



**EQUAL
OPPORTUNITY
TRIBUNAL**
Trinidad & Tobago



OPENING OF THE LAW TERM

“INNOVATION DRIVES TRIBUNAL FORWARD”

2025 / 2026

Message

The commencement of the 2025/2026 law term for the Equal Opportunity Tribunal ('Tribunal') signals a new beginning, but it is far from business as usual. For the past few years, this Tribunal has quietly been reinventing itself, not just the work we do, but how we do it. It has been a journey of transformation and change driven by necessity, vision, innovation and a steadfast responsibility to make the service we offer more accessible to those we serve. As we mark the beginning of this new term, it is fitting to reflect on the road we have taken together over the past years and to look ahead to the future we are building.



*Her Honour Madame
Justice*

**Donna Prowell-
Raphael**

Chairman and Judge

As we reflect on the road travelled, the landscape reveals that for most of its operational life, the Tribunal has been, in many respects, an understated national asset, quietly holding immense potential and possibility, with significant room for growth and enhanced support. With a dedicated team fluctuating between twenty to twenty-five persons, the institution has operated on one of the more limited budget allocations among State entities, receiving around Four million TTD annually for recurrent expenditure.

The Heart of Our Tribunal

At this juncture, I take a moment to express my deepest gratitude to our team at the Tribunal. They have demonstrated unequivocally that our human resources are our most valuable asset. Our team's resilience, loyalty, and steadfast commitment have anchored all that the Tribunal has achieved and continue to pursue. Their tireless efforts have made transformation not only possible but a living reality. Thank you for standing firm through every challenge and change. You have been phenomenal.

I also wish to pause and remember two cherished members of our Tribunal family who we lost in the past year. Mr. William Wallace, who passed away in October 2024, and Ms. Marisa Lewis, who also left us more recently in April 2025. They were vibrant and beloved members of our team. William served the Tribunal faithfully for almost a decade, earning deep respect and affection for his dedication and warmth. Marisa was a lively spirit, actively involved in our social welfare group, contributing enthusiastically to decorations and preparations for various events. Their presence brought life and joy to our workplace, and they will be profoundly missed. To their families and loved ones, we extend our heartfelt condolences.

We share in your grief and honour the memory of William and Marisa, whose contributions and spirit are integral to our ongoing mission.

Beyond Constitutional Equality

Established under the Equal Opportunity Act^[1] ('EOA'), the Tribunal operates within a statutory framework intended to protect individuals against discrimination in a range of protected statuses and specified areas, both in the public and private sectors.

[1] Chap 22:03

While the Constitution of Trinidad and Tobago[2] serves as the principal guardian of non-discrimination and equality, its protections govern relationships between individuals and the State entities only. It does not extend to shield individuals from discriminatory acts by private individuals, companies or entities.

This gap, where constitutional safeguards regulate the relationship between the State and individuals but do not extend to private sector interactions, is precisely where the Tribunal serves as the sine qua non by providing judicial adjudication of discrimination complaints brought against private entities under the EOA. By offering this essential protection within the scope of the Act, the Tribunal fulfils a critical role that falls outside the direct reach of the constitutional human rights provisions.

The EOA offers protection from discrimination on the basis of race, ethnicity, religion, sex, marital status, disability and origin in the areas of education, employment, accommodation and the provision of services[3]. It also provides special protections against victimisation[4]. This protection guards not only persons who may experience retaliation because of making discrimination complaints but also extends to individuals who support others in making their discrimination claims. Be it in the public or private sector, these individuals are protected from retaliation or adverse treatment with respect to allegations of victimisation.

Moreover, the Tribunal holds a unique position as the sole body empowered to determine complaints of certain forms of offensive behaviour[5], historically classified as a form of hate speech. Offensive behaviour encompasses public words, sounds, images or writing that is done with the intention to incite race, gender, or religious discord.

[2] Chap 1:01.

[3] Sections 3 & 4(a)(i) & 5.

[4] Sections 4(a)(ii) & 6.

[5] Section 4(b) & 7.

