



Jacqueline H. Stephenson · Natalie Persadie ·
Ann Marie Bissessar · Talia Esnard

Diversity, Equality, and Inclusion in Caribbean Organisations and Society

An Exploration of Work,
Employment, Education,
and the Law

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FOREWORD

This book will focus on equality, inclusion and discrimination within the English-speaking Caribbean region, specifically as it relates to employment, education, society and the law. Within extant literature, discrimination has been examined primarily from the perspective of industrialised nations. This book is the first of its kind to comprehensively assess equality and inclusion within the Caribbean region.

One of the primary reasons for a lack of diversity and inclusion within contemporary organisations is the perpetuation of discrimination within society. This can be explained (in part) through the framework of the theory of social categorisation, where individuals categorise others into groups with the objective of identifying those who are similar to and/or different from themselves (Wenzel 2004) and hence those with whom they anticipate successful work and other relationships (Kurzban, Tooby and Cosmides 2001).

Discrimination (which is the treatment of one person less favourably than another) has been referred to as the behavioural manifestation of stigma (Thornicroft, Rose, Kassam and Sartorius 2007; Thornicroft, Brohan, Kassam and Lewis-Holmes 2008). The application of disparate treatment to organisational members as a consequence of fear, ignorance or acceptance of prejudicial stereotypes, could lead to the exclusion of suitable candidates for employment, promotion, training or retention within workplaces (Kirton and Greene 2000). This approach to the supervision or management of human resources invariably leads to workers of similar backgrounds being considered homogenous rather

than as individuals with varying levels of skills and competence (Duncan 2003; Taylor and Walker 1998). It has been suggested (Woodhams, Lupton and Cowling 2015), that continuous use of discriminatory practices could have a multiplier effect in many areas of the economy and by extension the wider society. This in turn could be manifested through lack of economic growth, reduced tax revenues and increases in public expenditure—for example in relation to increased income support required (McGuire and Roberson 2007; Neumark 2009).

Across the Commonwealth Caribbean, the Constitution provides for an entitlement to equal treatment for all citizens. More specifically, within the region, there are three island states which have enacted legislation with the explicit purpose of prohibiting discrimination on the basis of specified grounds and promoting equality. These islands are Guyana (Prevention of Discrimination Act 1999), St. Lucia (Equality of Opportunity and Treatment in Employment and Occupation Act 2000) and Trinidad and Tobago (Equal Opportunity Act 2000). While the specific grounds of discrimination prohibited by these Acts vary, the commonly covered areas are: sex, race, religion, ethnic origin, marital status and disability. Notably, within the Caribbean region, sexual orientation has been excluded from the enacted equality legislation.

The current iteration of the equality discourse, is focused on the concept of managing diversity, where organisations are encouraged to strengthen their workforce and competitive advantage by employing people who are different from the status quo. Further, it advocates inclusivity and embracing the skills and talents of different types of employees (Thomas 1990), which may involve changing workplace policies and practices such that there are no exclusions (intentional or unintentional), by reason of an employee's immutable characteristics (for example, age, sex, race). It has been argued that even though the language used in relation to equality is continuously updated, the changes are variations in emphasis, rather than paradigm shifts (Oswick et al. 2010). This is to say that the underlying premise remains unchanged, i.e. the achievement of equity and fairness in employment (Liff 1999).

Though anti-discrimination law has been enacted in the Caribbean, this, in and of itself, neither translates to societal changes nor changes within the organisational context. Within the context of society and related organisations and institutions, the directive of the law is only one factor which contributes to the facilitation of change. Some of the leading drivers for organisational diversity and inclusion have been identified as legal pressures, the need to recruit and retain the best talent, social

responsibility, potential business benefits, moral arguments and the pursuit of social justice (CIPD 2007). Moreover, the realisation of desired changes may necessitate challenging the veracity of accepted stereotypes by showing that they are flawed, and as such people should be treated fairly, irrespective of their membership in a minority group. In addition, it has been suggested (Hornstein 2001) that the efficacy of anti-discrimination legislation, in other jurisdictions, has been assisted by simultaneously promoting equal rights and enhancing the education of both employers and employees in relation to their rights and obligations as well as rigorous enforcement of the law. It may be argued that within society, change will only occur where there is a clear and obvious reason; where political and societal leaders embrace the proposed changes and norms are updated which are congruent with the changing dynamics of the society.

