



# REMARKS AT THE CONSULTATIONS ON THE DRAFT HARASSMENT POLICY THE CARIBBEAN COURT OF JUSTICE AND THE REGIONAL JUDICIAL AND LEGAL SERVICES COMMISSION

The Honourable Mme Justice Maureen  
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Court of Justice

The Caribbean Court of Justice  
Port of Spain, Trinidad and Tobago  
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**The Caribbean Court of Justice (CCJ)** was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and has at present a Bench of seven judges. The CCJ is presided over by the Honourable Mr Justice Adrian Saunders, President. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it.

**The Judicial Reform and Institutional Strengthening (JURIST) Project** is a multi-year (2014-2023) regional Caribbean judicial reform initiative funded under an arrangement with the Government of Canada. The Project is being implemented on behalf of Global Affairs Canada (GAC) and the Conference of Heads of Judiciary of CARICOM (the Conference), by the Caribbean Court of Justice (CCJ), which was appointed by the Conference as its Regional Executing Agency (REA). The JURIST Project commenced activities on April 1, 2014 after the signing of a Contribution Arrangement between the CCJ and GAC.

A Harassment Policy Committee, chaired by The Hon. Mme. Justice Maureen Rajnauth-Lee, was established, and comprised CCJ personnel, as well as representatives of the JURIST Project and UN Women. The Committee, after extensive consultations with Judges, Managers and Staff of the RJLSC and the CCJ, developed the Harassment Policy, which was approved by the RJLSC on 27 September 2019. The development of the Harassment Policy was supported by the JURIST Project. It is intended that the Harassment Policy will ensure a safe and healthy workplace environment that is free from all forms of harassment (including sexual harassment), and that will instil the important values of respect, dignity and equality.

## **Remarks**

**By**

**The Honourable Mme Justice Maureen Rajnauth-Lee, Judge Caribbean Court of Justice, and Chair of the Working Committee for the development of a Harassment Policy for the Regional Judicial and Legal Services Commission and the Caribbean Court of Justice on the occasion of Consultations on the Draft Harassment Policy 18 April 2018**

### **Introduction**

The Right Honourable Sir Dennis Byron, President of the Caribbean Court of Justice, Honourable Judges, Senior Managers and Staff of the CCJ and the RJLSC.

### **Important Consultations with Stakeholders**

It is a great pleasure to welcome you to these consultations. As noted by those who spoke before me, this is an important exercise for the CCJ and the RJLSC. At the outset, I wish to recognize the leadership and vision demonstrated by the President of the CCJ and by the JURIST team in championing the development of the Harassment Policy. I believe that an important message has been sent that the leadership of the CCJ and of the RJLSC will not tolerate any form of harassment.

### **The Importance of Training and Sensitization**

For the Harassment Policy of the CCJ and of the RJLSC to be a success, it must be a clear and comprehensive policy with well-defined processes for the reporting and investigation of complaints. The best developed Harassment Policy, however, will be of no effect if persons do not know how to use it. Accordingly, we must ensure that every leader, supervisor and employee of the CCJ and the RJLSC is familiar with the Policy. We must also ensure that regular sensitization and training workshops are held. It is particularly important that our

Human Resources and RJLSC Departments are well trained in the procedures for dealing with harassment.

### **Trust and Confidence in the Human Resources Department**

Trust and Confidence are also crucial elements in the success of the Harassment Policy. Research has shown that persons who have experienced sexual harassment, in particular, are reluctant to come forward and report because of their lack of trust and confidence in the leadership of an organization. Since the start of this exercise, I have paid special attention to global discussions relating to sexual harassment in the workplace. One common theme in these discussions has been the role of Human Resources departments of organizations. Many victims have lost trust and confidence in HR. The questions are: What can be done? How can trust and confidence be regained? These questions are best answered by something I saw recently, and which I have heard the old folks say over many years: We must practise what we preach. As an organization, we must therefore demonstrate fairness and sensitivity; carry out investigations in a just and impartial manner; maintain confidentiality and show respect; and hold persons who have breached the Policy accountable, no matter their positions in the organization.

### **Closing Comments**

I wish to close by expressing sincere gratitude to the Members of the Working Committee who have devoted so much time and effort to ensure that this Policy reflects the views of all of us, who call the CCJ and the RJLSC our home away from home.

My sincere thanks to all of you for taking time off your busy schedules, and despite your heavy workloads, to attend today's session. Special thanks to Ms Michelle Brathwaite, National Human Rights Advisor, United Nations, for her kind support and assistance in facilitating these consultations.