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## Perceptions and Reflections on Sexual Harassment in Jamaica

By Jimmy Tindigarukayo<sup>1</sup>

### Abstract

Within the context of gender inequality that pertains to the Caribbean region generally, this study examines and analyzes two surveys on sexual harassment in Jamaica. The first survey was conducted in June/July 1999 by the Committee against Sexual Harassment at the Workplace, intended to solicit information from public sector employees on their perception and opinions on sexual harassment at work place. The second survey was conducted among 44 organization in Jamaica during the month of January 2005 by the author, in association with the Bureau of Women's Affairs of the Government of Jamaica, intended to attain three objectives: to ascertain whether or not these organizations had a policy, code or committee to deal with sexual harassment; to establish the practices or policies used to address sexual harassment in these organisations; and to measure the level of support for enactment of a legislation on sexual harassment in Jamaican organisations. Despite some basic differences, the main findings from both surveys were comparable. First, in both surveys, respondents had the same general definitions of sexual harassment. Second, both surveys suggested that any law enacted on sexual harassment should protect both men and women. Third, both surveys indicated that punishment was essential in serving as deterrence to sexual harassment. Finally, both surveys were in favour of legislation that would address sexual harassment expressly.

*Keywords:* Sexual harassment, surveys, gender inequality, organizations

### Introduction

Sexual harassment, a concept that was coined by feminists in the 1960s, is both a complex and controversial problem, and yet a common practice at work and at many institutions, including government departments, private firms, NGOs and CBOs, schools, universities and even places of worship. The definition of sexual harassment is multi-faceted, thus adding to the complexity of the concept. It may be defined as:

unwanted, uninvited, and/or unwelcome sexual advances and other types of behaviour of a sexual nature where submission to or rejection of such conduct, explicitly or implicitly, affects an individual's employment and/or participation in a program or activity, unreasonably interferes with an individual's performance, or creates an intimidating, hostile or offensive work environment.

(<http://employment-law.freeadvice.com/sexualharassment>)

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Thus defined, sexual harassment falls into two main categories (Equal Employment Opportunity Commission, 1980):

- (i) **quid pro quo**: which occurs when decisions regarding employment are promised, given or threatened based on condition that an individual submits to sexually-oriented conduct, and where the rejection of such conduct is used as a basis for employment decisions affecting an individual ; and
- (ii) **hostile environment**: which occurs when unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature (e.g. uninvited regular physical contact, unwanted touching or fondling, unwelcome sexual materials like cartoons or posters of a sexual nature, vulgar comments or jokes, etc) create an offensive and unpleasant working environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following (<http://www.de.psu.edu/harassment/legal>: 1):

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

The seriousness of sexual harassment can be demonstrated by statistics relating to incidents of the problem even in developed countries. In Fiscal Year 2004, the US Equal Employment Opportunity Commission (EEOC) received 13,136 charges of sexual harassment, 15.1% of those charges were filed by males. A year before (Fiscal Year 2003) EEOC had resolved 13,786 sexual harassment charges, and had recovered \$37.1 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Moreover, a study by the European Commission (1999) found that between 40% and 50% of employed women within countries of the European Community received unwanted sexual proposals, mostly verbal harassment conducted overwhelmingly by men (<http://de.psu.edu/harassment>: 3)

The purpose of this study is to investigate the nature and the extent of sexual harassment, as summarized above, in Jamaican institutions both governmental and non-governmental. First, however, it appears appropriate to look at the concept of gender inequality which seems to provide a framework within which sexual harassment manifests itself.

## **Gender Inequality**

Gender inequality, whereby men have enjoyed a greater allocation of societal resources of power, privilege and status than women, has been evident in every culture and society throughout human history (Davis, 1981). As was originally well articulated by Elizabeth Cady Stanton in 1848, in the American society of that time gender inequality was very rife: women were not allowed to vote, married women had no property rights, women had no rights regarding child custody and divorce, most job opportunities were open to men and when women worked they were paid only a fraction of what men earned, and even churches did not favour women participation in religious activities (Living the Legacy, 1998: 3).

Although the Women's Rights Movement has achieved tremendous success in changing gender inequalities that obtained in America during the mid nineteenth century (Papachristou, 1976), elements of gender inequality still exist in most developing countries, especially those which are still dominantly rural and agrarian (Buvinic, Lycette and McGreevey, 1983). In the bulk of these countries, there is a prevalence of gender based division of labour due to biological necessity of women bearing, nursing and caring for children, while men are regarded as breadwinners and protectors of both their families and the wider society (Rosaldo and Lamphere, 1974; Jayawardena, 1982; G. Sen and C. Grown, 1985).

