

An Intersectional Approach to Addressing Gender and Other Forms of Discrimination in Labour in the Commonwealth Caribbean

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Abstract

Commonwealth Caribbean legal frameworks challenging discrimination have not as yet utilized intersectionality approaches. The paper argues that in understanding and addressing discrimination against women in the region, the intersectionality lens is a useful and dynamic one to approach what are multi-faceted and complex dimensions of inequality. Such enduring inequality is still influenced by a colonial legacy that, despite resulting in Black majority populations, perpetuate experiences of marginalization and inequality through the intersecting realities of gender, race, class, social and geographical origin. For the still fairly new anti-discrimination laws to be effective, they must embrace such intersectionality approaches. Within the historical continuum of the Commonwealth Caribbean, the “single axis framework,” currently envisioned by all anti-discrimination legislation in the region (but discredited by Crenshaw, the proponent of the intersectionality analysis) is of limited value and must be re-imagined.

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1. Introduction

This article adopts an exploratory stance to the issue posed at the A Better Future for Women at Work conference hosted by the Oxford Human Rights Hub, International Labour Organization and the University Of Kent.¹ It explores the question whether intersectionality is a useful concept for identifying and addressing patterns of discrimination and disadvantage in relation to women in the labour environment in the Commonwealth Caribbean. This is a new line of inquiry and research for the region. It will examine this question with reference to targeted categories of women in work relationships, in particular, women differentiated by race or ethnicity, religion, class, rural or urban, women in the informal sector and alternative livelihoods, including the drug trade and sex-workers.

Intersectionality theory emerged as a practical attempt to re-engineer traditional grounds-based discrimination law so as to provide a remedy for racialised women (Black, Afro-Caribbean, Indigenous and Indo-Caribbean), because of their particular multi-level experience of disadvantage which was not contemplated within the law. Crenshaw, the originator of the concept (though not the concern), examined actual cases of discrimination law, where applicants for relief were unable to claim discrimination as a new, distinct group, 'Black women', since this was not a separate enumerated category of discrimination.² Crenshaw argued that the discrimination that such women experienced was more than simply their race, being Black, or their gender, being female. Rather the two identities intersected and coalesced to form a hybrid experience of discrimination and disadvantage, which deserved to be viewed as a separate category in and of itself. The result of intersectional discrimination is, therefore, 'qualitatively different, or synergistic'.³ Without such an approach, particular planes of discrimination, for example, race or poverty, would be invisibilised. Since Crenshaw's article, intersectionality theory has expanded to include many more

¹ Held at Pembroke College, Oxford on May 18-19, 2017

² Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 8(1) University of Chicago Legal Forum 140.

³ Sandra Fredman, *Discrimination Law* (2nd ed, OUP, 2011) 140.

frames of reference for intersecting, multi-layered discrimination, although gender continues to be a common reference point.⁴

There are legitimate complaints that intersectionality theory has moved away from ‘practical questions of legal and political strategy exemplified in Crenshaw’s work, towards more abstract consideration of the nature of identity and its (mis)representation in legal discourse.’⁵ Crenshaw’s concern was to more accurately reflect how discrimination is experienced so as to provide more adequate legal remedies for the disadvantaged. The first task therefore, is to go back to basics. A pragmatic approach is needed to determine whether Commonwealth Caribbean anti-discrimination law, such as it exists, can indeed accommodate such multi-layered understandings of discrimination. The correlative issue is whether constructing a framework to examine gender discrimination using an intersectionality analysis is ultimately more meaningful in bringing social justice to Commonwealth Caribbean societies. In this article, I first address the complexity of the intersectionality analysis and thereafter examine how intersectionality impacts on different key sectors of the economy. Although this article explores the Commonwealth Caribbean in general, for convenience, and because, arguably, it permits a more comprehensive analysis of the intersectionality variables at play, it focuses particularly on Trinidad and Tobago.

2. The Commonwealth Caribbean: Gender and Complex Axes of Difference

The Commonwealth Caribbean is, of course, not a homogenous grouping. It is made up of thirteen states within an economic, political grouping called the Caribbean Community (CARICOM), which exhibits significant differences in terms of ethnic makeup and cultural realities. In all of the countries, Afro-Caribbeans are either in the majority or one of two majorities. Two countries, Guyana and Trinidad and Tobago, have more complex racial constructions, in that Indo-Caribbeans (of East-Indian descent), and Afro-Caribbeans (of African descent) are the dominant ethnic groups. As Ralph Premdass notes, ‘[b]elow the veneer

⁴ See Anne McBride, Gail Hebson and Jane Holgate, ‘Intersectionality – Are We Taking Enough Notice in the Field of Work and Employment Relations?’ (2015) 29(2) *Work, Employment and Society* 331-41; Joanne Conaghan, ‘Intersectionality and the Feminist Project in Law’ in Emily Grabham et al (eds) *Law, Power and the Politics of Subjectivity: Intersectionality and Beyond* (Routledge, 2008) 9.

