

# Report

January 2024 to December 2024



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# **OVERVIEW OF THE COMMISSION**

## • The Equal Opportunities Commission

The Equal Opportunities Commission (EOC) is an independent statutory body set up under the Equal Opportunities Act 2008 (EOA), which came into effect in 2012. This Act was introduced by the Government of Mauritius to promote equality and eliminate discrimination.

## • Functions of the Commission

The Equal Opportunities Commission currently performs three main functions:

► Investigation of discrimination complaints, hearing the parties and attempting to conciliate them, when appropriate;

► Working to prevent discrimination from occurring by informing people about their rights and responsibilities under the EOA through sensitisation campaigns, as well as, through preparation of appropriate codes and guidelines; and

► Keeping under review the working of the EOA and any relevant law and submit to the Attorney-General proposals for amending them, if required.

## • Composition of the Commission

The Commission consists of a Chairperson and three other Members appointed by the President of the Republic, acting on the advice of the Prime Minister after consultation with the Leader of the Opposition as follows:

- Mr. Ahmad Sulliman Jeewah, Chairperson;
- Mr. Gunneswar Shibchurn, Member;
- Mr. Louis Richard Toulouse, Member; and
- Mr. Gheeanduth Seechurn, OSK, Member.

### • Staff Profile

As at 31 December 2024, the Commission's staff comprised 19 persons as follows:

Ms. S. Buldawoo, Secretary to the Commission;
Mr. J. Seegolam, Investigator;
Mrs. M. Narroo-Dajee, Investigator;
Mr. N. V. Chummun, Investigator;
Mrs. P. Bhatoo, Office Management Executive;
Mrs. R. Boodia, Confidential Secretary;
Mrs. A. Sooben, Confidential Secretary;
Mrs. P. Ram-Seegoolam, Procurement and Supply Officer/Senior Procurement and Supply Officer (Part-time);

Mrs. R. Seetohul-Shibchurn, Court Transcriber;

Mrs. P. Jeeanah, Court Transcriber;

Mr. J. Mungalia, Management Support Officer (Assigned duties as Office Management Assistant since May 2023);

- Ms. P. Jooseery, Management Support Officer;
- Mr. W. Heera, Temporary Management Support Officer;
- Mrs. A. D. Mahiput, Temporary Management Support Officer;
- Ms. G. Langur, Temporary Management Support Officer;
- Ms. P. Mungroo, STM Intern;
- Mr. E. Quirin, Driver;
- Mr. K. Deepchand, Office Auxiliary/Senior Office Auxiliary; and
- Mrs. K. Ramrucha, Office Auxiliary/Senior Office Auxiliary.

### • Grounds of discrimination

Discrimination based on the following statuses are prohibited under the EOA:

- 1. Age;
- 2. Caste;
- 3. Colour;
- 4. Creed;
- 5. Ethnic origin;
- 6. Impairment;
- 7. Marital status;
- 8. Place of origin;
- 9. Political opinion;
- 10. Race;
- 11. Sex;
- 12. Sexual orientation; and
- 13. Criminal Record in relation to employment of persons and persons in employment.

Furthermore, the EOA caters for sexual harassment and also victimisation. The latter is, however, confined to less favourable treatment following a person's involvement with the Commission as more fully described in the Act.

In this report:

- Mission to Rodrigues
- Statistics for the period 01 January 2024 to 31 December 2024
- Sensitisation/Awareness Programmes
- Case Studies
- Compliments to the Equal Opportunities Commission

# MISSION TO RODRIGUES

Since its inception, the Equal Opportunities Commission has regularly carried out missions to Rodrigues. The Commission was in Rodrigues from 21 to 27 April 2024.



Chairperson, Members and Staff of the Commission in Rodrigues

## **Objectives of the mission**

The objectives of the mission were, *inter-alia*;

- (i) working towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status in Rodrigues;
- (ii) conducting preliminary meetings and investigation in relation to the complaints which had been lodged;
- (iii) attempting to reconcile parties; and
- (iv) conducting sensitisation sessions with Police Officers of all grades, Officers of Central Administration, Fire Fighters and Prisons Officers of the Rodrigues Regional Assembly.

