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## POLICY BRIEF

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**PROMOTING THE HUMAN  
RIGHTS OF PERSONS WITH  
DISABILITIES IN TRINIDAD  
AND TOBAGO:  
EVIDENCE FROM EQUAL  
OPPORTUNITY COMMISSION  
CASE FILES**

## ■ Executive Summary

Trinidad and Tobago's Equal Opportunity Act protects the rights of persons with disabilities to education, employment, accommodations, and goods and services. Despite this, they continue to experience discrimination and denial of their legally protected rights. An analysis of 105 disability discrimination complaints submitted to Trinidad and Tobago's Equal Opportunity Commission (EOC) from 2010 to 2021 revealed limitations of the Act in protecting the rights of persons with disabilities. Enhancing the accessibility of the complaint process and expanding the protections within the Act would provide better safeguards for the rights of persons with disabilities and improve the likelihood that instances of discrimination are effectively addressed.

## ■ Problem Statement

Globally and within Trinidad and Tobago, persons with disabilities face discrimination barriers to legally protected rights. In Trinidad and Tobago, The Equal Opportunity Act (the Act) safeguards individuals in seven protected characteristics, including disability, against discrimination in four categories: education, employment, goods and services, and housing accommodations. Persons who experience discrimination as defined by the Act can lodge a complaint with the Equal Opportunity Commission. However, little is known about the effectiveness of the Act, as implemented through the EOC, in protecting the rights of persons with disabilities.

## ■ Research Overview

Using the constant comparison method, 105 disability discrimination complaints submitted to Trinidad and Tobago's Equal Opportunity Commission from 2010 to 2021 were analysed (Parey et al., 2023; 2024).

## ■ Key Findings

The research studies revealed the following:

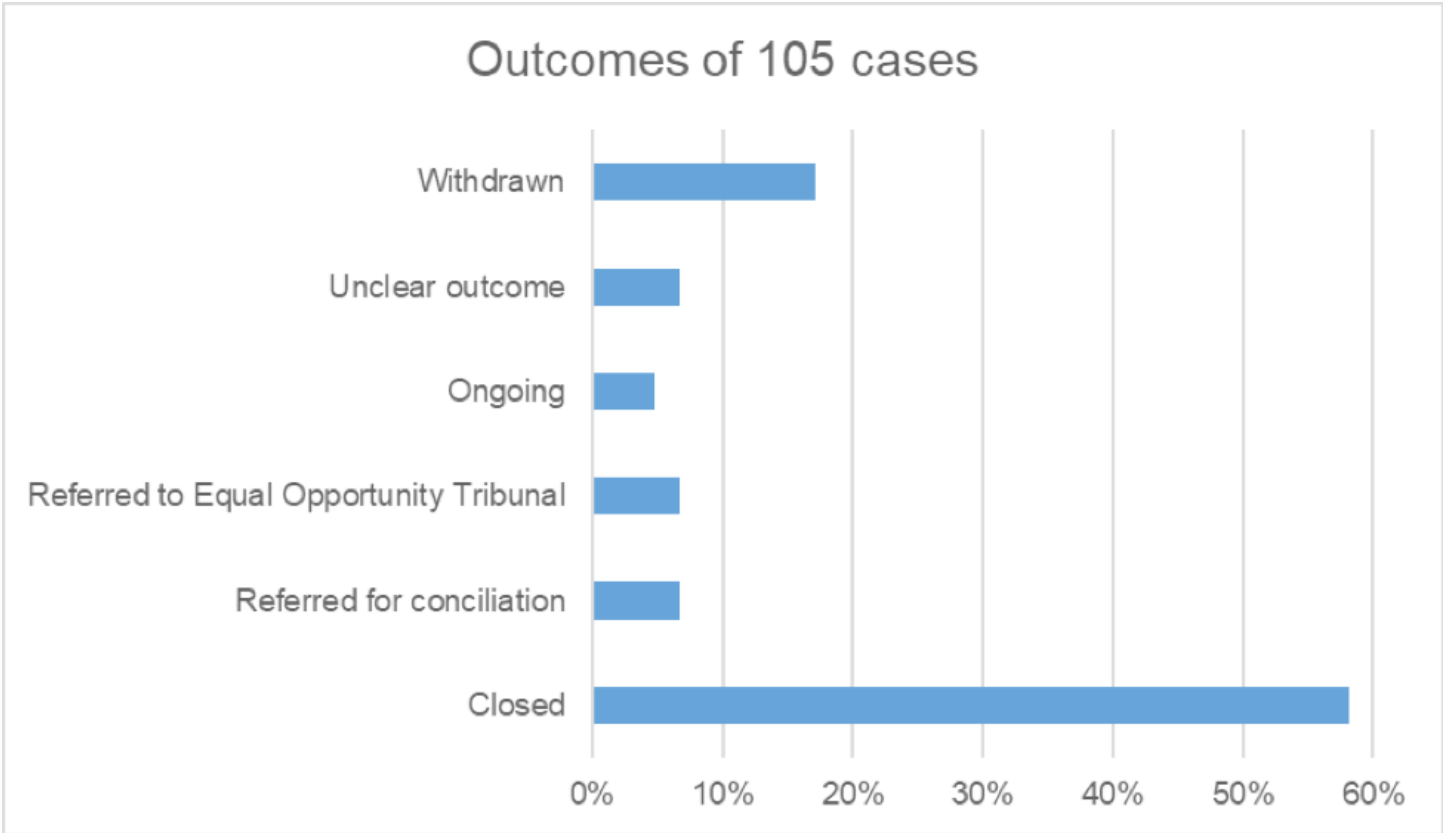
- 1. Restricted access:** All 105 complainants described experiences of denied opportunities, unfair treatment or delayed access across the four categories of discrimination i.e., education, employment, goods and services, and housing accommodations due to their disabilities (Parey et al., 2024).
- 2. Limited recourse for persons with disabilities:** Most cases (75.2%) were unaddressed without formal resolution (i.e., 58.1% were closed and 17.1% were withdrawn as seen in Figure 1; Parey et al., 2023). The low referral rates of 6.7% for conciliation and 6.7% for the Equal Opportunity Tribunal demonstrate that few experiences of negative or unfair treatment towards persons with disabilities were addressed under the current implementation of the Act.