Where discrimination has been institutionalised in a society or an organisation, prejudicial patterns of employment practice may be followed without question, as a result of expectations within the workplace (Renskin 2000). Indeed the existence of widespread discrimination within society (Banaji 1999) may make it more challenging for changes to be made to attitudes and practices within the organisational context or other social institutions.

In this text the authors will examine:

- i) Race Relations in the Caribbean: The Myth of Representative Bureaucracy
- ii) Equality and Discrimination on the Basis of Sex
- iii) Sexual Orientation and Inclusivity in the Caribbean Region
- iv) Disability: Disparate Treatment or Inclusion in Caribbean Organisations
- v) Politics and Inclusivity in the Caribbean
- vi) Equality and the Law: A Caribbean Perspective
- vii) Equality Laws Compared: The Caribbean, the UK and the USA
- viii) Liberalisation of Higher Education in the Caribbean: Situating Matters of Access, Diversity and Equity
- ix) The Challenge of Equity, Diversity and Inclusion Within Educational Reform: The Case of Trinidad and Tobago

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CHAPTER 1

Introduction

The Anglophone Caribbean is an archipelago of former colonies of the United Kingdom (UK), which gained independence during the 1960s and 1970s. These islands include Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago. These populations vary in size from 52,441 (St. Kitts and Nevis) to 2,890,299 (Jamaica), according to the most recent census data (i.e. 2000–2001). The economies in the Caribbean region rely largely on tourism, oil and gas, manufacturing, agriculture, financial services and, in the main, are stable. These island states are considered variously as the third world or developing countries but are generally economies managed by qualified individuals with stable political governance and limited political unrest.

Despite being a collection of individual islands, governed by separate independent governments, the Caribbean region is often regarded as homogeneous, however, although the English-speaking islands are collectively referred to as the Commonwealth Caribbean, there is a widespread diversity across the island chain. Diversity may be broadly categorised as either surface- or deep-level diversity. Surface-level diversity refers to observable personal attributes such as sex, age, race *inter alia*, while deep-level diversity refers to less observable characteristics including one's beliefs, values, attitudes and culture *inter alia* (Barak 2016; Phillips and Loyd 2006; Roberson 2019). Within these groups there are several points of departure particularly with respect to differences

in age, sex, race, culture, socialisation and education, which are evident globally and by extension in the Caribbean region. Currently, there is a paucity of literature in relation to equality, diversity and inclusion with a focus on the English-speaking Caribbean (see Stephenson and Persadie 2019), hence the objective of this book is to critically assess whether, and the extent to which, these issues are practically and theoretically relevant, in respect of work, education, employment and society. *To wit*, this text examines diversity, discrimination, inclusion and exclusion, on the basis of sex, race, sexual orientation and disability, in relation to employment, education, politics and applicable legal and societal systems, in the Caribbean.

The debate concerning equal opportunities and non-discrimination is said to have evolved over time, from simply considering equality from a radical or liberal perspective (Jewson and Mason 1986), to enveloping new concepts, namely managing diversity accepting differences and inclusion (Kirton and Greene 2006). The three primary categories of equality are: equality of results, treatment/opportunity and consistency (Jewson and Mason 1986). It has been suggested that pursuing equality, with a view of treating everyone the same could be an “*oversimplification of the problem*”. This is because treating everyone the same could result in disadvantage, where for example within the organisational context, all employees are given access to the same printed employee manual. Although this may appear, *prima facie*, as an attempt to treat everyone the same, employees who are visually impaired would be unable to access the information in the manual, unless it is converted into braille or they are permitted to use specially designed software in order to access it. Such occurrences are observed in the workplace daily and this contributes to the failure of some equal opportunity initiatives (Liff and Wajcman 1996). Moreover, there is an absence of irrefutable evidence to support any assertion that equal treatment approaches have resulted only in benefits in relation to equality; in part, this is because acceptance of stereotypes appear to create some difficulty for organisational managers to conceptualise job requirements in neutral terms (Collinson et al. 1990; Curran 1988). An alternative approach to equality of treatment is to find a way to value and utilise employee differences. This is the *managing diversity* approach where organisations are encouraged to strengthen their workforce and competitive advantage by employing different people from those already in the workforce. This approach challenges the equal treatment model suggesting that people do not