Within the Caribbean society where the original formal slavery system gave no explicit place to the patriarchal family, men had no direct authority over women and children (Hart, 1989: 18). Instead, "unions between slaves took the form of conjugal visiting or consensual co-residence and mothers took the bulk of kinship responsibilities" (Ibid: 19). However, the abolition of slavery in the mid nineteenth century was accompanied by an upsurge of Christianity that sought to restore a socially sanctioned family life among the former slaves (Ibid). Thus, by the twentieth century, two types of family patterns had developed in the Caribbean (R.T. Smith, 1956; Clarke, 1966): (i) a middle-class ideal marriage, strongly endorsed by Christian churches; and (ii) a working-class pattern of conjugal visiting relationship, without strong sanctions for male authority within the family. In reference to the "Negro family of British Guiana" during the mid 1950s, R.T. Smith had this to say:

From now on the men in the status of husband-father begin to drop out of the group, usually because they die, but also because they may just leave the group to go and leave alone or to enter another union. Whether they leave or not, the focus of authority and control gradually shifts to the wife-mother, so that irrespective of whether there is a husband-father present, the household group at this stage can be referred to as 'matrifocal' (quoted by Reddock, 2003: 94).

Men's position within the Caribbean society was further eroded by the colonial educational system, which increasingly favoured women, leading ultimately to what has been referred to as "the marginalization of black male" (Errol Miller, 1986). Miller's marginalization of the black male thesis is based on the argument that during the colonial period, primary school teaching and teachers' education in the Caribbean shifted from being male-dominated to female-dominated for three main reasons (Miller, 1991): (i) to restrict black men to providing labour in both agriculture and industry; (ii) to limit the upward mobility of black men in the society; and (iii) to stifle the emergence of militant

black men who could otherwise overthrow the power structure. Ultimately, therefore, the educational system in the Caribbean during the colonial period favoured women at the extreme expense of men.

Even during the post-colonial period, male under-achievement in educational system within the Caribbean has not changed for three reasons (Reddock, 2003: 101): (i) the preponderance of female teachers at primary and secondary level, thus providing role models for girls; (ii) the large number of female single parent households (estimated at 44.7% in Jamaica in 2001) where there is no resident male to serve as a role model for boys; and (iii) the introduction of co-educational schools where boys are 'distracted' by girls.

The male marginalization thesis has received empirical support from data on education, especially in Jamaica (UNESCO, 1991; Tindigarukayo, 1996; Lindsay, 2002). At the primary level of education in Jamaica, the net enrolment ratios (i.e. enrolment for the age group corresponding to the official age of primary schooling) in 1988 were 96% male and 99% female. In the same year, the enrolment ratios at the secondary level of education in Jamaica were 58% male and 66% female (UNESCO, 1991: 119). At the University of the West Indies (the main university in Anglophone Caribbean), women started to outnumber men since the academic year 1982/83 when 51% of registered students were women. By 1992/93 and 2002/03 this percentage had increased to 58% and 66%, respectively (The University of the West Indies Statistics, 2002/03: 2).

Despite women superiority in education, men have continued to dominate not only most employment avenues in the Caribbean, but also occupations in most industries, at least in Jamaica (Tindigarukayo, 1996). Gender inequality in post-colonial Jamaica has occurred at three levels: (i) the average earnings in the few industries dominated by women are much less than in those industries dominated by men (Ibid: 454-462); (ii) most of the unemployed professionals and unpaid workers are women (Bailey and Ricketts, 2003: 49-81; Seguino, 2003: 83-120); and (iii) women have to be more trained than men in order to compete favorably for employment opportunities (Leo Rhynie and Hamilton, 1983: 70-85).

Thus, as clearly demonstrated by Barbara Bailey (2003:108-145), educational certification for women in the Caribbean has not translated into greater power, privilege, personal autonomy and security for women. Instead, women in the Caribbean are grossly under-represented in political decision-making, both at local and national levels (Lennette Vassell, 2003: 1-38); their participation in corporate bodies and top salaried positions remains limited (Harris, 2003:178-200); and Caribbean women have continued to be at the receiving end of gender-based violence (G. Pargass and R. Clarke, 2003: 39-72).

How, then, does the male marginalization thesis fair in the face of the mounting evidence produced by the above studies? Miller's response to this question is simply that "male domination and male marginalization are not mutually exclusive phenomena; nor are female marginalization and male marginalization" (Miller, 2004: 131-132). According to Miller, during the contest, conflict and competition for power, gender is never the primary axis of solidarity among groups. Instead, "men and women are complicit in the marginalization of members of their own gender" (Ibid: 132).

To Miller's response I will add that since the attainment of tertiary educational superiority by Jamaican women is a recent development, its impact will take sometime

before it is reflected fully on the criterion of gender equity in relation to socio-economic and political indicators.

It is against the above background information on gender inequality within the Caribbean region that sexual harassment will be discussed in this paper.