⁵ Conaghan (n 4) 16.

of Caribbean homogeneity lurks numerous identities around the axes of race culture, language, religion, region etc. Political mobilization has played on these cleavages so that ethnic sensitivity and assertiveness pervade these states...⁶ Yet, throughout the Commonwealth Caribbean, there are striking similarities when one examines gender issues, whether in isolation, or within the context of intersectionality.

Women's experiences in the region may also be differentiated by industry emphasis in the particular country. For example, in some countries, tourism is a vibrant sector, while in others, the rural-urban divide, which is similar throughout the region, might be further complicated by variables of race or ethnicity. Thus, race and gender intersectionalities may have implications for industry specific variables. It is therefore vital to consider the impact of race and gender on agriculture, energy and other economic sectors. For example, as discussed further below, Afro-descendant women are more typically found in the informal sector, whereas Indo-Caribbean women are prominent in the agricultural sector.⁷ All of these factors may have particular significance when the variable of class or low income grouping is added to the equation.

A. Finding an Appropriate Axis in the Intersectionality Framework

In the Caribbean, the constructions of gender are complex and intricate and may involve pertinent intersections with race, socio-economic status and religion. These should be examined closely to develop more nuanced and meaningful matrixes to understand and address discrimination in the work environment.

It is the more nuanced version of intersectionality analysis that views the concept not as focusing on rigid identities or groups, but relationships of power, which is most useful in the context of this article. Gender remains the central axis to interrogate power relationships, but these are seen as being infused by multi-layers of social injustice. It is acknowledged that majority/minority status and racial identity (white vs black) is the main theme in most intersectionality literature. Intersectionality theory does permit a framework of analysis that is not dependent upon this particular emphasis. In conceptualizing intersectionality within the lens

⁶ Ralph Premdass, 'Ethnicity in the Caribbean: Decentering a Myth' (1996) Kellogg Institute Working Paper No. 234, 4
<<https://pdfs.semanticscholar.org/da4d/3e0672b8760742e0c9b3a14baf70704b8c35.pdf>> accessed 30 May 2018.

⁷ Due to the historical patterns that have to do with indentureship. See Rhoda Reddock, 'Indian Women and Indentureship in Trinidad and Tobago 1845-1917: Freedom Denied' (2008) 54(4) Caribbean Quarterly 35.

of relationships of power, other frames of disadvantage and marginalization may be identified. Carbado et al explain that ‘scholars and activists have broadened intersectionality to engage a range of issues, social identities, power dynamics, legal and political systems, and discursive structures in the United States and beyond.’⁸ Broadening the scope of the intersectional analysis can ensure that experiences, such as class, which do not fit neatly into identity categories, can also be taken into account.⁹

This wider approach to intersectionality is taken in this article because it is recognized from the outset that racial identity, in a region where there is a black majority population, causes the issue of intersectionality to be translated differently from its meaning of origin in the US and other countries where women workers of African descent are in the minority. This is not to suggest that race and the traditional understandings of white hegemony do not exist in the Commonwealth Caribbean region. They do. However, the issue of race is intricately bound up with that of social class, socio-economic status and even religion and culture. Yet, in a complex cycle, for historical and enduring sociological reasons, these factors are themselves based on racial subjugations and discrimination. How this translates into an intersectionality framework, requires careful calibration. For example, a poor Black woman from a rural background, or an Indigenous woman, is situated differently from a middle-class Black woman living in the city in the discrimination matrix.¹⁰ Thus, in the Commonwealth Caribbean, intersectionality varies with context and geography. Given that intersectionality is a tool to examine power relationships, it can interrogate polarities that go beyond race and gender variables within power dynamics that are just as, or even more impactful.

It is recognized, however, that even if one starts from the premise of social class or socio-economic status, race analysis is unavoidable since class and socio-economic status in the region were constructed from societies born out of racial stratification and power relationships from the slavery and colonial eras. While the region has come a long way in creating more equitable societies than those stratified purely along race lines, primarily because of free education models which served as elevators to the racialised majority, the spectre of race has not been entirely overlaid. Indeed, sociologists point to the phenomenon of a ‘pigmentocracy’ or ‘browning’ in Commonwealth Caribbean societies

⁸ Devon Carbado et al, ‘Mapping the Movements of a Theory’ (2013) 10(2) *Du Bois Review* 304.