necessarily wish to be treated the same in every aspect of their working life but, by offering different working arrangements or benefits, employers facilitating the diversity approach may realise greater benefits within their workplaces, relative to those pursuing equality (Liff and Wajcman 1996). Managing diversity encourages a focus on inclusivity and embracing the skills and talents of different types of employees (Thomas 1990), which may involve changing workplace policies and practices such that there are no exclusions (intentional or unintentional) based on an employee's immutable characteristics (i.e. age, sex, race, etc.). It has been argued that even though the language being used in relation to equality is continuously being updated, the changes are variations in emphasis, rather than paradigm shifts (Oswick et al. 2010). Otherwise stated, the underlying premise remains unchanged, i.e. the achievement of equity and fairness (Liff 1999).

One of the prevailing objectives in this ongoing discourse is the reduction and/or elimination of discrimination. Discrimination is said to occur when one person is treated less favorably than another, typically on the basis of immutable characteristics (Dipboye and Colella 2013). Discrimination in the Caribbean is prevalent primarily on the grounds of race, sexual orientation, sex and disability. As it relates to *race*, given the history of enslavement and indentured servitude within the region, there remains some latent hostilities among racial groups which comprise the populace (Bissessar 2002; Chadee 2003), which in turn gives rise on occasion, to discrimination on the basis of race, particularly between racial groups (primarily persons of African and Indian descent). Moreover, with buggery laws still in place in many Caribbean islands, a remnant of colonial rule, discrimination is rife against persons with an other than heterosexual *orientation*, i.e. members of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community. This is further reinforced by the extent to which deterrent punitive measures are embedded in relevant legislation, prevailing cultural norms, and religious beliefs, which dictate expected and accepted sexual behavior, such that any deviation is opposed and rejected without due consideration (CADRES 2013a, b, c). Further, discrimination on the grounds of *sex* is manifested within society with men and women expected to perform certain roles in the home, workplace and society more broadly. For women, disparate treatment can have an adverse effect on their ability to obtain and retain desirable full employment, their remuneration, development and career progression (Bissessar 2014; Esnard et al. 2015; Mahabir

and Ramrattan 2015). Within the Caribbean region, for persons of working age, having a disability may prove challenging when trying to secure employment; this is in part due to the acceptance of stereotypes by employers as it relates to persons with disabilities (PWD) and their capabilities. Such disparate treatment is also evident within wider society as persons with disabilities experience less inclusion, and social satisfaction as a result of their treatment and perception by the populace, as a homogeneous group with significant limitations which prohibit their involvement and potential contribution. Moreover, when compared with other grounds of discrimination such as age, race, sex, members of these marginalised groups have been associated with advantages to society and employment unlike persons with disabilities (Woodhams and Danieli 2000).

One of the primary reasons for discrimination, a lack of diversity and inclusion within contemporary societies is the acceptance of stereotypes, particularly as it relates to groups of persons with whom individuals are not familiar. Further, it has been argued that stereotypes are used as heuristics, when individuals are unable (and/or unwilling) to apply more comprehensive and analytical methods (Chiu et al. 2001; McGregor and Gray 2002). In the workplace context, willingness by employers to accept negative stereotypes can affect the ability of a worker to find and retain gainful employment (Renskin 2000), which may impact the extent to which they are able to be actively engaged in the labor force. Nonetheless, the discussion above should not be taken to mean that stereotypes are the only reason for the perpetuation of discrimination; indeed, discrimination may also be based on animus, lack of knowledge about the target group; divergent perceptions, the adoption of a prejudicial pattern of practice which is followed without question; and as a result of cultural expectations (Kirton and Greene 2006; Renskin 2000). Discrimination can also occur as a rational outcome of economic analyses made about the potential contribution and productivity of workers based on their characteristics (Gandy 2010; Harcourt et al. 2005; Smith and Moore 2010).