## The Venue

All the hearings in respect of the complaints lodged at the Commission were held at Les Cocotiers Hotel, Anse aux Anglais.

## **Preliminary Meetings/Investigations**

The Commission conducted several preliminary meetings and investigations.



Preliminary Meeting in progress

## **Sensitisation Sessions**

Upon its arrival in Rodrigues, the Commission participated in a programme on 22 April 2024 on the local radio, "Radio Rodrigues" pertaining to the role of the Commission and the purpose of its mission. During the programme, the general public was invited to meet staff of the Commission for any assistance/information which they may require when lodging a complaint with the Commission.



Members of the Commission at the seat of the MBC

➤ Following the first radio programme at the Mauritius Broadcasting Corporation, Rodrigues, members of the public came to meet Members of the Commission to seek information.



Meeting with members of the public

 $\succ$  A sensitisation session was held with Police Officers at the Lecture Theatre, Port Mathurin Divisional Headquarters.





Sensitisation session with Police Officers of all grades

A sensitisation session with Officers of Central Administration was held at the Lecture Theatre, Antoinette Prudence Human Resources Centre, Malabar.



Sensitisation session with Officers of Central Administration

 $\succ$  A sensitisation session was held with Fire Fighters and Prisons Officers at the Camp du Roi Fire Station



Sensitisation with Fire Fighters and Prisons Officers

> The Chairperson and Members of the Commission gave an interview to the Mauritius Broadcasting Corporation.



Media Coverage

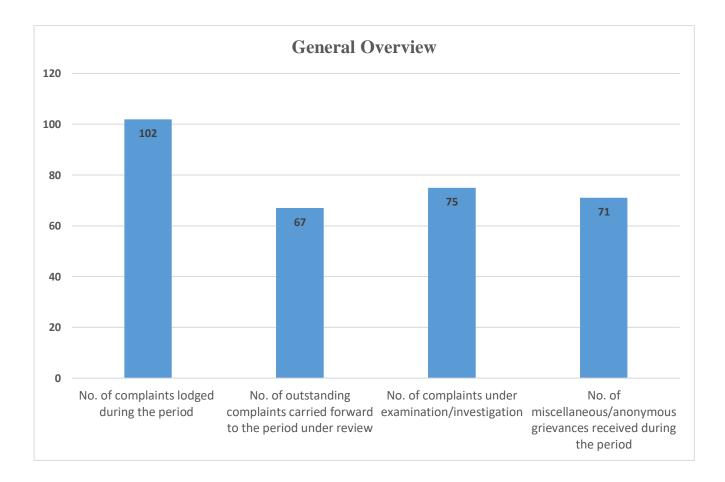
## **Conclusion**

The Commission completed its mission both as regards to the complaints lodged and the various sensitisation programmes carried out in Rodrigues.