### **Global Context of Sexual Harassment**

World governments have recognised that aside from being a violation of human rights, sexual harassment can hamper development. It is, therefore, an issue that has been addressed internationally at different conventions, like the International Labour Organisation Convention; the Beijing Platform for Action of 1995; the Commonwealth Plan of Action on Gender and Development, which was endorsed by Commonwealth heads of state in Vancouver in October 1987; the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which was adopted by the UN General Assembly on December 18, 1979; the CARICOM Plan of Action and the CARICOM Post-Beijing Plan of Action, 1997; the Human Rights Convention; and the Millennium Development Goals. These conventions, which demonstrate vital international efforts to address sex-based discrimination and sexual harassment, have been ratified by the Government of Jamaica and are, therefore, applicable law.

Legislations of some industrialised countries were reviewed in this study, and the following were found to have specific laws on sexual harassment: Australia, U.K., Canada, France, New Zealand, Spain, Sweden and the United States. In other industrialised countries sexual harassment is covered under the laws on wrongful dismissal, tort law, or criminal law. France has gone as far as making sexual harassment a criminal offence.

### **Caribbean Context of Sexual Harassment**

In 1991 the Caribbean Community (CARICOM), in a bid to harness the problem of sexual harassment, developed model legislation. This legislation addresses sexual harassment as a labour relations problem and provides civil remedies for those harassed at work. The legislation extends to educational institutions, as well as to sexual harassment in relation to accommodation. Both the CARICOM Plan of Action and the CARICOM Post Beijing Plan of Action encourage the making of legislation that will promote gender equality. Both have been ratified by Jamaica.

A number of countries in the Caribbean region have developed legislation on sexual harassment. Belize enacted “the Protection against Sexual Harassment Act, 1996”. Bahamas addresses this issue under the Sexual Offences and Domestic Violence Act, 1991. This law makes sexual harassment a criminal offence. Barbados has prepared a draft bill on sexual harassment, and St Kitts and Nevis is currently addressing this issue in its legal reform programme.

### **Jamaican Context of Sexual Harassment**

Jamaica recognises the need for gender equality, as is stipulated in the 1987 National Policy Statement on Women (Jamaica):

The Government recognises that sustained progress in the economic and social development of Jamaica including improved growth and

productivity, more equitable income distribution, and improved education, health and nutrition necessitates the full participation of the women of Jamaica.

The National Policy Statement goes on to say that as agents of development, women should not be hindered from developing their full potential. However, it has been recognised that women have been hindered in achieving their full potential by sexual discrimination, which is rampant both in businesses as well as in educational institutions. In an article in the Sunday Gleaner, it was reported that serious cases of sexual harassment existed and were usually only brought to light when they resulted in unfair dismissal (The Sunday Gleaner, March 15, 1998)

The Jamaican Employers' Federation, the Ministry of Labour and Social Security, women's NGOs such as SISTREN, as well as trade unions have addressed this problem over the years. The Bureau of Women's Affairs has been receiving sexual harassment complaints over the years. The Jamaican Household Workers Association (JHWA) confirms that their members face this problem mainly because of the isolated nature of their job, which leaves them more vulnerable. All these organisations concede that sexual harassment is a rampant problem that needs to be addressed immediately.

The Government of Jamaica, in response to a public outcry on sexual harassment, has been developing policies to address the issue. The Bureau of Women's Affairs received technical advice from the Legal Reform Department of the Ministry of Justice on the CARICOM Model Legislation through a comprehensive note, setting out guidelines and recommendations towards the enactment of legislation in Jamaica.

The Jamaican Employers' Federation gave feedback and support for the proposed sexual harassment legislation in a report called "Sexual Harassment: The Third Way Forward". All these culminated in consultation meetings with different stakeholders, and the "Proposed Sexual Harassment Policy Framework" was drafted by the Bureau of Women's Affairs in 2004, as a launch pad for the proposed legislation on sexual harassment.

### **An Empirical Study of Sexual Harassment in Jamaica**

Given the level of gender inequality and the public concern about sexual harassment in the Jamaican society, both of which have been discussed above, an attempt has been made to solicit views and opinions of people working in both state and non-state organizations in Jamaica about the nature and extent of sexual harassment at work place. To that end, the first survey was conducted among Jamaican public sector employees in June/July 1999 by the Committee against Sexual Harassment at the Workplace, and the second survey was conducted among heads of human resources in both state and non-state organizations in January 2005 by the author, under the direction of the Jamaican Bureau of Women's Affairs. It is to the survey of 2005 that we shall first turn.

#### *Sexual Harassment Survey of January 2005*

In order to provide Jamaican organizations an equal chance of being selected for the survey, 51 organizations were randomly selected, proportional to their sizes, into the following categories: nineteen private organizations, fourteen government ministries, thirteen government agencies and five none-government organizations.

After sending questionnaire forms to heads of human resources of each organization selected, via e-mail (see Appendix 1 for the questionnaire form utilized in the survey), and subsequent follow ups through both faxes and telephone calls by a Research Assistant, the response rates were as follows: thirteen government ministries (or 93%), eleven government agencies (or 85%), sixteen private organisations (or 84%) and four non-governmental (or 80%); for a total of forty-four organisations (or 86% overall response rate).