Traditionally, jurisdictions may take action to address inequality and discrimination by enacting equality legislation, establishing diversity policies, promoting diversity initiatives, facilitating cultural change, pursuing moral suasion or pursuing a combination of these measures. Globally, these approaches have had varying degrees of success, as it relates to eliminating or reducing existing exclusionary and/or discriminatory

policies and practices. This is evident in developed countries including (*but not limited to*) the UK, Canada and the USA, where, although equality and anti-discrimination legislation and non-legislative measures have been established since the 1960s and 1970s, marginalised groups continue to experience inequality and disparate treatment (though their reported incidence has declined). Notwithstanding this, such measures are vital, as legislation, for example, provides guidance by outlining legal prohibitions and raising the profile of the ethical and moral problems of discrimination and exclusion, and contributes to the reduction in targeted and unfavorable attitudes and behavior against marginalised societal groups (Bennington and Wein 2000).

It may be argued that the limited impact of these legal measures may be attributed to the comparatively non-litigious nature of the Caribbean region, relative to that of developed countries; lack of awareness by the Caribbean populace of their legal rights; unwillingness by them to make complaints and/or file claims; perceived length of the process; and lack of support for actions which may be necessary to see the process through to its logical conclusion. In enacting legislation to outlaw discrimination, where change is desired beyond that which is superficial, it is important for legislators to acknowledge the role of attitudes and the influence and complex nature of societal culture. Failure to do so could mean that the response to established legal measures intended to eliminate discriminatory practices is likely to be sluggish (Dickens 2005; Loretto and White 2006). However, where there is fear of the imposition of punitive measures, legislative compliance appears to be more readily observed (Dickens 1999; Taylor and Walker 1998). Further, legal protection offered by anti-discrimination legislation, may have an unintended discriminatory effect in respect of employment, education and the provision of goods and services, such that individuals are not hired; offered places within educational institutions; or allowed access to goods and services, because of fears on the part of relevant institutions, that any action taken (in relation to members of marginalised groups), could result in legal action, if perceived to be discriminatory, even where it is not. For example, where a person with a disability is justifiably terminated due to insubordination, misconduct, unacceptable behaviour which violate the workplace's policies and/or subpar performance, organisations may fear that although the reasons for termination are legitimate and unrelated to the employee's disability, that this may be used to support their claim of discrimination or wrongful dismissal, thus adversely affecting the organisation

and its reputation, even where the organisation is ultimately found by the courts and/or employment tribunals to be justified in their action. Organisations are one of the key stakeholders in the economies of the region, hence, where discrimination is widespread, this could result in unemployment or underemployment, which could mean that displaced individuals will rely on state payments which in turn could have an adverse effect on the sustainability of the islands' economies.

Where the extant culture is such that stereotypes are accepted, there is no evidence to suggest that anti-discrimination legislation has been effective in resulting in immediate, in-depth and sustained changes towards inclusion or non-discrimination. In fact, prevailing societal and organisational culture has often developed over time and has become institutionalised, thus change requires the commitment of relevant stakeholders but, even with this, change cannot be expected to occur immediately and without resistance. The passage of this type of legislation is likely to result in the diminution of blatant discriminatory practices and policies, however, those policies and practices which represent indirect discrimination, and as such are more latent are likely to continue to be perpetuated. In short, change, where it is required by legislation is likely to be incremental.

Turning to other influential change drivers, where organisations are motivated by the objective of being as fair as possible to all employees (Dickens 1999; Kirton and Greene 2006), the pursuit of *social justice* could be influential in the policies and changes within the workplace (CIPD 2007). Finally, a desire to follow the *business case* approach may lead to changes in employment practice where employers are motivated to make changes to practice, which would be beneficial to their workplace, *as for example*, where it results in increased productivity or increased profitability (CIPD 2007, 2018; Dickens 1994). These potential change drivers are not mutually exclusive and may be most effective when applied together. Indeed, Dickens (2007) advanced the notion of a three-pronged approach where the elements of the business case, legal regulation and social regulation are most likely to effectively address issues of discrimination.

