



National Trade Union Centre Symposium

on

Wednesday, 23rd May 2018

Topic:

“Sexual Harassment in the World of Work”

**Room 1
Cascadia Hotel and Conference Centre
#67 Ariapita Road
St. Anns
9:30 a.m. – 3:00 p.m.**

**INTRODUCTORY REMARKS by
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PRESIDENT, INDUSTRIAL COURT OF TRINIDAD AND TOBAGO**

SEXUAL HARASSMENT IN THE WORKPLACE

I wish to thank you for inviting me to be a part of this symposium which addresses a topic that I consider to be very important and relevant.

At the onset, 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. Many of our songs are riddled with sexual undertones such as, *“woman doh like soft man”*, *“ah want to wine on something”*, *“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 it is also difficult 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 issue 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 behaviour, 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. As a consequence, sexual harassment in the workplace is not one of the topics we openly discuss, and, despite it being a hot topic item of discussion internationally, it remains a relatively taboo subject that has not gained a lot of traction locally. Our ability to respond to sexual harassment in the workplace is stymied, not only by prevailing cultural mores and values but also by the lack of coherent workplace policy guidelines on the topic. Such guidelines are very important and should be crafted with

input from all the partners at work and supported by a range of administrative mechanisms and relevant legislative instruments. One of the challenges inherent in treating with sexual harassment in the workplace has been to adequately define it. To date there exists no single, universally agreed upon definition of what constitutes inappropriate and prohibited behaviour. Barbados recently enacted the Employment (Prevention of Sexual Harassment) Act of 2017 which defines inappropriate conduct in the workplace and provides that each employer should ensure that there is a clear written policy statement against sexual harassment.

As you are aware there is no legislation in Trinidad and Tobago which addresses the issue and therefore there is no legal definition to guide employers and the workforce on what conduct is acceptable. That notwithstanding, all of the definitions I have found agree that the prohibited behaviour 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 noteworthy 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 and what guidelines should be developed to deter sexual harassment.

In my view 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 by definition 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. The first one is that 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 behaviour 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.

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 in a coherent, coordinated fashion if we are to ensure that our workplaces are safe from all forms of violence in Trinidad and Tobago.

I respectfully suggest that the best place to start may be with legislation which defines sexual harassment, along with the introduction and the initiation of workplace policies which specifically address behaviour which is unacceptable in the world of work.

I thank you.