The following were the aims of the study:

- to ascertain which of these organizations selected for the study had a policy, code or committee to deal with sexual harassment;
- to establish the different approaches and practices used to address sexual harassment in the selected organisations;
- to establish the type of grievance procedures and sanctions used in the selected organisations; and
- to analyze sexual harassment policies used by the studied organisations and to identify areas of similarity and divergence.

#### *Sexual harassment within government ministries*

Of the thirteen Government Ministries that participated in the survey, only two had written regulations addressing sexual harassment. Four of the Ministries studied had not had any incidents of sexual harassment reported and, thus, had no policy/ system for addressing such complaints. Of the thirteen ministries that participated in the survey, twelve (or 92%) strongly agreed that a Sexual Harassment Act should be enacted. However, one Ministry was not certain if this was the best solution, arguing that some people may tell lies and accuse innocent people of harassment.

Sexual harassment within government agencies: Of the eleven government agencies that participated in the survey, none of them had a specific policy that addressed sexual harassment, but most of them had it incorporated in their human resource manuals. All government agencies that participated in the survey were in favour of a Sexual Harassment Act that would protect both male and female. One agency emphasised that the proposed Act should not be styled along American legislation, as it was felt that the American style was frivolous.

Sexual harassment Within NGOs: Of the four Non-Governmental Organizations that participated in the survey, none had a policy to address sexual harassment. However, all the NGO's that participated in the survey were in favour of a Sexual Harassment Act.

Sexual harassment within Private Organizations: Of the sixteen private organisations that participated in the survey, all, but one, were in favour of a Sexual Harassment Act. The one that rejected the Act felt that Sexual Harassment should be governed by a code not an Act.

#### *Policies on Sexual Harassment*

Of the 44 organisations that responded to this survey, only five had sexual harassment policies, all of them non-state organizations. The five sexual harassment policies studied have some common elements that are used to define sexual harassment, some of which are similar to those of EEOC:

- unwelcome or unwanted sexual advances



- unwelcome requests for sexual favours
- Submission to these advances is made a condition of the individual's employment either explicitly or implicitly.
- Submission to or rejection of these advances is used as a basis for employment decisions including promotions and work related benefits.
- Actions that interfere with an individual's work performance or create an intimidating or offensive work environment.

Although there are some characteristics that are unique to each policy due to the differences among the organizations studied and the different environments in which these organizations operate, there were some common characteristics:

- Each of the five policies studied has a procedure for dealing with sexual harassment complaints. Each encourages the aggrieved party to report the matter as soon as it happens to the supervisor or some one superior to the supervisor, if the latter is the culprit.
- The aggrieved party should make a record of the date and time the incident occurred and the names of any witnesses.
- A report of the findings must be made following an investigation, and be forwarded to the relevant manager or the Human Resource Department.
- All five policies stress the importance of confidentiality in matters pertaining to sexual harassment. The supervisor or whoever the complaint is made to must ensure that the information s/he is given is kept in strictest confidence and must also report the findings in the strictest confidence.
- All five policies also support the prohibition of retaliation against employee who report cases of sexual harassment.

#### *Sexual Harassment Survey of June/July 1999*

This survey was conducted by the Ministry of Finance - Industrial Relations Unit (IRU) on behalf of the Committee against Sexual Harassment at the Workplace. This committee had been formed as a result of the 1996-1998 Heads of Agreement signed with the Government of Jamaica and the Jamaica Civil Service Association (JCSA) on September 19, 1997, in reaction to many complaints that had been received on sexual harassment. Hence, paragraph 26 of the agreement stated that the Government was to formulate and implement specific policy to eliminate and prevent incidents of sexual harassment in the workplace. A policy on sexual harassment was to be developed by the Office of the Services Commission in collaboration with the Ministry of Labour, Attorney General's Office, Jamaica Civil Service Association, and the Ministry of Finance and Planning. Members of this committee designed the questionnaire that was later utilized in the survey (There was no involvement of the author at this stage. The author only got involved in the analysis of data).

Conducted during the months of June-July 1999, the purpose of the survey was to solicit information from public sector employees on their perception and opinions on sexual harassment at the work place. The questionnaire was distributed to staff of government departments, to be completed and returned to the IRU.

Only 41 filled questionnaires were returned. It is against this limited number of respondents that the analysis of this survey will be conducted.

### *Demographic Characteristics of Respondents*

Age: The age distribution of respondents is indicated in Table 1.

*Table 1: Age Distribution of Respondents*

Age group	Frequency	Percentage
18-25	9	24%
26-40	18	47%
41-60	11	29%
Total	38	100%

Although the modal age category was 26-40 years, majority of respondents (71%, n=38) were 40 years and below.

