



**ONE-DAY WORKSHOP ON SEXUAL HARASSMENT  
AND SEXTORTION**

**HOSTED BY**

**THE TRINIDAD AND TOBAGO ASSOCIATION OF  
WOMEN JUDGES**

**INTRODUCTORY REMARKS by  
Her Honour Deborah Thomas-Felix  
President, Industrial Court of Trinidad and Tobago**

**THURSDAY, JANUARY 22, 2015  
Regency Ballroom, Hyatt Regency Trinidad  
Wrightson Rd., Port of Spain  
8:45pm – 4:30pm**

**INTRODUCTORY REMARKS by  
HER HONOUR DEBORAH THOMAS-FELIX  
PRESIDENT, INDUSTRIAL COURT OF TRINIDAD AND TOBAGO**

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It gives me great pleasure to offer introductory remarks at this workshop on sexual harassment in the workplace and I take this opportunity to extend congratulations to the Trinidad and Tobago Association of Women Judges for the foresight shown in convening today's

proceedings. The Industrial Court affords great importance to this subject given the far-reaching impact it has had, particularly on women, who now constitute the majority of workers in the Civil Service and are assuming managerial roles in far greater numbers than ever before in the public and private sectors. I therefore view this workshop as not only timely, but very topical and as a Court we are pleased to contribute to the further development of jurisprudence and policy in this sphere.

At the outset, permit me to start our discussion by acknowledging that culturally, we are a people who communicate with subtle sexual innuendos as a natural part of the conversation. Much of our music is riddled with sexual undertones such as, *"woman doh like soft man"*, *"wine on a bumsie, wine on a bumsie that is the thing"*, *"ah deputy essential to keep your living vital"* and *"feel like I'm in the Red Light District"*. Additionally, ours is a tactile culture and when behaviour is imbedded and to some extent driven by culture, it is often difficult for some to discern boundaries and for most of us to have a calm, dispassionate discourse on the topic.

It is important to note however, that one of the challenges is that despite the prevalence of sexual imagery and metaphor in our music, literature and everyday interaction, we remain a very much conservative society when addressing any issues that pivot on sex and gender. While this is not particularly unique to Trinidad and Tobago, it is critical that we understand the pervasive impact of culture and learned behavior, as well as the psychology that underpins this issue.

Consequently, when we do identify conduct which is unacceptable we are not sure how to treat with it. Sexual innuendos and cat calls – the proper term for which is “street harassment” and is now internationally acknowledged as a form of sexual harassment – appear to be so entrenched in our culture that we are uncomfortable addressing situations that are inappropriate. Our ability to respond is thus stymied, not only by prevailing cultural mores and values but by the lack of coherent workplace policy guidelines on sexual harassment. Such guidelines are very important and should be crafted with input from all social partners and supported by a range of administrative mechanisms and relevant legislative instruments. Sexual harassment in the workplace is one of the topics we do not openly discuss and despite it being placed on the international agenda in the aftermath of the Clarence Thomas/Anita Hill issue; it remains a relatively taboo subject that has not gained a lot of traction in our specific local context. In fact, one of the challenges inherent in treating with the subject has been adequately defining it as to date; there exists no single, universally agreed upon definition of what constitutes inappropriate and prohibited behaviour. That notwithstanding, all definitions agree that the prohibited behavior is unwanted and causes harm to the victim and may constitute a health and safety problem. General Recommendation 19 to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) defines sexual harassment as including,

*“such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in*

*connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.”*

The International Labour Organisation (ILO) has done some excellent work in expanding our understanding of the impact of sexual harassment in the workplace, and has gone further to locate the issue within the context of it being much more than a safety, health and an unacceptable working condition issue, but also a form of violence, primarily against women.

It is clear therefore that this is a highly complex issue that has proven elusive for policy makers to come to grips with because it occupies that thorny intersection of sex, gender and power. As managers, administrators, employees, legislators, we are not sure what is appropriate conduct, what are the indicators, what guidelines should be developed and what parameters are applicable.

Central to tackling the issue is accepting that sexual harassment in the workplace is inextricably linked to the balance of power in the workplace, where that power resides and the abuse of that power. Professor, Michelle Rowley, of the University of Maryland Women’s Studies Program, a Trinidadian states,

*“Sexual harassment is about demarcation.” She adds, “It is a memo that is sent to remind the victim of his/her place, to enforce the script for ‘appropriate’ gender performance, to plot with precision the topography of institutional power.”*

This is what separates harassment from invitation or courtship for I note that we are often confused about the ‘sexual’ part of sexual harassment: harassment is not meant to attract the person but to coerce. The differential in power between the parties where the recipient of sexual harassment has no choice in the encounter or has reason to fear the repercussions if she – or he – declines, is therefore key to understanding the pernicious nature of the problem.

I will like us to remember two key points in our deliberations today. Firstly, while it is commonly assumed that sexual harassment occurs solely between a male boss and female subordinate - and this may well remain one of the more ubiquitous forms of

harassment - it can also occur between persons of the same sex, it can be peer-to-peer, female to male, and offenders can be supervisors, co-workers or non-employees such as customers, suppliers or vendors.

Secondly, while the victim is the person who feels the immediate impact of the prohibited behavior and usually feels isolated, powerless and is afraid to speak out when faced with the risk of losing a job and the thought of being ridiculed and not believed in a society where much of the discourse is sexual; the impact extends beyond that. It is now internationally accepted and reflected in policy guidelines, that anyone affected by the offensive conduct, whether they were the intended target or not, is a victim of sexual harassment.

Ladies and Gentlemen, I highlight these points to underscore the pervasive and complicated nature of the problem. It is evident that there is work to be done and done urgently and in a coherent, coordinated fashion if we are to ensure that our workplaces are safe from all forms of violence.

It is therefore critical for us to have this conversation today, and I am particularly gratified to be a part of this process as the Industrial Court is celebrating 50 years as the preeminent institution of social justice in Trinidad and Tobago. In the last two years judges of the Court have undergone training in gender issues that encompassed sexual harassment in the workplace and the intention is to continue in this vein.

We are thus happy to partner with the Judiciary and the ILO and call on all social partners to engage as we further the conversation on sexual harassment in the workplace and begin an ongoing discourse on the various actions we can collectively take to ameliorate this problem.

I thank you.

January 22, 2015