⁹ Conaghan (n 4) 9.

¹⁰ Mitu Gulati and Devon W Carbado, ‘Working Identity’ (2000) 85 *Cornell Law Review* 1259, 1300.

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where lighter complexioned persons are typically more privileged than others.¹¹ Black women who exhibited characteristics deemed more stereotypical 'Black racial signification' in 'accent, hair, political identity, social identity, marital status, residence and religious affiliation' were found to be discriminated against in access to employment.¹² Consequently, while in the Commonwealth Caribbean, the filter of race in the power dynamic may translate differently, race remains relevant in a multi-racial society, or even those with racialised majorities. Indeed, Roy Cree explains how white race hegemony can endure in black majority populations such as those that exist in the region, through dominant culture and other factors and be perpetuated through colour gradations and class.¹³ The intersectionality prism is a useful tool for understanding how enduring colonial legacies have entrenched inequality and discrimination in the Commonwealth Caribbean.

These dynamics therefore require a repositioning of the power lens such that its pivot point of power is not merely race, but infused with gender and class. Race becomes merely one of the filters that distinguish the experience of gender discrimination for women in the region. Thus, while I accept that women experience oppression in varying configurations and in varying degrees of intensity, I suggest that in racially homogenous societies or pluralistic Black majority societies like the Commonwealth Caribbean, race becomes a more complex (even intrasectional) construct which must be viewed within the context of other variables in order to truly illuminate women's discrimination.

The notion of structural discrimination is also significant in explaining how or whether women in the Commonwealth Caribbean experience discrimination and disadvantage in the broad labour context. As such, the ways in which the location of racialised women at the intersection of race and gender (and all of its derivatives) translate into the labour socio-economic context and make experiences and attempts at remedial reform qualitatively different from men or white women, are notable. Issues such as the enduring disadvantage of poverty, with the inability to make adequate provision for family and child-care obligations, pregnancy, child marriages, women excluded from the job market because of gender/ ethnic stereotypes, predatory work relationships, sexual harassment, lack of job skills, all consequences of

¹¹Richard Lynn, 'Pigmentocracy: Racial Hierarchies in the Caribbean and Latin America' (2008) 3(2) *The Occidental Quarterly* 28.

¹² Gulati and Carbado (n 10) 1300.

¹³ Roy McCree, 'Race, Colour and Class in Caribbean Society' in Shirley A Jackson (ed) *Routledge International Handbook of Race, Class and Gender* (Routledge, 2015) 233.

gender, ethnicity and class, are pertinent examples of persistent patterns of structural discrimination.¹⁴

Further, work-environments which frown upon women wearing ‘natural’ hairstyles (currently only superficially understood as indirect race discrimination), or where there are high levels of sexual harassment, might tell us something about power relations and gender/ race stereotyping even in Black majority societies and deserve to be interrogated directly. Nevertheless, these complex patterns of discrimination are seldom explored or fully understood.

Indeed, mistaken assumptions are often made about relevant issues. For instance, there is a prevailing myth that urban males have the highest school drop-out rates that influence employment and industry incomes, an assumption disproved by a new study by Kissoon.¹⁵

B. Legislative Framework for Anti-Discrimination and Intersectionality Analysis

There is relatively little legislation on non-discrimination in the Commonwealth Caribbean, with only Saint Lucia, Guyana and Trinidad and Tobago enacting specific anti-discrimination laws.¹⁶ Indeed, discrimination law in general is in the embryonic stages. Some countries have, alternatively, incorporated certain non-discrimination provisions in their general employment laws.¹⁷ The legislation that exists tends to rely on the traditional grounds of discrimination: sex or gender, race, political affiliation, religion and disability. However, social origin is also included, which permits consideration of class stratification. Trinidad and Tobago’s Equality Opportunity Act 2001, Chapter 22:03 is different as it denotes ‘origin’ as opposed to ‘social origin’ as a category of non-discrimination, the meaning of which includes geographical

¹⁴ One of the obstacles in formulating a comprehensive intersectionality analysis in the Caribbean is the serious lack of adequate disaggregated data on which to base the analyses.

¹⁵ Priya Kissoon, ‘National Survey of Early School Leavers’ School-to-Work Transitions and Livelihoods in Trinidad and Tobago’ (2016) UWI-Trinidad and Tobago Research and Development Impact Fund.