*Gender*: Most of the respondents in the survey (76%, n=38) were female, probably because females would be more willing than their male counterparts to respond to a questionnaire on sexual harassment, since more often than not females are more of victims of sexual harassment than males.

*Category of employment*: Asked to indicate the category of their employment from the alternatives provided in the questionnaire, a majority of respondents (59%, n=39) considered themselves to be in the management category and the rest considered themselves to be non-managerial.

### *Perceptions of Respondents on Sexual Harassment*

Definition of sexual harassment: When asked whether they knew what constitutes sexual harassment, most respondents (80%, n=39) answered positively. However, when asked to define sexual harassment, only 25 out of 41 respondents (or 61%) made an attempt to provide the definition. Most of those who made the attempt, however, (88%, n=25) correctly defined sexual harassment as “unwelcome sexual advances”.

Description of sexual harassment: Respondents were presented with twelve statements, and were asked to decide whether or not each of them constituted a form of sexual harassment. For purposes of analysis, the statements have been divided into two categories. On one hand, six statements which explicitly described sexual harassment, as reflected in the current thought about sexual harassment, are analysed in Table 2. On the other hand, six statements which do not describe sexual harassment are analysed in Table 3.

*Table 2: Do the Following Statements Describe Sexual Harassment?*

Statement	Yes female	Yes male	Yes Total
A request by supervisor to have sexual relations to consider promotion	100%	87%	97% (n=39)
A pat on the buttocks by your peers	89%	67%	84% (n=38)
Repeated use in relation to you by your boss of the words: "honey", "darling", "sweetheart"	75%	57%	67% (n=33)
Display of pornographic materials at the workplace	87%	67%	81% (n=32)
Suggestive remarks	92%	71%	86% (n=36)
A casual pat on the buttocks by your boss	100%	89%	97% (n=38)

Most respondents agreed that statements in Table 2 explicitly describe sexual harassment. In other words, most of the respondents indicated that they could easily tell when sexual harassment was being exercised at the workplace. This agreement was much more pronounced among female respondents than males.

*Table 3: Do the Following Statements Describe Sexual Harassment?*

Statement	Yes female	Yes male	Yes total
A request by a senior officer to have lunch	00%	14%	03% (n=34)
A casual pat on the back by your peers	12%	14%	12% (n=33)
A kiss on the cheek by your co-worker	33%	42%	36% (n=33)
A kiss on the cheek by your boss	61%	75%	64% (n=33)
Asking a co-worker out on a date	09%	28%	13% (n=32)
Your supervisor taking you/other officer out on a date	09%	14%	09% (n=32)

Although more pronounced among males than females, respondents reacted to statements in Table 3 as expected, except in one case. If a kiss on the cheek by a co-worker was not considered to reflect sexual harassment by respondents (36%, n=33), how come the same action by the boss is regarded as sexual harassment by the same group of respondents (64%, n=33). This seems to imply that different yardsticks are utilized by staff when judging the behaviour of their peers in comparison to the behaviour of their supervisors, with reference to sexual harassment.

#### *Prevalence of Sexual Harassment at Workplace*

Respondents were asked a variety of questions relating to the extent of sexual harassment at the workplace in Jamaica. Table 4 summarizes respondents' answers to those questions.

*Table 4: Prevalence of Sexual Harassment at Workplace*

Question	Yes	No
Do you know any worker who has been subjected to sexual harassment?	40% (n=35)	60%
Have you ever been subjected to sexual harassment?	33% (n=39)	67%
When you were subjected to sexual harassment, did you report it?	13% (n=15)	87%
Was any action taken to deal with the complaint of sexual harassment?	00% (n=08)	100%
Can an observer report/initiate an allegation of sexual harassment?	75% (n=28)	25%
Can a victim report/initiate an allegation of sexual harassment?	97% (n=36)	03%
Can a harasser report/initiate an allegation of sexual harassment?	50% (n=16)	50%
Do you think that both men and women are guilty of sexual harassment?	89% (n=36)	11%
Can a worker be harassed without it being considered sexual harassment?	94% (n=34)	06%
Do you think sexual harassment is prevalent in your organization?	52% (n=19)	48%

From Table 4, it is worth noting that although 33% of the respondents (n=39) had been subjected to sexual harassment, only 13% (n=15) reported the offence. Even more disturbing is the fact that of the few cases of sexual harassment reported (n=8), absolutely no action was taken to deal with the complaint. The implication here is that victims of sexual harassment have not been encouraged to report the offence, since the few reported ones have been neglected by the powers that be.

Results in Table 4 also indicate that 89% of the respondents (n=36) felt that both men and women are potentially guilty of sexual harassment, which is a more balanced view than the stereotypical one that looks at men as the only offenders.