From Complaint to Resolution

The process for addressing complaints under the EOA begins with lodging a complaint at the Equal Opportunity Commission ('the Commission'), an entity also established under the EOA, but whose operations are separate and distinct from the Tribunal. An area requiring continued focus is the distinction between the Commission and the Tribunal.

These two entities – the Tribunal and the Commission - serve complementary but distinct roles: the Commission primarily investigates and conciliates complaints, while the Tribunal judicially determines unresolved complaints and makes orders for the award of damages and other binding decisions that are enforceable by law. It is necessary that this difference is clearly understood by stakeholders to avoid confusion and ensure individuals understand where to turn at each stage of their complaint.

The Commission plays an essential role as the first point of contact, receiving and investigating complaints of discrimination. Complaints must be lodged with the Commission within six months of the alleged discriminatory act unless there are exceptional circumstances. The Commission brings the parties together with the goal of reaching an agreement that is acceptable to all involved. This early stage is not about applying legal rules or formal procedures; rather, it is a guided dialogue intended to help parties find a mutually agreeable solution without resorting to the costs and complexities of litigation at the Tribunal.

Only when the conciliation process fails to produce a resolution can the complaint be referred to the Tribunal for judicial determination. At this stage, the Tribunal, as a superior court of record, operates under a clear and robust set of procedural rules closely aligned with the Civil Proceedings Rules, 1998 of the Supreme Court, to ensure fairness, transparency, and consistency in all proceedings.

Complaints heard before the Tribunal are managed and determined much like trials in the High Court, offering a comprehensive and binding resolution to disputes that are referred to it. The Tribunal may provide written rulings, reasons or judgments that explain and clarify its decisions so that they are transparent and comprehensible.

In applying the law, the Tribunal takes guidance from the evolution of legal principles at the High Court and the Caribbean Court of Justice, as well as at the international level. It relies on precedents and authoritative decisions from respected judicial bodies such as the Privy Council, the United Kingdom, Canada, the European Court of Justice, and the European Court of Human Rights. This approach allows the Tribunal to interpret and apply the law in a manner that reflects global standards of justice and discrimination protections, creating a strong foundation for the evolution of this important branch of jurisprudence.

Decisions of the Tribunal carry significant weight, and they are appealable to the Court of Appeal, following the same procedures as orders and decisions of the High Court. This ensures an additional layer of scrutiny and reinforces the integrity of the judicial process, providing parties with a clear path to challenge decisions should there be grounds to do so.

Our records indicate that more than 50% of the matters that are filed at the Tribunal are grounded in direct discrimination premised in race or ethnicity discrimination and or victimisation. Less than 10% of the complaints adjudicated have been based on indirect discrimination where the complainant alleges that a particular rule or regulation discriminates against them as a member of a protected group. More than 75% of the matters presently before the Tribunal complain of discrimination in employment, brought against statutory bodies or private companies. Complaints in areas such as education, accommodation and provision of goods and services are not regularly, if ever, seen.

Crisis to Innovation

Fitness for purpose challenges of its allocated office space have plagued the Tribunal for several years. The Tribunal has been in discussions since 2018 with State agencies about appropriate relocation. Among other issues, persistent air quality deficiencies have spawned complaints of worrying dermatological and respiratory conditions among staff, for which there are reports of medical intervention and or hospitalisation.

From September 2020 to June 2022, the Tribunal's main offices were without electricity, confining its entire administrative functions to about one-third of its operational space. During this time, the executive offices, main court room and chamber court, court registry, reception and visitor areas were non-functional. After the power was restored, the ongoing environmental air quality concerns appeared to worsen.

For just under two years now, the Tribunal has operated remotely, a reality born out of the ongoing urgent health and safety concerns that remain a critical consideration today. Although remote work was always part of our broader development plan, the pace at which it became our daily reality even after the COVID emergency subsided, was accelerated by the logistic challenges that confronted the Tribunal.

The early transition to remote work, compelled by circumstance and extended by the ongoing relocation process, has driven us to adopt the 'metaverse' as an alternate workspace. This innovative virtual environment enables us to sustain seamless operations and continue our work with minimal disruption, notwithstanding the challenges we face. Despite these hurdles, the dedication and resilience of our team never wavered, laying the essential groundwork for the ambitious transformation we are undertaking today.



