



Joint Select Committee on Human Rights, Equality and Diversity

Public Hearing Summary

Friday March 15, 2019 at 10:36 a.m.

Topic:

Inquiry into the sexual harassment in the workplace in Trinidad and Tobago.

Committee Members:

The following Committee Members were present for the public hearing:

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| • Dr. Nyan Gadsby-Dolly, MP | Chairman |
| • Mr. Saddam Hosein | Member |
| • Mr. Kazim Hosein | Member |
| • Mrs. Hazel Thompson-Ahye | Member |

Witnesses who appeared:

Ministry of Labour and Small Enterprise Development (MLSED)

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| • Ms. Natalie Willis | Permanent Secretary (Ag.) |
| • Ms. Kevar Williams | Deputy Permanent Secretary (Ag.) |
| • Ms. Sabina Gomez | Chief Labour Relations Officer (Ag.) |
| • Sangeeta Boondoo | Senior Legal Officer |

Office of the Prime Minister

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| • Ms. Jacqueline Johnson | Permanent Secretary |
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Equal Opportunity Commission (EOC)

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| • Mrs. Devanty Maraj- Ramdeen | Chief Executive Officer |
| • Mr. Haran Ramkaransingh | Director, Legal Services |

Employers Consultative Association (ECA)

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| • Ms. Stephanie Fingal | Chief Executive Officer (Interim) |
| • Mr. Keston Nancoo | Chairman |

Human Rights Clinic

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| • Mr. Jason Nathu | Tutor/Attorney-at-Law |
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Key Issues Discussed:

1. The definition of sexual harassment and what constitutes sexual harassment in the workplace.
2. The difference between a compliment and sexual harassment at the workplace is the element of ‘unwelcomed behaviour’.
3. The all-encompassing nature of sexual harassment. Sexual harassment is not gender specific as it can be male to male, female to male, male to female and female to female.
4. The challenges or barriers to receiving complaints from victims of sexual harassment:
 - Fear of loss of job especially in small and medium sized organisations;
 - Embarrassment of the victim to report the incident;
 - The significance of sexual harassment as an issue for the employer;
 - Lack of public awareness of the human rights of citizens; and
 - Need for a change in the culture to encourage sensitisation of the public on sexual harassment and their rights as citizens.
5. The procedure for the submission of complaints to the EOC and the MLSED.
6. The absence of survey data of entities which highlight the magnitude of underreporting of sexual harassment in the workplace.
7. The recommendation for the inclusion of the topic of sexual harassment in Employee Handbooks throughout the public and private sector.
8. The mechanisms which afford protection to victims and witnesses from victimisation after reporting an incident of sexual harassment. For example, the individual can submit a EOC complaint of victimisation against the employer if they are victimised for their complaint of sexual harassment.
9. The provision contained in the National Workplace Policy on Sexual Harassment in Trinidad and Tobago for psycho-social support services for both the victims and perpetrators of the incident of sexual harassment.
10. The duty of the employer to provide a safe working environment free from sexual harassment and to enact appropriate steps to deter the reoccurrence of sexual harassment in the workplace
11. The jurisdiction and powers of the EOC as it relates to determining a matter of sexual harassment.

12. MLSED's guidelines and procedure for employers who have experienced sexual harassment by an employee.
13. MLSED procedure for employees who have experienced sexual harassment while being employed in a small or medium sized organisations.
14. The ECA can be requested to conduct an external investigation for incidents of sexual harassment from the employee to the employer.
15. The efforts which can be made by entities to encourage reporting of cases of sexual harassment which include:
 - i. MLSED conducting workshops on complaints procedure for sexual harassment and guidelines for sexual harassment; and
 - ii. Unions include in their collective agreements guidelines for sexual harassment and submit the guidelines.
16. The current role of the Conciliation Unit of the MLSED.
17. The meaning ascribed to 'mediation services' as contained in the National Workplace Policy on Sexual Harassment in Trinidad and Tobago.
18. The submission of individual claims of sexual harassment without the need for an Attorney-at-Law or a trade union in the National Workplace Policy on Sexual Harassment in Trinidad and Tobago.
19. The lack of clarity in the procedure for reporting and investigating sexual harassment complaints in organisations despite the existence of an internal sexual harassment policy.

View the Hearing:

The hearing can be viewed on our YouTube page on March 18, 2019 via the following link: <https://youtu.be/Bi7M-ZVdENY>

Contact Information:

You may contact the Committee's Secretary at jschumanrights@tparliament.org or 624-7275 Ext. 2288/2402.

*Committees Unit
March 15, 2019*