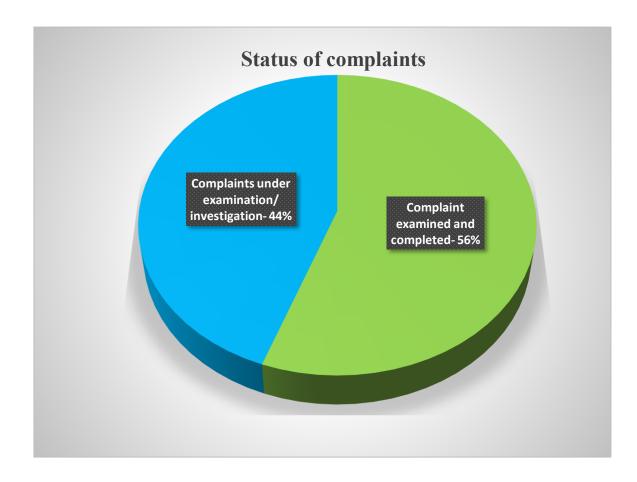
## STATISTICS FOR THE PERIOD 01 JANUARY 2024 TO 31 DECEMBER 2024

1. General	l overview re	garding con	plaints receiv	ved at the (	Commission.
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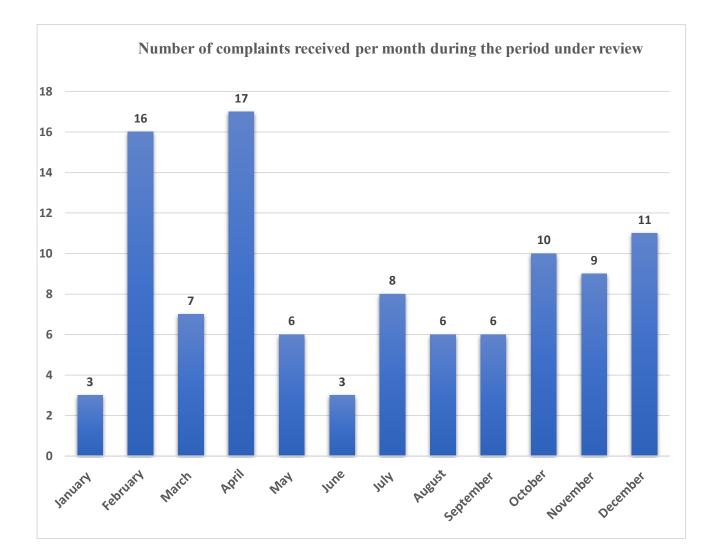
DETAILS	TOTAL
No. of complaints lodged during the period	102
No. of outstanding complaints carried forward to the period under review	67
Total no. of complaints for the period under review	169
No. of complaints under examination/investigation	75
No. of miscellaneous/anonymous grievances received during the period	71



2. Percentage regarding complaints examined during the period 01 January 2024 to 31 December 2024.



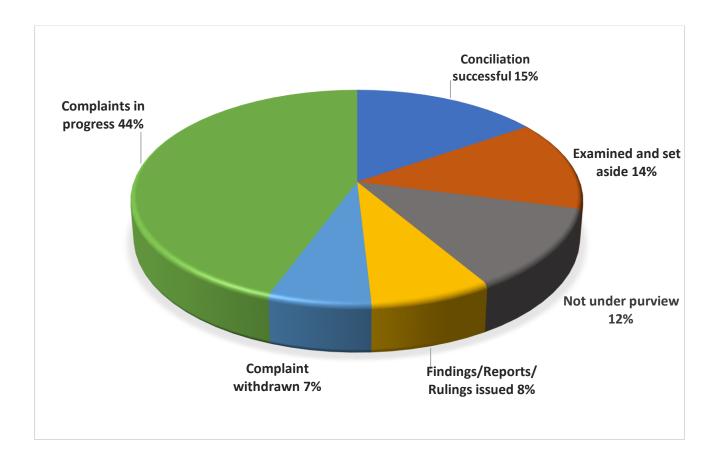
During the aforementioned period, 169 complaints of alleged discrimination were examined at the Commission, out of which 94 complaints were processed and completed and 75 complaints are still being examined.



## **3.** Outcome of complaints examined during the aforementioned period.

S.N.	Details	No. of cases
1.	No. of complaints examined	169
2.	Conciliation successful	26
3.	Not under purview	21
4.	Complaints in progress	75
5.	Examined and set aside	23
6.	Complaints withdrawn	11
7.	Findings/Reports/Rulings issued	13