Even more interesting is the fact that 94% of the respondents (n=34) felt that a worker can be harassed, without it being considered as sexual harassment. Examples provided by respondents, in descending order of significance, included:

- being pressured on the job;
- verbal and emotional abuse;
- dislike of worker by the boss;
- being overlooked for promotion;
- constant asking of favours; and
- Vindictiveness.

#### *Level of Sexual Harassment within Organizations*

Sexual harassment within gender groups: Respondents were requested to give their opinions on the extent to which sexual harassment of females by males compared with sexual harassment of males by females, females by females and males by males.

Table 5 provides that comparison, using three levels of comparative criteria: frequently, moderately and rarely.

*Table 5: Level of Sexual harassment within Gender Groups*

Gender group	Level of sexual harassment			Total
	Frequently	Moderately	Rarely	
Females by males	81%	08%	11%	100% (n=37)
Males by females	17%	40%	43%	100% (n=35)
Females by females	03%	16%	81%	100% (n=31)
Males by Males	09%	15%	76%	100% (n=33)

As expected, the dominant pattern of sexual harassment is females by males, which was identified as being frequent by 81% of the respondents (n=37). However, the pattern where males are sexually harassed by females was moderately supported by 40% of the respondents (n=35). Although this pattern is often ignored, one respondent commented that he had been harassed by several women and that he had ignored them but they kept on calling him on the phone.

Main sexual harassment offenders: Respondents were requested to identify who they considered to be the main sexual harassment offenders (supervisors and/or managers, peers or subordinates. Table 6 provides the results.

*Table 6: Who in your organization do you think are the main sexual harassment offenders?*

Main offender	Frequency	Percentage
Managers/supervisors (boss)	13	62%
Peer	06	29%
Subordinates	02	09%
Total	21	100%

Not surprisingly, as indicated in Table 6, the boss (manager and/or supervisor) was regarded by most respondents as the vanguard of sexual harassment at the workplace. Peers took a passive second place.

#### *Policy Recommendations Provided by Respondents*

The survey included some questions relating to policy on the sexual harassment problem. Some policy issues are discussed below.

Handling of offenders: Asked whether a worker found guilty of sexual harassment should be disciplined, 76% of the respondents (n=41) answered positively. Table 7 shows the recommendations of respondents on what action should be taken against offenders at different levels of the offence.

*Table 7: Punishment for a Guilty Sexual Harassment Offender*

Types of punishment to be given to the offender					
Offence	Warning	Reprimand	Fine	Dismissal	Total
First offence	71%	26%	00%	03%	100% (n=38)
Second offence	02%	53%	29%	16%	100% (n=38)
Third offence	00%	00%	12%	88%	100% (n=33)

From Table 7, it is clear that respondents wanted the severity of punishment to increase with the number of sexual harassment offences committed by an individual. In other words, results in Table 7 show a positive relationship whereby an increase in the number of offences is accompanied by an increase in the severity of the punishment.

Publicity of sexual harassment on the job: Asked whether sexual harassment on the job should be made public, 62% of the respondents (n=34) were in favour. The following reasons were provided by respondents:

- to deter intentions of repeating it (47%, n=34);
- so that the public can know offenders and avoid them (33%);
- because sexual harassment is morally wrong (13%); and
- as part of the discipline against sexual harassment offenders (7%).

Policy on sexual harassment: Asked whether they considered it necessary to have a policy on sexual harassment, most respondents (91%, n=35) were in favour of such a policy. The following reasons were provided for supporting the establishment of a policy on sexual harassment:

- to let employees know what acts were unacceptable at the workplace;
- to protect female employees who in the past were fired after raising such allegations, these victims would now know their rights;
- to act as a deterrent, the fact that people could be severely penalized for such behaviour would prevent the reoccurrence of sexual harassment at the workplace;
- to establish procedures (a system) for dealing with cases of sexual harassment and for setting the penalties; and
- to make people aware of the charges to be levied for sexual harassment offences and, thus, showing its severity.

Prevention of sexual harassment: Respondents provided a variety of recommendation for the prevention of sexual harassment. They, in descending order of significance, included:

- educating employees on the subject of sexual harassment;
- making the consequences known to all concerned;
- strong enforcement of the code of conduct;
- making sexual harassment part of the organizational policy;
- encouraging victims to report it at once; and
- establishing and enforcing a dress code at workplace.

### Respondents' Overall Comments on Sexual Harassment

The last question on the questionnaire requested respondents to provide overall comments on sexual harassment in the light of answers they had provided in the rest of the questionnaire. Below is a summary derived from those comments.

Sexual harassment was regarded as a serious offence by most respondents. They felt that it was necessary to establish a policy so that cases where people in higher authority took advantage of their position, to get sexual favours, would be stamped out. It was felt that sexual harassment could affect employees' work, since in many cases they were put in awkward positions, particularly when the person harassing was in a position of authority. Some respondents felt that employees were forced into relationships against their cultural and religious beliefs, in order to keep their jobs or to advance in their careers. It was also felt that sexual harassment could affect employees' chances of promotion and therefore it needed to be dealt with severely.

