

**Sexual Harassment within the Work Environment-
The Trade Union Perspective**

Sis. Jillian Joy Bartlett-Alleyne

General Secretary of the National Union of Government and
Federated Workers

The Equal Opportunity Commission

Panel Discussion on

#PressforProgress

***Interventions for Dealing with Sexual Harassment in the
Workplace***

in commemoration of

INTERNATIONAL WOMEN'S DAY

Tuesday 6th March, 2018

AGLA Training Room

*Ministry of the Attorney General and Legal Affairs, Campus
Plaza*

Corner London and Richmond Streets, Port of Spain

9:00 a.m. – 11:00 a.m.

Workplace violence can be defined as a form of negative behavior or action in the relations between two or more people. It is characterized by aggressiveness which is sometimes repeated and unexpected.

It includes incidents where employees are abused, threatened, assaulted or subject to other offensive acts or behaviors in circumstances related to their work.

“Safe at Home, Safe at Work” noted that:

“Harassment and violence are a workplace risk... We tried to find out what is wrong and why people are absent from work, and we look at how health and wellbeing can be improved and violence prevented in the workplace. In practice we found that harassment was reported as a significant issue by many participants.” (Andreja Poje, Executive Secretary, Economics and Equal Opportunities, ZSSS)

Seriousness of the issue of sexual harassment is often made to be light and the victim is usually accused of overreacting.

In the EU 9 million workers suffer physical violence, 3 million are subject to sexual harassment, 13 million to intimidation and bullying. (European Foundation 2000)

Do we have 9million overacting employees?

Society has de-generated the gravity of the issue to the extent that what is meted out in the form of sexual harassment is often considered as the “*norm*”. Perceptions have become so blurred and the lines that should not be crossed so distorted, that some acts of sexual harassment may at times be tolerated and deemed acceptable by those who are inadequately educated on the severity of the issue.

Sexual harassment in the World of Work (WOW) is unwelcomed or unwarranted, verbal or physical non-consensual behavior and advances of a sexual nature. Often times, in the work environment sexual harassment also can be deemed to have occurred when someone is ‘victimized’ because they have rejected unwanted sexual advances. In the WOW sexual harassment offends, humiliates, intimidates, degrades, demoralizes and can lead to an unsafe and hostile working environment. SHWOW has psychological consequences that can lead to the victim suffering physically. Section 6 of the Occupational Health and Safety Act makes provision for recourse for diminished mental health that may come about as a result of sexual harassment. *Sexual harassment in the workplace from the Trade Union standpoint is an occupational health and safety issue for the victims and work colleagues alike.*

Some examples of conduct that could constitute sexual harassment are:-

- + Indecent or suggestive comments*
- + Questions, jokes, or suggestions about a colleague’s sex life*
- + The display of pornography in the workplace (especially when it involves a colleague)*
- + The circulation of pornography (e.g. by email, facebook or whatsapp)*
- + Unwelcomed and inappropriate touching*
- + Requests or demands for sexual favours*

- + *Sextortion- the use of a position of power to request sexual services from a subordinated person (extortion of sex)*
- + **Any unwelcomed behaviour of a sexual nature that creates an intimidating, hostile or humiliating working environment.**
- + **Stalking**

Workers who are victims of sexual harassment usually are unable to perform their duties effectively, this negatively impacts productivity, further leading to high absenteeism and loss of productive man-hours. This in itself adds a **macro-economic** dimension to sexual harassment in the WOW, as low productivity has a symbiotic relationship to the output of product and services, and in times of economic recession, the goal of the employer and governments, private and public sector, is to increase output and income. This eventually leads to a loss of wages and as a result, not only is the worker affected but consequently also family and dependents.

Workplaces in which there exists a flourishing culture of sexual harassment are unattractive and intimidating for workers, especially women, who are more vulnerable. This impedes gender equity and generates a barrier to women entering male dominated sectors. As **Trade Unions**, we are not only charged with much more than negotiating wages and cola and permanent jobs but we are mandated to ensure that all workers are privy to safe and healthy working conditions that are conducive to productivity. It is the duty of the Union to ensure that clear policies and procedures for dealing with sexual harassment *and strict preventative measures are outlined within the Collective Agreements*, and additionally *that workplace violence policies are developed and escalated throughout the organization*. Applying the

Workplace Violence Policy of XYZ Inc., the tone should be clearly set from the top, policies should clearly state, “*there will be zero tolerance of acts or threats of violence in our workplace; Xyz Inc. is committed to maintaining a workplace that is free from violence or threat of violence*”.