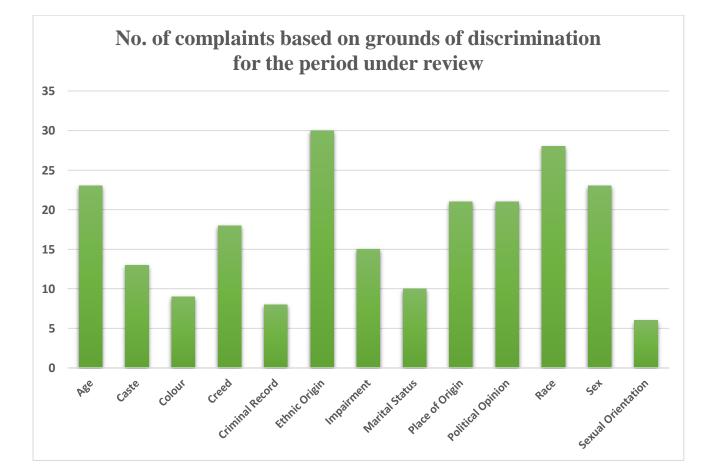
Note: Four (4) complaints were referred to the Equal Opportunities Tribunal.



## 4. Complaints based on grounds of discrimination for the period under review.

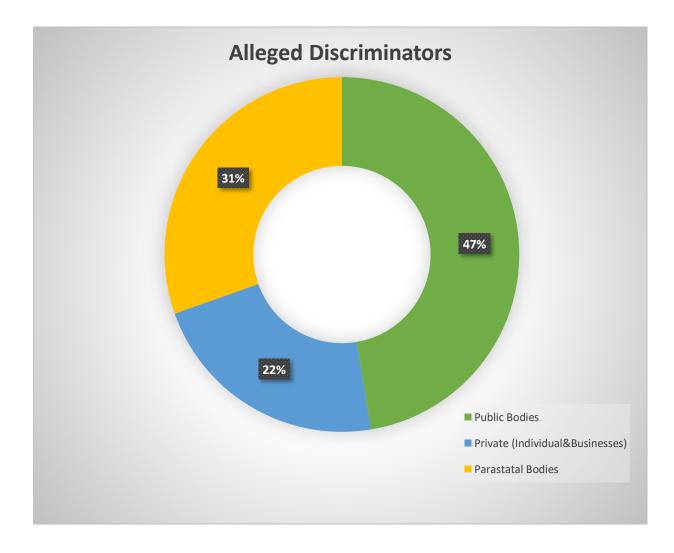
Grounds of Discrimination	Number of complaints
Age	23
Caste	13
Colour	9
Creed	18
Criminal Record	8
Ethnic Origin	30
Impairment	15
Marital Status	10
Place of Origin	21
Political Opinion	21
Race	28
Sex	23
Sexual Orientation	6

It is to be noted that there are complaints lodged on multiple grounds.



5. Categorisation of complaints by alleged discriminators for complaints examined at the Commission during the period 01 January 2024 to 31 December 2024.

Alleged Discriminators	No. of complaints lodged against
Public Bodies	81
Private (Individual & Businesses)	38
Parastatal Bodies	52



It is to be noted that there may be more than one alleged perpetrator/discriminator for a complaint lodged at the Commission.

### SENSITISATION/AWARENESS PROGRAMMES

As part of its mandate, the Equal Opportunities Commission is required to conduct sensitisation campaigns across various institutions in Mauritius and Rodrigues. The Commission also participated in the "Ansam Avek CSU" programmes in order to work towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status.

# List of sensitisation programmes carried out by the Equal Opportunities Commission (EOC) from 01 January 2024 to 31 December 2024

#### MAURITIUS

### A. "Ansam Avek CSU" programmes

S.N.	Date	Venue	Target Audience
1	Saturday 17 February 2024	Winners Camp Le Vieux, Rose Hill	1
2	Saturday 02 March 2024	Roche Noires Multipurpose Complex (near Roche Noires Community Health Centre)	
3	Saturday 16 March 2024	Victoria Urban Terminal, Port Louis	
4	Saturday 23 March 2024	Winners Triolet (Parking slot)	The General Public
5	Saturday 30 March 2024	Cœur De Ville, Flacq	
6	Saturday 20 April 2024	Petite Riviere Social Welfare Centre	
7	Saturday 25 May 2024	St Pierre Market	
8	Saturday 07 September 2024	Kendra Shopping Mall, St Pierre	

