Opportunity Commission

### **SECTION 8 (1) (b)**

**In enforcing written laws or schemes administered by the public authority where a member of the public might be directly affected by that enforcement, being documents containing information on the procedures to be employed or the objectives to be pursued in the enforcement of the written laws or schemes.**

1. Judgements and Decisions of the Equal Opportunity Tribunal.
2. Orders issued by the Equal Opportunity Tribunal.

3. Conciliation Agreements at the Equal Opportunity Commission registered with the Equal Opportunity Commission

## **SECTION 9 STATEMENTS**

### **SECTION 9 (1) (a)**

**A report or a statement containing the advice or recommendations, of a body or entity established within the EOT.**

There are no reports or statements to be published under this section at this time.

### **SECTION 9 (1) (b)**

**A report, or statement containing the advice or recommendations, of a body or entity established outside the EOT by or under a written law, or by a Minister of Government or other public authority for the purpose of submitting a report or reports, providing advice or making recommendations to the EOT or to the responsible Minister of the EOT.**

This section is not applicable to the Tribunal at this time.

### **SECTION 9 (1) (c)**

**A report, or a statement containing the advice or recommendations, of an Interdepartmental Committee whose membership includes an officer of the EOT.**

This section is not applicable to the Tribunal at this time.

### **SECTION 9 (1) (d)**

**A report, or a statement containing the advice or recommendations, of a Committee established within the EOT to submit a report, provide advice or make recommendations to the responsible Minister of the EOT or to another officer of the EOT who is not a member of the committee.**

The section is not applicable to the Tribunal at this time.

### **Section 9 (1) (e)**

**A report (including a report concerning the results of studies, surveys or tests) prepared for the EOT by a scientific or technical expert, whether employed within the EOT or not, including a report expressing the opinion of such an expert on scientific or technical matters.**

This section is not applicable to the Tribunal at this time.

**Section 9 (1) (f)**

**A report prepared for the EOT by a consultant who was paid for preparing the report.**

This section is not applicable to the Tribunal at this time.

**Section 9 (1) (g)**

**A report prepared within the EOT and containing the results of studies, surveys or tests carried out for the purpose of assessing, or making recommendations on, the feasibility of establishing a new or proposed Government policy, programme or project.**

This section is not applicable to the Tribunal at this time.

**Section 9 (1) (h)**

**A report on the performance or efficiency of the EOT, or of an office, division or branch of the EOT, whether the report is of a general nature or concerns a particular policy, programme or project administered by the EOT.**

Auditor General Reports

**Section 9 (1) (i)**

**A report containing (1) final plans or proposals for the re-organization of the functions of the EOT, (2) the establishment of a new policy, programme or project to be administered by the EOT, or (3) the alteration of an existing policy programme or project administered by the EOT, whether or not the plans or proposals are subject to approval by an officer of the EOT, another public authority, the responsible Minister for the EOT or Cabinet.**

This section is not applicable to the Tribunal at this time.

**Section 9 (1) (j)**

**A statement prepared within the EOT and containing policy directions for the drafting of legislation.**

There are no statements to be published under this section at this time.

**Section 9 (1) (k)**

**A report of a test carried out within the EOT on a product for the purpose of purchasing equipment.**

There are no reports to be published under this section at this time.

**Section 9 (1) (l)**

**An environmental impact statement prepared within the EOT.**

There are no environmental impact statements to be published under this section at this time.

**Section 9 (1) (m)**

**A valuation report prepared for the EOT by a valuator, whether or not the valuator is an officer of the EOT.**

There are no reports to be published under this section.

Dated            March 2022.