As we continue to adapt, training is underway to support staff through this psychological transition, helping everyone adjust to the experience of working within these new virtual spaces.

Utilising the Microsoft Teams platform and in collaboration with software and resources provided by other State agencies, the Tribunal is establishing dynamic virtual environments where staff can meet, chat, collaborate, and share files just as they would in a traditional office setting. This digital workspace facilitates remote sign-in, availability status updates, and fosters a sense of presence and connection despite physical distance.

We value the rich social interactions and vibrant event celebrations organised by our Social Welfare Team, which have become a much anticipated part of our Tribunal community. From the revered Divali observances to the seasonal Christmas Creche, festive celebrations, community outreach, the lively Carnival Lime, and the meaningful Emancipation exhibition, these gatherings have played an essential role in fostering camaraderie, cultural appreciation, and a strong sense of belonging among our staff. We look forward with great anticipation to resuming from where we left off when remote work began.

Project Green Gavel: A New Era

From the start of its operations, the Tribunal has operated largely through traditional methods, with limited incorporation of modern technology. Case management, communication, and hearings were predominantly conducted in person, relying heavily on the wisdom and professional experience of the Tribunal to make sound decisions despite limited access to specialised resources and research tools. The dedication and resourcefulness of the Tribunal's leadership team have been admirable,

sustaining its important work under these constraints. Still, it became increasingly clear that this traditional approach could no longer keep pace with the growing volume and complexity of cases, nor meet the evolving expectations of stakeholders in an increasingly digital world.

Recognising these challenges, we launched Project Green Gavel in 2024, a comprehensive transformation model designed to strategically align the Tribunal's capacity and capabilities with its mandate and long-term vision. At its core, this initiative envisions a modern, hybrid e-court system that integrates advanced technology throughout all court processes, while maintaining the flexibility to accommodate in-person interactions when necessary. This hybrid approach ensures that the Tribunal remains accessible and responsive to all stakeholders, whether they engage remotely or face-to-face.

Additionally, Project Green Gavel incorporates a 'green' philosophy, emphasising sustainability and environmentally conscious planning as part of the court's future infrastructure. By weaving together the reliability of traditional hearings with the speed and convenience of virtual ones, this initiative is intended to create a judicial system that is not only efficient and effective but also adaptive and inclusive to meet the diverse needs of its users, no matter where they are or what obstacles arise.

Project Green Gavel rests on several foundational pillars. At the forefront is the Tribunal's physical relocation. The spaces we occupy must not only be environmentally friendly but also embody the hybrid nature of our operations, ensuring that in-person meetings foster collaboration and accessibility while seamlessly integrating with our digital infrastructure. This architectural vision will be realised in our designated Waterfront complex that provides contemporary space whose modern infrastructure naturally lends itself to the cross-functional collaboration and hybrid operations central to Project Green Gavel's strategic objectives.

Digitalisation of case management is another critical pillar. We have received allocations under the development programme for the customised digitalisation of our case-management software. Our procurement process has had a bit of a setback, but we anticipate that with fresh allocations in the upcoming national Budget, we should be able to move forward. However, this has not delayed our technological drive. Meanwhile, the Tribunal has been making use of retail software for its digital case management. All matter records are currently stored digitally and accessed remotely. Filings are done electronically, and court hearings are being done virtually. We have increased our footprints on social media, and facilities are in place for real-time hearings using the YouTube platform.

Building Capacity for Change

Staff recruitment and training are at the heart of Project Green Gavel. Alongside new tools, we have redesigned the Tribunal's organisational chart. This restructuring aligns roles and responsibilities with the demands of a hybrid court, ensuring clarity and efficiency as we operate in this new environment. We are looking forward to recruiting additional staff to reduce the workload and cross-functioning of the current team. Recently, to facilitate our virtual initiative, we have commenced staff training in virtual collaboration via platforms such as Microsoft Teams and SharePoint, anchoring our remote operations with tools that enable real-time communication and secure document sharing.