# Gallery

## Victoria Urban Terminal, Port Louis



## **B.** Other sensitisation campaigns

S/N	Date	Venue	Target Audience	Male/Female
1	09 February 2024	GMD Atchia State College	Students	Both
2	Friday 15 March 2024	Lecture Theatre II (New Academic Complex) University of Mauritius	Administrative staff of all grades	Both
3	Friday 22 March 2024	Curepipe Cooperative Credit Union Ltd	Members of the Cooperative	Both
4	Friday 29 March 2024	Lecture Theatre, Prison Training School, Beau Bassin	Prison Officers and Administrative staff	Both
5	Friday 10 May 2024	Forest Side SSS (Girls)	Grade 12 Students	Girls
6	Friday 24 May 2024	Sir Abdool Raman Osman State College	Grade 12 Students	Both
7	Wednesday 31 July 2024	Divisional Head Quarters Metro North Division	Police officers of all grades	Both

# Gallery

## **University of Mauritius**



Curepipe Cooperative Credit Union Ltd



Forest Side SSS (Girls)



Divisional Head Quarters Metro North Division



## RODRIGUES

## Sensitisation campaigns- 2024 (April 2024)

S. N	Date	Venue	Target Audience	Male/Female
1	Monday 22 April 2024	Mauritius Broadcasting Corporation, Rodrigues	General Public	Both
2	Wednesday 24 April 2024	Lecture Room, Port Mathurin Divisional Headquarters	Police officers of all grades	Both
3	Thursday 25 April 2024	Lecture theatre, Antoinette Prudence Human Resources Centre, Malabar	Officers of Central Administration (Middle management Staff and other cadres)	Both
4	Friday 26 April 2024	Camp Du Roi Fire Station	RRA Fire Fighters and Prisons Officers	Both

# **CASE STUDIES**

## Case 1

Mrs. A lodged a complaint with the EOC alleging that she had been discriminated against on the basis of her 'sex' in as much as within a few days of assuming duty as Charge Nurse in the ICU Unit of the Jawaharlal Nehru Hospital, she was transferred to the National Cancer Centre department of the Victoria Hospital on the ground that the position of Charge Nurse in the ICU Unit of the Jawaharlal Nehru Hospital was reserved for males. Upon the intervention of the EOC, a directive was issued by the Acting Director Nursing and Mrs. A. was posted back as Charge Nurse in the ICU Unit of the Jawaharlal Nehru Hospital Nehru Hospital.

## Case 2

Mrs. S, an Educator, also a cancer patient, lodged a complaint with the EOC stating that she was being discriminated against on the ground of 'impairment' given the constant bullying and harassment she was being subjected to on account of her illness. According to Mrs. S, she was time and again pinpointed by the Acting Rector for her ongoing treatment and asked to stay at home. Following a meeting held at the seat of the EOC with the Ministry of Education and Ministry of Labour, the Acting Rector was transferred to another school.

### Case 3

In this case, Mrs. S, an Educator, was awarded a scholarship to pursue a Master's degree in Educational Studies at the University of Queensland, Australia, under the 2020 Australia Awards Scholarship program. Mrs. S claimed that the Australian Government offered scholarships to six public officers, leading to the award of a Master's degree. However, unlike the other awardees, Mrs. S was not granted study leave with pay to pursue her course.

Mrs. S requested leave with pay from the relevant Ministries to follow the course, but her request was denied. Consequently, she lodged a complaint with this Commission, citing discrimination based on age, creed, ethnic origin, marital status, political opinion, race, and sex against (i) the Ministry of Education and (ii) the Ministry of Public Service.

The Commission examined the complaint, found it to be well-founded, and subsequently initiated an investigation. The Commission sought explanations from the parties involved and other stakeholders, making extensive efforts to conciliate by holding consultations with the Ministries and other concerned stakeholders.

Eventually, the Ministry of Education decided to grant Mrs. S study leave with pay for the duration of her course leading to a Master of Educational Studies, as awarded by the Australian authorities. The Ministry of Public Service subsequently agreed with this decision, and the modalities concerning bonding, in line with the Ministry of Public Service's circular, were resolved satisfactorily for Mrs. S.