**3. Procedural errors, inaccessible systems:** Several cases were closed due to procedural errors (26.2% of closed cases), such as exceeding time constraints or failing to appear in person for appointments. Procedural requirements did not account for the needs of persons with disabilities attempting to access the reporting system.

**4. Withdrawals:** About 17% of all cases were withdrawn without formal resolution (Parey et al., 2023). Some complainants lacked the financial resources to pursue recourse. A few complainants withdrew their cases after independently finding a solution; however, the underlying problems in these withdrawn cases were systemic and recurred across multiple complainants. This means the broader issues were unresolved.

**5. Lack of jurisdiction:** A frequent rationale for closing or advising the withdrawal of a case was that the EOC lacked jurisdiction (37.7% of closed cases and 53.8% of withdrawn cases). In particular, where a complainant was mistreated because of their disability (e.g., harassment or maltreatment), the conclusion was that such treatment did not meet the Act’s definition of disability discrimination.

Figure 1. Outcomes of cases. Source: Parey et al. 2023



## ■ Policy Recommendations

Based on the findings, the Office of the Attorney General, the Law Association of Trinidad and Tobago, and the Equal Opportunity Commission may consider:

- **Revising legislation:** The Act should be revised to include disability as a group protected from offensive behaviour, consistent with protections to sex, race, and other categories. This will strengthen The Act's capacity to address systemic forms of discrimination which consistently occur and negatively impact the human rights of persons with disabilities.

- **Increasing accessibility of the complaint process:** Complaint procedures can be evaluated and simplified by the EOC to ensure accessible, supportive communication channels for persons with disabilities. Additionally, the EOC can further promote its services to persons with disabilities to ensure that they are aware of the EOC's role in achieving human rights.

The research articles are available via:

<https://doi.org/10.1080/09687599.2023.2233682> and <https://doi.org/10.1108/EDI-06-2022-0146>

To discuss any aspect of this work further or to arrange an intervention, please contact

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## ■ References

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**Parey, B., Kutscher, E. and Enightoola, H. (2023), "Falling short of equal opportunities for persons with disabilities in Trinidad and Tobago: evidence from Equal Opportunity Commission case files", *Equality, Diversity and Inclusion*, Vol. 42 No. 3, pp. 382-397.**

**Parey, B., Enightoola, H., & Kutscher, E. (2024). "From the equal opportunity commission case files: experiences among persons with disabilities in Trinidad and Tobago." *Disability & Society*, 1-26.**



## POLICY BRIEF

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# **Promoting the human rights of persons with disabilities in Trinidad and Tobago: Evidence from Equal Opportunity Commission case files**

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