It was recommended that a policy should clearly state the employer's position on sexual harassment, leaving no ambiguity on the subject. Employees would subsequently be promoted based on merit, not on sexual favours. It was felt, however, that caution needs to be exercised when the policy is being made because in some cases stringent policies destroy relationships at the work place.

Two respondents were against the establishment of a policy. The first one felt that there would be loopholes that regulation would not effectively close, which would make it easier for the harasser to get away with such acts by exploiting the loopholes in the system. The second one felt that each sexual harassment case was different in nature and it would not be possible to make a policy that was comprehensive enough to encompass all offences which individuals may consider as sexual harassment.

### **Conclusions and Recommendations**

The main conclusion to be drawn from both the January 2005 and the June-July 1999 surveys is that the suggestion to enact a policy or legislation on sexual harassment received overwhelming support from respondents in both surveys, implying that the legislation is long overdue. However, the two surveys were different in two fundamental ways: (i) while the 1999 survey targeted public employees as respondents, the 2005 surveys targeted human resources personnel as respondents; and (ii) the 1999 survey required respondents to define and to discuss sexual harassment in some detail, while the 2005 survey required respondents to indicate how they deal with sexual harassment and whether they would favour a sexual harassment act.

Despite the above differences, some of the findings from both surveys are comparable. First, in both surveys respondents had the same general definitions of actions that amounted to sexual harassment. Second, both surveys suggested that any law enacted on sexual harassment should protect men as well as women, since men were also subjected to sexual harassment. Third, both surveys indicated that punishment was essential in serving as deterrence to sexual harassment. Finally, both surveys were in favour of legislation that would address sexual harassment expressly.

The final conclusion drawn from the two surveys is that sexual harassment is often not reported for a variety of reasons. Below are some of those reasons derived from the two surveys.

Since there has been a trend in the past to overlook cases of sexual harassment, as indicated in the 1999 survey, workers are not keen on reporting these incidents. In the 1999 survey, all respondents who had reported incidents of sexual harassment said that no action had been taken. The absence of specific legislation on sexual harassment may also partly explain why cases of sexual harassment are rarely reported. Since sexual harassment is not regarded as an offence, the harassers often get away with a mild punishment, if any. This, in turn, may discourage victims from reporting sexual harassment cases. The nature of sexual harassment cases makes it difficult to report. In many cases it is difficult to prove, and fearing to lose their jobs many victims may prefer to keep quiet, especially if the harasser is also the boss.

### **Recommendations**

- The recommendations arising out of the study are seven-fold:
- Prevention is the best tool to eliminate sexual harassment in the workplace. Employers should be encouraged to take steps necessary to prevent sexual harassment from occurring. They can do so by providing sexual harassment training to their employees, especially supervisors, and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.
  - Legislation on sexual harassment should be developed in Jamaica immediately, as requested by respondents interviewed in both surveys.
  - The sexual harassment legislation to be developed should address both male and female, since from the surveys it was indicated that men also faced sexual harassment at workplace.
  - Any legislation on sexual harassment should clearly set out the procedures for reporting a complaint, should emphasise documentation relating to the complaint, and should require a thorough investigation into the matter to make sure that people are not subjected to malicious claims.
  - In order to be effective, the legislation should stipulate punishment/ disciplinary procedures for those found guilty of sexual harassment as well as for those who falsely accuse people of harassing them.
  - The legislation should also cover harassment by customers, since evidence from the literature indicate that people who are employed in places that have a lot of customers are sometimes subjected to sexual harassment by customers.
  - After legislation on sexual harassment has been enacted, all organizations should be required to provide a detailed and regular educational campaign about it to their respective employees, thus making sexual harassment part of the organizational policy.

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**Appendix 1: The January 2005 Survey on Sexual Harassment in Jamaica**

This questionnaire should be answered by the head of Human Resources

This study, being conducted on sexual harassment in the public sector, private sector and non-governmental organizations would like to ascertain whether your organization has the following:

a policy, code or committee in place to deal with sexual harassment (please specify which and elaborate)

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what practices/approaches exist in addressing sexual harassment complaints within your organization (please elaborate)

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any reports, statistics, internal survey or sanctions imposed (if any, please provide a copy)

please state whether or not your company/organization is in favour of a Sexual Harassment Act. Provide reasons for your answer

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Thank you very much for your cooperation.

## Appendix 2: The June/July 1999 Survey on Sexual Harassment in Jamaica

This questionnaire has been prepared by the Committee against Sexual Harassment At The Workplace. Your co-operation and participation in answering the questions as accurately as possible will be most helpful.

### TICK THE APPROPRIATE ANSWER

Gender: Female Male  
In what age category do you fall?