### Case 4

In September 2022, four employees, namely Mrs. K (Complainant No.1), Mrs. A (Complainant No.2), Miss R (Complainant No.3) and Mr. L (Complainant No.4) lodged a complaint against their employer, a renowned housing company in Mauritius which is engaged in social housing and other property development. They alleged that they were unfairly treated during the recruitment process of an external candidate as Customer Relations Agent at the aforesaid company on the ground of their respective statuses.

The Commission examined the complaint, which appeared to be well founded, and subsequently started its investigation in same. Following several hearings and after having sought explanations from both parties, the Commission spared no effort to conciliate them but in vain. It concluded that the complainants have successfully discharged the burden of proof, on a balance of probabilities, and that they have been subjected to discriminatory treatment (Complainant No.1 and No.4 were less favourably treated on the basis of their "status", that is, their "political neutrality" as compared to the other external candidate who was more favourably treated in relation to her "political opinion" and complainants No.2 and No.3 were less favorably treated on the basis of their "status and political opinion" as compared to the external candidate who was more favourably treated in relation to her external candidate who was more favourably treated in relation to the external candidate who was more favourably treated in relation to the external candidate who was more favourably treated in relation to the external candidate who was more favourably treated in relation to the external candidate who was more favourably treated in relation to her "marital status and political opinion".

In this context, the Commission issued a Report on 28 August 2024 pursuant to Section 33 of the Equal Opportunities Act (EOA) 2008 and the matter was referred to the Equal Opportunities Tribunal with the consent of the Complainants.

## COMPLIMENTS TO THE EQUAL OPPORTUNITIES COMMISSION

 $\blacktriangleright$  "I hope this email finds you well and I trust that you are doing fine. I am pleased to inform you that I have received my salary for the period that I was on study leave overseas from the Ministry of Education.

I would like to reiterate my sincere and heartfelt gratitude to you and the whole team of the EOC. Your hard work and persistence in investigating and resolving my case is greatly commendable. I was truly impressed by the perseverance of the EOC in the face of all opposition during these two years. The outcome of my case has already made a big positive difference in my life, both at the personal and professional levels. Knowing that there are systems in place to stand up for fairness and equality has restored my faith in these principles, values and the EOC.

I believe that this victory is not only a personal one, but that of the EOC as a whole. To that, I would also say congratulations to each and everyone who has worked on my case.

I will end up by saying: Bonne continuation." - Complainant

► "I am writing to express my deepest gratitude for the support and diligence demonstrated by the Equal Opportunities Commission, which has significantly contributed to my recent promotion to Air Traffic Control Supervisor.

I take this opportunity to cordially thank the Chairperson, Mr. Ahmad Sulliman Jeewah, Members and staffs of the Equal Opportunities Commission for their efforts in ensuring fairness and equity. The Commission's dedication to addressing my concerns with professionalism and thoroughness has been instrumental in achieving this milestone in my career.

The matter has been resolved to my utmost satisfaction, and I appreciate the measures taken by the Commission throughout the investigation. Your commitment to promoting equal opportunities has not only impacted my professional growth but has also reinforced my belief in the importance of such institutions in fostering a just and inclusive work environment.

Once again, thank you for your invaluable support and for making this achievement possible. I look forward to continuing my professional journey with a renewed sense of purpose and dedication." – Complainant

► "Am hereby thanking the Committee members for giving me your precious time today .....

Thanking you." - Complainant

▶ "Je vous fais ce mail pour vous faire un retour concernant ma plainte.

Aujourd'hui le ...... j'ai été reçu par le membre de Polytechnics du Montagne Blanche afin de tous clarifier et aussi d'en parler au niveau de leurs protocoles d'admission.

Je vous remercie pour cette prise en charge rapide mais je ne souhaite pas continuer car mon inscription a été finalement accepté.

Cependant vous pouvez cloturé ce dossier." - Complainant

▶ "I would like to bring your attention that the management has employed me on ...... as they have received my complaint letter from you. I would also thank you for your rapid action that you have taken upon my discrimination that was going on. The management has already fulfilled all my demand and needful measure, regarding discrimination, .....

