

Critique of equal opportunity act, 2000 (trinidad and tobago)



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Critique of Equal Opportunity Act, 2000 1. Indicate (if any exists) the definition for discrimination in the Equal Opportunities Act.

Comment on the said issue. There is no clearly defined meaning for discrimination in the Equal Opportunity Act, 2000. According to Boatright, discrimination describes a large number of wrongful acts in employment, housing, education, medical care and other important areas of public life. Although discrimination in each of these areas take different forms, what they have in common is that a person is deprived of some benefit or opportunity because of membership in some group toward which there is substantial prejudice. " Discrimination can be intentional or unintentional, and occurs and is present in all walks of life.

Equal employment opportunities are the basis for the laws and regulations that were created to protect employees from discriminatory practices. 2. Justify the relevance of the Act with relation to its addressing of the various types of discrimination in employment as outlined by Boatright. Boatright outlines five forms of discrimination under employment, as follows:

- Discrimination on the Basis of Sex
- Religious Discrimination
- National Origin Discrimination
- Age Discrimination
- Discrimination against the Handicapped

The Equal Opportunities Act, 2000 is relevant to the types of discrimination outlined by Boatright, as mentioned above, save Age Discrimination.

The Act addresses discrimination in employment, particularly against applicants and employees. It makes specific reference to discrimination in employment as it applies to sex, race, ethnicity, origin (including geographical origin), religion, marital status and disability. No mention is

made of age discrimination in the Act. According to Boatright, age discrimination occurs mainly by employers who perceive that younger employees have more up-to-date skills and innovative ideas. These employers move older employees aside to make room for the younger ones.

It is felt that younger employees are less expensive to employ, simply because older employees generally earn higher salaries and extensively use fringe benefits. Employers sometimes prefer the younger employees for marketing purposes. Ageism laws make it illegal for employers to discriminate in the workplace - directly or indirectly - on the basis of age. Age discrimination laws prohibit employers from discriminating in the hiring, promotion, discharge, compensation, or other terms and conditions of employment because of age. It is designed not only to protect older workers, but employees of all ages.

3. Identify any justification in the Act for discrimination in employment particularly in relation to the theory. The Equal Opportunities Act, 2000 prohibits discrimination of persons on grounds of sex, race, ethnicity, origin, marital status, religion or disability. Part III of the Act deals specifically with employment discrimination. Particular mention is made of discrimination against applicants and employees in Part III, Sections 8 and 9 respectively. Part III, Section 8: With respect to applicants (persons seeking employment), an employer is prohibited from refusing or omitting to offer employment to a person based on the above grounds of discrimination.

Part III, Section 9: An employer shall not discriminate against an employee with regard to terms and conditions of employment, opportunities for

promotion, transfer or training or any other benefit, facility or service associated with the employment. Part III, Section 11: This section focuses on the exceptions of discrimination against employees on the basis of sex. It highlights the areas where “ being of a particular sex is a genuine occupational qualification”. This means that a job can be performed only by a person having physical attributes which only a person of a particular sex possesses, if it relates to entertainment, to preserve decency or privacy or depending on the nature of the establishment.

Part III, Section 12: This section outlines the exception “ on the ground of religion in a case where being of a particular religion is a necessary qualification for employment in a religious shop”. Part III, Sections 13 & 14: These sections highlight the exceptions in employment re: domestic services and family business, and inherent requirements, unjustifiable hardship, risk respectively. 4. As an employer, does the Act work against private enterprises? Does the non-implementation of the Act by the government appear justified? The Act does not work against private enterprises as employers. Although it specifically outlines Discrimination in Employment in Part III, there are numerous exceptions to what is stated in these sections. With all the exceptions, it would appear that there is no legal protection for individuals who are victims of employment discrimination.

There are many loopholes which can be used to be advantage of employers. However, once a complaint of discrimination has been made and a corporate body is required to submit information, failure to do so can result in a fine of five thousand dollars for each day information is withheld. This works against the private enterprises. On one hand, the non-implementation of the Act by <https://assignbuster.com/critique-of-equal-opportunity-act-2000-trinidad-and-tobago/>

the government appears justified since there is no protection for various persons against discrimination. The Act fails to address discrimination with respect to pay (equal pay for men and women performing the same jobs), sexual preference and age.

It seems incomplete without mention of these crucial areas. But on the other hand, it is justified to implement the Act since it would allow legal recourse to redress acts of discrimination mentioned therein. It is a starting point to provide a national mandate for the elimination of discrimination against individuals. 5.

Does the Act address the constraints faced by women in the workplace?

Discuss. The Act does not clearly identify all issues faced by women in the workplace. There is no mention made in the Act, which prohibits employers from discriminating against women who are pregnant, (while employed or seeking employment) after childbirth or related medical problems, all of which are prevalent in the workplace. The Act also fails to mention that women are not discriminated against in terms of salary. There is a long-standing issue regarding equality in salary between men and women.

Gender inequalities still continue in the workplace as women are paid less for doing the same jobs as men. Since age discrimination has been totally omitted from the Act, it does not address the issue of employers not wanting to hire older women, or wanting to rid themselves of its older female workers because of reasons such as, for example, employers might think that they are less productive, they are more costly to insure, or they may not work long enough for the employer to recover any costs which it has incurred.