Under 18 years 18-25 years 26-40 years 41-60 years 60 years and over  
In what category are you employed:-

#### GENERAL

#### MANAGEMENT

(GMG/EMG/SEG/SMG/PMA/MEDG/CAS/ATC/EO/MA)  
FISCAL MANAGEMENT (FMG/PA/AS/AT/AC)  
REGULATORY MANAGEMENT (RMG/RA/RI)  
MANAGEMENT INFORMATION (MIS/EDP/ITS)  
JUDICIAL & LEGAL (JLG/JD/LO)  
PUBLIC INFORMATION & DOCUMENTATION (PIDG/LS/LA/LD/HRJAR/RIM)  
MASS COMMUNICATION & INFORMATION (MCG/A VP/A VT/IE)  
PARAMEDICAL  
(PMO/MTSNMT/RS/ND/PT/OT/PHS/AFI/DX/DA/PHI/SDI/PHT/ALH/PTS)  
FOREIGN SERVICE (FSG/FSO)  
APPLIED SCIENCE (ASG/MS/MT/FSS)  
PARALEGAL (PLG/TA/TR/LS)  
TECHNICAL (TSS/MT/HS/GN)  
MEDICAL, VETERINARY & DENTISTRY (MDG/MONO/DS)  
POSTAL (PTO/IN/CA)  
NURSING (NPG/RN/MW/EAN)  
SECURITY (SSG/CS/PX)  
PRACTICAL SCIENCE & TECHNOLOGY (PST/GN)  
LABOUR & MECHANICAL (LMO/DR/LB/QP)  
NATURAL, PHYSICAL & SOCIAL SCIENCE (NPS/NPS/SW)

OFFICE & PUBLIC SERVICE (OPS/CR/DP/TO/SS/S W/OE)  
 PRINTING (PTG/SK/DS/UN)  
 ARTISAN & INDUSTRIAL (AIT)  
 GENERAL SERVICES (GLS)

1. (a) Do you have a clear idea or definition of what constitutes sexual harassment? Yes No

(b) If yes, give your definition: \_\_\_\_\_

2. Which of the following, in your opinion, describes a form of sexual harassment? suggestive remarks (1) Yes (2) No

a request by a senior officer to have lunch (1) Yes (2) No

a request by supervisor to have sexual relations to consider promotion (1) Yes (2) No

a pat on the buttocks by your peers (1) Yes (2) No

a casual pat on the back by your peers (1) Yes (2) No

a casual pat on the buttocks by your boss (1) Yes (2) No

a kiss on the cheek by your co-worker (1) Yes (2) No

a kiss on the cheek by your boss (1) Yes (2) No

repeated use in relation to you by your boss of the words "honey" "darling" "sweetheart" (1) Yes (2) No

asking a co-worker out on a date (1) Yes (2) No

your supervisor taking you/other officer out on a date (1) Yes (2) No

display of pornographic material at the workplace (1) Yes (2) No

Any other action(s)

3. Do you think a worker who it is alleged to be involved in sexual harassment should be disciplined? (1) Yes (2) No

4. In addition to counselling, which of the suggested actions should be taken if a worker is found guilty of sexual harassment?

		First Offence	Second Offence	Severity of Offence
1.	Warning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Fine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Dismissal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

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5. Do you think sexual harassment is prevalent in your organization?

(1)Uncertain (2)Yes (3)No

6. Who in your opinion do you think are the main offenders?  
Managers Supervisors Peers Subordinates
7. Do you know of any worker who has been subjected to sexual harassment?  
 (1) Yes (2) No
8. Do you think that both men and women are guilty of sexual harassment? (1)Yes  
 (2) No
9. Have you ever been subjected to sexual harassment while on the job? (1) Yes (2) No
- (a) Did you report it? (1) Yes (2) No
- (b) Was any action taken to deal with the complaint? (1) Yes (2) No
- If yes, what?

10. What in your opinion could be done to prevent sexual harassment taking place on the job?

Give three (3) suggestions in descending order of significance.

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11. Can a worker be harassed without it being considered sexual harassment? (1)Yes  
 (2) No

If yes, give three (3) examples.

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12. Which group(s) do you think is/are frequently subjected to sexual harassment on the job? Please tick

Under 18 years 18-25 years 26-40 years 41-60 years 60 years and over

13. Kindly indicate the level of sexual harassment which in your estimation occurs in the following

groups:

	Frequently	Moderately	Rarely
Sexual harassment of: females by males	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
males by females	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
females by females	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
males by males	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Who can report/initiate an allegation of sexual harassment?  
Observer (1) Yes (2) No  
Victim (1) Yes (2) No  
Harasser (1) Yes (2) No

15. Should sexual harassment on the job be made public? (1) Yes(2) No

If yes, give reasons

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16. Having answered questions 1-15, kindly indicate whether you consider it necessary for there to

be a policy on sexual harassment? (1) Yes (2) No

Give Reasons to support your answers.

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17. Any other comments

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