I am ending my letter with a great satisfaction and your rapid action. I will always remain faithful on what you have done for me." - Complainant

▶ "This is to inform you that I have been transferred back to JNH in the ICU Ward as Charge Nurse as from ...... I would like to thank you for your understanding and assistance in this matter." – Complainant

• "......This is to inform you that I obtained a new change in posting......

I seize this opportunity to thank the Equal Opportunities Commission for the prompt action at their end for the inquiry carried out to investigate on the inequality and injustice I endured and suffered." - Complainant

▶ "I hope this mail finds you well.

First of all, thank you for your quick consideration concerning my complaint.

I would like to give you an update about the current situation.

Since my child ...... resumed school on the ....., he has not crossed through ...... Actually, he is at home for revision as the students have specific dates to come for examination.

He will proceed with his exams this coming week and he has full support of his teacher....., who is frequently giving him notes for the month he was rusticated from school.

This is his last month at school and I want to focus on the fact that, he will not continue at ..... next year following the recent events.

Thank you again for your consideration on this matter and I wish you and the Commission all the best." - Complainant

I shall be forever grateful to the Equal Opportunities Commission for all actions initiated for the sake of justice.

Thank you so much." - Complainant

► "Very interesting and mind enriching session. The resource persons are very knowledgeable on the subject matter." – Mauritius Police Force

► "We got the opportunity to have a more detailed knowledge of the EOC Act of 2008 and the new rules that were recently implemented regarding discrimination, human rights and sexual harassments." – Senior Educator, Forest Side SSS (Girls)

► "The course participants elaborate that the course content was interesting and very debatable." – Principal Prison Officer, Mauritius Prison Service

► "Very instructive, good presentation and reaction from audience." – Senior Administrative Officer, Curepipe Co-operative Credit Union

▶ "This 10th of December 2023 marks the 75 Anniversary of the Human Rights Day commemorating the adoption of the Universal Declaration of Human Rights (UDHR) on 10 December 1948.

The theme this year is "*Dignity, Freedom, and Justice for All*", reminding us that every human being is born free and equal in dignity and rights regardless of race, colour, religion, sex, language, political or other opinion, national or social origin, property, birth or other status.

The Young Queer Alliance acknowledges the pivotal role that the Equal Opportunities Commission has played in advancing human rights." – Young Queer Alliance

▶ " I hope this letter finds you well. I am writing to express my gratitude for the swift attention and consideration given to my complaint against the ....., where I am currently employed. <u>I truly commend the Equal Opportunities for its excellent work and the prompt manner in which my case has been handled</u>.

Once again, I express my heartfelt congratulations to the Equal Opportunities Commission for its commendable work and thank you for your understanding and continued support." - Complainant

## APPENDIX

Judgment dated 06 December 2024 by the Supreme Court of Mauritius in the matter of Louis José Gaëtan MOÏRT v/s Equal Opportunities Commission (EOC) in the presence of:

The Honourable Minister of Youth, Empowerment, Sports and Recreation, acting on behalf of the Trust Fund for Excellence in Sports, in relation to an application for judicial review of a decision made by the EOC on 14 February 2023 to the effect that the EOC will not take any further action on the complaint of alleged discrimination lodged by Me. Louis José Gaëtan MOÏRT before the EOC.

2024 SCJ 560

#### THE SUPREME COURT OF MAURITIUS

#### SCR No 124513 (5A/123/23)

In the matter of:

#### Louis Jose Gaetan MOIRT

**Applicant** 

v/s

### **Equal Opportunities Commission**

**Respondent** 

In the presence of:

The Honourable Minister of Youth, Empowerment, Sports and Recreation, acting on behalf of the Trust Fund for Excellence in Sports

**Co-Respondent** 

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#### JUDGMENT

This is the second stage of an application for judicial review of a decision made by the respondent on 14<sup>th</sup> February 2023 to the effect that the respondent will not take any further action in relation to the applicant's complaint of alleged discrimination.