As it relates to the organisational context, the business case benefits of inclusion and non-discrimination may include: increased profitability, offsetting labour and skill shortages (since a diverse workforce reflects the composition in society and consequently the goods and/or services produced by the workplace are likely to have greater appeal to a wider cross-section of society); a diverse workplace could mean a

greater level of innovation and ideas (Kochan et al. 2003; Subeliani and Tsogas 2005). Moreover, it has been contended that discrimination is largely irrational thus, when workplaces realise this they will cease to discriminate and abandon their exclusionary practices, in favour of non-discrimination and the potential for business benefits (Gandy 2010; Rubenstein 1987). However, this simplistic and somewhat idealistic view has been challenged and its legitimacy is the subject of debate (Bendick et al. 1991; Hayles and Mendez 1997), not least because of the absence of tangible evidence to support such an assertion. It has been further suggested that the point of departure as to whether workplaces are likely to realise benefits is dependent on the environment in which the workplace functions (Herring 2009; Kochan et al. 2003). This may consist of the culture of the workplace, the commitment of management to non-discrimination, the way in which non-discriminatory practices are implemented and the composition of the workforce, as well as external influences which may include the competitive nature of the sector in which the workplace functions.

Across the islands of the Commonwealth Caribbean, the Constitutions of each jurisdiction provides for an entitlement to equal treatment for all citizens. More specifically, within the region, there are three island states which have enacted legislation with the explicit purpose of promoting equality and prohibiting discrimination on the basis of specified grounds. These islands are *Guyana* (Prevention of Discrimination Act 1999), *St. Lucia* (Equality of Opportunity and Treatment in Employment and Occupation Act 2000) and *Trinidad and Tobago* (Equal Opportunity Act 2000). Moreover, several Caribbean island states are signatories to international equality conventions, including the International Labour Organisation's (ILO) C111—Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the ILO's Equal Remuneration Convention, 1951 (No. 100); the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979; and the United Nations Convention on the rights of Persons with Disabilities, 2006. While the specific grounds of discrimination prohibited by the indicated Acts vary, the commonly covered areas are: sex, race, religion, ethnic origin, marital status, origin and disability. Notably, within the Caribbean region, sexual orientation has been excluded from enacted equality legislation and, in many island states, most notably (to date) with the exception of Belize and the Bahamas, same-sex sexual conduct is illegal.

Notwithstanding the limited passage of non-discrimination legislation, inequalities and disparate treatment continue to prevail within the Caribbean region. There is no legislative obligation to treat members of marginalised groups more favourably, with the intent of improving their outcomes, as this would necessitate *positive discrimination*, which is not permitted within the Caribbean region's legislative model. Moreover, a legislative obligation of non-discrimination simply means the imposition of an obligation on the populace (and relevant societal stakeholders) not to discriminate, but this has not been extended to a requirement to treat each individual fairly, such that there is equality of opportunity and equality of outcome, across the board. This would arguably require (particularly where there is cause for concern) more rigorous and comprehensive attention to policy, changes to practice and monitoring and enforcement of the workplace to ensure that the principles of equality continue to be upheld. Nevertheless, the enactment of anti-discrimination legislation in the region is important to ensure: (i) an awareness of discriminatory practices which are considered unacceptable; and (ii) the establishment of a legal framework to offer recourse to anyone against whom acts of discrimination have been perpetrated.

This book is important at this time because there is a paucity of literature on issues of discrimination, inclusion and diversity in the Caribbean region and, where such publications exist, they give only cursory consideration to theoretical applications. Further, due to the recent and limited enactment of anti-discrimination legislation in the Caribbean, there is limited extant literature which assesses the way in which the law has been applied to filed discrimination cases, and the extent to which it has been effective in addressing disparate treatment for those groups specifically protected therein. This book also establishes a benchmark for future researchers, who may explore further the issues of discrimination and its effect on the populace. Legislators and policy makers may wish to consider the analysis within this text in making legislative amendments or enacting new laws, with a view to broaden the range of persons protected as it relates particularly to sexual orientation. In addition, organisational practitioners may find these discussions useful, where current policies and/or practices are shown to be unlikely to further their organisation objective vis-à-vis productivity and sustainability. This discussion is important as there is limited available literature as it relates to discrimination, diversity, inclusion and equality in the Caribbean region and, much of what is accepted as representative of reality, is based on

anecdotal evidence. Insights may be gleaned from the experiences and outcomes of international jurisdictions where anti-discrimination legislation has been enacted for significant periods of time. As an existing issue within the Caribbean region, this text offers a timely catalyst through which these important issues may be discussed and understood. It also facilitates opportunities to consider amendments and policy directives and expands the extant literature on these significant issues. This book may therefore be a useful reference text for undergraduate and postgraduate students, organisational practitioners, societal groups, political and community leaders. It offers empirical data and rigorously reviewed literature and critical analyses of the issues of equality, diversity and inclusion in the Caribbean.