Guided by Wisdom - We welcome our Honorary Mentors

Another key pillar of Project Green Gavel is the careful revisiting of our foundational framework documents. The EOA was enacted nearly a quarter of a century ago. As human rights and non-discrimination laws



gain increasing recognition worldwide as essential to societal progress, it is crucial that the legislative framework and jurisprudence emerging from the Tribunal evolve in step with this rapidly changing landscape of equality law, both locally and internationally. At the same time, we recognise the need to update our rules to align with contemporary changes in civil practice and procedure, while fully supporting the new hybrid and digital court processes. This revision is vital to ensure the Tribunal's operations remain relevant to modern realities and responsive to the evolving expectations of our stakeholders.

A particularly unique and enthusing aspect of this pillar is the launch of our Honorary Mentors Body, which invites retired judges and eminent professionals to generously share their time and expertise in shaping the Tribunal's jurisprudence and future direction. What better way to guarantee the continued relevance of the Tribunal's work than by drawing on the wisdom of outstanding minds in our society? Those who hold the depth of knowledge that only comes with experience and professional maturity. I would like to express my sincere gratitude to the Honourable Attorney General, Senator John Jeremie SC, for his kind endorsement of this initiative.

The Tribunal feels privileged to welcome our distinguished Honorary Mentors, who will initially serve as an advisory body, guiding our evolution by making valuable comments for shaping the Tribunal's judicial foundation and the jurisprudence that underpins our work. It is with great pleasure that I warmly welcome the Honourable Justice Adrian Saunders, former President of the Caribbean Court of Justice (CCJ), the Honourable Justice Rolston Nelson, former Judge of the CCJ and the Honourable Justice of Appeal Allan Mendonca, former Judge of the Court of Appeal of Trinidad and Tobago. I hereby put them all on notice of the important and far-reaching work that lies ahead.

Sustaining Momentum

Looking ahead to the coming year, our vision remains steadfast. While much progress has been made, it is important to acknowledge that this transformation is ongoing. This transformation of the Tribunal is more than just a change in technology or location. It represents a new operational culture within the Tribunal focussing on processes that are flexible, responsive, and centered on the needs of the people it serves. We intend to continue to engage with our key stakeholders, and partner institutions expanding the reach and visibility of the service we provide.

We are committed to completing the rollout of Project Green Gavel, fully embracing the hybrid e-court model as the standard for the Tribunal's operation. Relocation, the development of customised case-management software, revisiting the regulatory framework, and personnel recruitment and training, are key milestones on this path. We are proud of how far we have come, but we know there is still work to do. Together, with the resilience of our team, the dedication of our management, and the support of our stakeholders, we will continue to build a tribunal that lives up to its promise of equal opportunity and fairness for all.

In closing, permit me to acknowledge Permanent Secretary, Office of the Attorney General and Minister of Legal Affairs, Mrs. Indira Rampaul-Cheddie and her staff for assisting in providing physical accommodation for meetings and other active support; the Registrar and accounting staff of the Industrial Court, Mr. Mark Joseph, Project Monitoring Officer and the team at the Ministry of Planning, Economic Affairs and Development who have been instrumental in assisting us to procure and access development financing; Ms. Summer Kalloo, Professional-Business Development and her team at the National Information and Communication Technology Company Limited (IGovtt) who have provided assiduous ICT consulting and support services to the Tribunal; Mr. Carl Francis and his staff at the Judiciary for opening its space to us from time to time; and Ms. Wendy Jeremie, Clinical Psychologist, Crisis



Intervention Team, Ministry of Health for providing psychological support and grief counselling for our Team.

I want to give special thanks to everyone who has contributed their time, expertise, and energy to the advancement of the Tribunal. Your commitment makes this transformation possible. May I also take this opportunity to express special appreciation to our lay assessors, attorneys who appear before the Tribunal, and other valued stakeholders, all of whom have contributed comprehensively to advancing the mandate of this Tribunal.

The ethos of equal opportunity legislation centres on fairness, inclusivity, and the rejection of discrimination. I welcome the opportunity to work alongside each of you as we continue to drive the administration of our judicial mandate to meet the needs of our time. It is through our collective effort that we ensure the Tribunal not only survives but thrives in this new era. I look forward to a future defined by transformative progress.

It is with great pride and hope that we commence the law term of the Tribunal for 2025/2026.

Thank you.



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