It is not disputed that the applicant is a retired athlete of international level. In 1985, at the African Weightlifting Championship which was held in Egypt, the applicant won a gold medal in the junior category and a bronze medal in the senior category. Under a scheme set up under the Finance and Audit (Trust Fund for Excellence in Sports) Regulations 2002, the co-respondent awards monthly allowances to retired athletes in recognition of their past performances at international events. The amount of the allowance depends on whether the retired athlete obtained a gold, silver or bronze medal. Since 2017 the applicant registered with the scheme and he was awarded an allowance for the bronze medal which he won in 1985 African Weightlifting Championship in the senior category. In the year 2021 the applicant complained to the co- respondent that he should have been awarded an allowance for the gold medal which he won in the same Championship at the junior level. The corespondent refused the application on the ground that the scheme was meant for best performances in the senior category only. The applicant then complained to the respondent that the scheme was discriminatory on the ground of age. The respondent held a preliminary investigation pursuant to section 30(1) of the Equal Opportunities Act. The respondent found, inter alia, that the scheme was set up following a government policy decision to award retired athletes at the senior level and that at no time was the scheme meant for junior athletes. The applicant is challenging the above decision of the respondent on the grounds that it is unreasonable (in the Wednesbury sense), it is tainted with bias, perverse, procedurally improper, ultra vires, illegal and in beach of the principles of natural justice.

None of the above grounds, however, have been substantiated by the applicant in any manner whatsoever. On the issue of bias, the applicant has admitted that he was never directly discriminated against. In effect his complaint in respect of discrimination concerns the fact that the scheme does not provide for allowances in respect of achievements at the junior level. The scope of the scheme, on the other hand, are matters of policy which do not concern judicial review: see **Chaumière v. The Government of Mauritius** [2001 SCJ 155] where the Supreme Court held that it is well established that judicial review concerns the decision making process rather than the decision itself, and that matters of policy are for the executive.

On the issues of reasonableness and ultra vires, the affidavit evidence shows that the respondent held separate interviews with the applicant and the Trust Fund for Excellence in Sport. The respondent also considered the parties' written explanations. In the light of the said interviews

and explanations the respondent came to its decision not to proceed any further with the applicant's complaint. In the circumstances it cannot be said that the respondent acted unreasonably. The respondent gave the applicant the opportunity to present his case and considered the arguments from both sides.

The applicant contended that the respondent should have held a hearing. This procedure is not provided by statute. Section 30 of the Equal Opportunities Act empowers the respondent to conduct an investigation into a complaint. This entails only the gathering of evidence. A hearing, on the other hand, entails the scrutiny of evidence by cross-examination. In the present case the respondent duly gathered evidence through interviews and correspondence within the framework of the Equal Opportunities Act.

For the reasons given above, the application is misconceived and none of the grounds for review have been established. The application is therefore dismissed with costs.

S.B.A Hamuth-Laulloo Judge

> D. C. N. D. Mootoo Judge

#### 06 December 2024

For Applicant	:	Mrs F Maudarbocus-Moolna, SA
		Mr. Rault and Mr N Ahmed, both of counsel
For Respondent	:	Mr R. Bucktowonsing, SA
		Mr R Pursem, SC
For Co- Defendant :		Mrs A Jeewa, Attorney at Law
		Mrs R Jogeedoo-Pentiah of Counsel

mem sans pou tou

సమాన అవకాశాలు samāna avakāšālu

சம வாய்ப்புக்கள் sama vaayppukkal

समान अवसर samaan avsar



yaksan mawaqé

समान संधी samana sandhi

égalité des chances

समान अवसर samana avsar



equal opportunities

égalité des chances

समान अवसर samaan aysar

சம வாய்ப்புக்கள் sama vaayppukkal

సమాన అవకాశాలు samāna avakāšālu

समान अवसर samana avsar

समान संधी samāna sandhī

یکسال مواقع yaksan mawaqé



mem sans pou tou



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