The chapters in this volume are as follows: This first chapter introduced the concepts of equality, discrimination and diversity, and offered an overview of the relevant practices in the Caribbean region in key areas within society. In Chapter 2, relationships between members of those racial groups represented in the region are evaluated, as it relates to effectively managing racial segregation in Guyana and Trinidad and Tobago. This is followed by Chapter 3 where equality and discrimination on the basis of sex in the Caribbean is assessed, specifically as it relates to employment, salient issues such as pay equality, opportunities for promotion and development and recruitment are primarily considered. Chapter 4, which follows, critically analyses the history and current status of sexual orientation and inclusivity in the Commonwealth Caribbean. Included here is an analysis of the type of discrimination faced by members of the LGBTQ community, the legal protections to which members of the group have access and the consequences on this community and society more broadly as a result of their exclusion. Chapter 5 then discusses persons with disabilities and their experiences within Caribbean organisations, their access to gainful employment, the prevailing stereotypes with respect to persons with disabilities and accommodations made for persons with disabilities in organisations. Chapter 6 examines the extent to which the political structure and systems in Trinidad and Tobago and Guyana facilitate inclusion of different societal groups. This is followed by Chapter 7, which presents an overview of the equality laws that exist in this region, based on existing statute that provides for equality in a broad manner as well as statutory provisions that address equality or non-discrimination for employment purposes. This is complemented by a review of applicable case law which illustrates how the law has been

applied. Chapter 8 then facilitates a comparison of the equality laws in the region with legislation from selected developed countries as it relates to their overarching and key principles and offers some insight to legislators, practitioners and government officials as to how equality laws in the Caribbean may be improved to make them more effective. After this, Chapter 9 critically discusses the meanings/constructions, policy leanings or strategies, and challenges associated with advancing inclusive agendas within the education system of Trinidad and Tobago. This chapter also analyses global educational trends, the associated challenges and nuanced ways in which these complicate and influence equity and diversity within the Caribbean region. Following this is Chapter 10 which critically analyses changing educational landscapes, and how these collide and intensify contextual concerns, and complicate the call for promoting equity, diversity and social inclusion within the Caribbean region. The final Chapter 11 concludes the text by evaluating key findings from each of the preceding chapters as it relates to diversity, equality, discrimination and inclusion in the island states of the Caribbean region.

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CHAPTER 2

Race Relations in the Caribbean: The Myth of Representative Bureaucracy

INTRODUCTION

Trinidad and Tobago, a twin-island Republic is often classified as a model of a plural society. According to Furnival (1948), in a plural society each group maintained its own religion, culture and language, their own ideas and ways and met in the *market place*.¹ He argued that the dominance of one group by the other was the essential precondition for the maintenance of social and political order. In the case of Trinidad and Tobago, the two majority groups were East Indian and African descended populations who were imported to work on the plantations. Unlike a *true* plural society the two groups have adopted a common language (English); many to a large extent share religious beliefs,² and their children attend common schools both at the elementary, secondary and tertiary levels.³ While there has been some measure of assimilation, yet,

¹J. S. Furnival. *Netherland Indies*. London: Cambridge University Press.

²According to the 2011 Census, 33.4% of the population was Protestant (including 12.0% Pentecostal, 5.7% Anglican, 4.1% Seventh-day Adventist, 3.0% Presbyterian or Congregational, 1.2% Baptist and 0.1% Methodist), 21.5% was Roman Catholic, 14.1% was Hindu and 8% were Muslim. A small number of individuals subscribed to traditional Caribbean religions with African roots, such as the Spiritual Baptists (sometimes called Shouter Baptists) (5.7%); and the Orisha (0.1%). The smaller groups were Jehovah's Witnesses (1.5%) and unaffiliated (2.2%).

³There are of course denominational schools at these levels as well.