All employees have the right to expect a place of employment that is free from behavior that can be considered harassing, abusive, disorderly, or disruptive. Any violent behavior or behavior that creates a climate of violence, hostility, or intimidation should not be tolerated, regardless of origin. Proactive measures will be taken to minimize the potential for violent acts. Each and every act or threat of violence must result in an immediate and firm response that could, depending on the severity of the incident and/or other relevant considerations, include termination from employment

This policy should address , but not limited to, the following behaviors and situations:-

- Violent or threatening physical contact (including fights, pushing, and physical intimidation.)
- Direct or indirect threats
- Threatening, abusive or harassing phone calls
- Possession of a weapon or company property
- Destructive or sabotaging actions against company or employees’ personal property
- Stalking
- Violation of a restraining order

- Threatening acts or abusive language that leads to tension within the work environment

Trade unions must ensure that shop stewards and labor relations officers are adequately educated on the issue of sexual harassment in the workplace so that the worker can receive the best possible representation.

- To work with the employer to develop safe reporting procedures for victims of workplace violence, and ensure that they are well trained to receive and handle cases of violence. However, when the employer is the **State** let's face facts, the accused will most likely seek the best representation from the National Trade Union Center falling on deaf ears, and the victim becomes a victim twice.

What of Domestic Workers?? In fact, they don't even have the sacred right under the IRA AS A "WORKER". In fact, for many of them they stave off unwanted advances daily, as for them, their very occupation is more hazardous, as a place of employ puts them in the bedrooms of their potential attacker. The Trade Unions continue to lobby government for the speedy amendments to the Industrial Relations Act. Inadequate legal protection and mandated employer provisions often render the domestic worker in a state of living from paycheck to paycheck. This in itself often serves to discourage workers from pursuing REDRESS for acts of violence perpetrated against them, as they have to choose between justice and paying the bills.

Through advocacy and campaigns, Trade Unions *must ensure that the State/Employer is held accountable for guaranteeing that legislation which adequately deals with sexual harassment in the workplace, is put in place AND allows for strong judgement against offenders.*

The Union as well must take up the mandate to educate workers on their rights under the law and various Collective Agreements

Lobby the Government to pass legislation and amend laws where necessary to protect workers in their place of employment and

Empower the various government agencies, charged with the responsibility by making available the necessary human resource and financial resources Available

The constitution of the National Union of Government and Federated Workers (NUGFW), which is one of the affiliates under the umbrella of National Trade Union Centre (NATUC), makes provision for a Women's Executive Council and a Youth Council.

Over the past five years NATUC through The Women's Executive Council of the NUGFW (WEC) has been heavily campaigning for the elimination of violence against women. Sexual harassment in the workplace is an act of violence with effects that do not remain within the work environment. Advocacy through a national competition in primary and secondary schools saw the WEC attempting to "*break the cycle*" and plant seeds of change through poetry, short stories and posters. The aim was to give children a voice, a platform to air differing manifestations of violence through their eyes.

Even our children are aware that violence is not normal, that we accept it and create the hell for them and then call it heaven. WEC has recognized the importance of intervention at the earliest possible stage of a person's life, as this may very well prevent someone from becoming a future offender or maybe even a victim.

The present project by the WEC is “*Her story, Our story*” a book that highlights the issue of gender-based violence and shows how victims of domestic violence are often susceptible to becoming victims of workplace violence and this includes sexual harassment. These particular victims are often more prone to being “*silent sufferers*” as they are most often the ones who do not speak out.

NATUC believes that one of the greatest mistakes that we could make is to believe that issues such as sexual harassment in the workplace, domestic violence, sexual assault or any similar issue, is isolated and disconnected from the other.

Trade Unionists continue to struggle with the fact that from a jurisdictional point of view, it is difficult to prove a case of sexual harassment. Therefore, many cases are settled through bilateral discussion between the Union and the employer, where some sort of “compromise” occurs. **No one goes to jail.**

Weak, insufficient legislation, no political will, lack of education and gender bias continue to harbor a flourishing culture of sexual harassment.

Trade unions have for years been advocates for gender equality and decent work, both of which are key factors in *the achievement of Trinidad and Tobago Sustainable Development Agenda*. However, sexual harassment harnesses inequality and generates a work environment *that endangers DECENT WORK*. There is therefore a dire need for a remedy and a solution that not only brings about redress for victims but steers Trinidad and Tobago *unto a progressive path of equality and gender parity*.

The National Trade Union Center has over the years participated in “Life in Leggings”, the rally and WALK around the QPS, THIS WAS LED BY THE General Secretary NATUC (Cde. Michael Anisette) *to raise awareness of violence against*

women in commemoration of IWD; we were the only Trade Union body that participated. We continue to host panel discussions, throughout Trinidad and Tobago, and the very first Solidarity and Praise Concert held by a Trade Union, was held to raise awareness against Gender based violence. It is NATUC's intention to form, among its affiliates a national women's committee whose responsibility among other issues would be advocacy for policy formulation and implementation on issues of gender-based violence and violence in the world of work. Through NATUC, concentrated Trade Union action, has been directed towards an ILO Convention and Recommendation on ***“Violence and harassment against women and men in the world of work.”*** NATUC therefore challenges the government, that the cry cannot be lack of funding or waste of resources. The opportunity to attend ILO discussions leading up to this convention must be made a priority.