¹⁶ Equal Rights Act 1990 and The Prevention of Discrimination Act of Guyana, No. 26 of 1997; Equality of Opportunity and Treatment Act 2000, now incorporated into the Saint Lucia Labour Code, 2006; and The Equality of Opportunity Act, 2000 Trinidad and Tobago.

¹⁷ For example, Barbados, Employment Act 2012, ss. 24-28; The Employment Act 1997 of Grenada; Protection of Employment Act, Dominica; and The Protection of Employment Act, St Vincent; and the Antigua Labour Code 1997; s 7 of the Saint Lucia Labour Act Guyana’s Prevention of Discrimination Act.

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origin.¹⁸ This gives a platform to better pursue the significant issues of socio-economic status and the rural/urban divide which may be significant in an intersectionality analysis. Notwithstanding, this ground is little understood or noticed, far less litigated. Indeed, anti-discrimination legislation in the Commonwealth Caribbean is fairly new and there are very few cases testing or even utilising such legislation.

Anti-discrimination statutes also encompass notions of indirect discrimination, whereby seemingly neutral actions or policies may be discriminatory or disadvantageous in their impact, regardless of intent. For example, in rural communities or a particular sector, it will be relevant if persons in such communities are predominantly of one ethnic group.

In all of these legislative formulas however, discrimination is envisaged in unitary terms, contemplating only single, separate grounds of discrimination. For example, under section 4 of the Trinidad and Tobago Equal Opportunity Act, discrimination is linked to the ‘ground of status’. The Act applies to:

(a) discrimination in relation to employment, education, the provision of goods and services and the provision of accommodation, if the discrimination is—

(i) discrimination on the ground of status as defined in section 5; . . .

“Status” is defined in section 3, in relation to a person, to mean (a) the sex; (b) the race; (c) the ethnicity; (d) the origin, including geographical origin; (e) the religion; (f) the marital status; or (g) any disability of that person;

Further, section 5 states:

For the purposes of this Act, a person (“the discriminator”) discriminates against another person (“the aggrieved person”) on the grounds of status if, by reason of

(a) the status of the aggrieved person;

(b) a characteristic that appertains generally to persons of the status of the aggrieved person; or

¹⁸ Saint Lucia’s Labour Code is also unique in that it specifically protects against discrimination on the ground of sexual orientation.

(c) a characteristic that is generally imputed to persons of the status of the aggrieved person, the discriminator treats the aggrieved person, in circumstances that are the same or are not materially different, less favourably.

While no cases exist to test the hypothesis, it is likely that courts in the Commonwealth Caribbean will be challenged in similar ways to those in US courts that Crenshaw described, which were unable to imagine intersecting categories of discrimination as actionable grounds. A Black (Afro-Caribbean) lower income woman or an Indian woman would need to choose separate categories, whether gender or race, or possibly lower income status (origin), to argue her case of social injustice. However, as Campbell demonstrates in relation to the interpretation of Convention on the Elimination of All Forms of Discrimination Against Women, it is possible to include an intersectional approach to a grounds based legislative framework.¹⁹ A similar approach could be pursued in the Commonwealth Caribbean.

C. Perpetuating Disadvantage in the Gender Axis

There is a particular paradox in Caribbean societies in that they are characterized as matriarchal societies.²⁰ Yet this concept of the iconic, strong Black Caribbean woman has not translated easily into the Caribbean work-sphere identifying women as breadwinners, deserving of job security and equal remuneration. In fact, the statistics throughout the region reveal that women still earn less than men, and are hired last and fired first, despite the prevalence of female headed households. This is consistent with the enduring models of social and cultural stratification built on ideas of the woman and of the family. These perpetuated the view that ‘women were secondary breadwinners and dependent on men, enshrining a normative vision of female morality that continues to

¹⁹ Meghan Campbell, ‘CEDAW and Women’s Intersecting Identities: A Pioneering New Approach to Intersectional Discrimination’ (2015) 11(2) *Revista Direito GV* 479.

²⁰ Joycelin Massiah, ‘Women as Heads of Households in The Caribbean: Family Structure and Feminine Status’ (1983) UNESCO

<<http://unesdoc.unesco.org/images/0005/000557/055763eo.pdf>> accessed 30 May 2018.

permeate all strata of society.²¹ This includes a historical notion that defined “respectable” women as non-working.²²

Several studies in the Commonwealth Caribbean demonstrate that women face endemic and sustained structural patterns of discrimination and disadvantage which translate into deep, particularised vulnerabilities that are trans-sectoral. For example, data illustrates clearly that women still earn much less than men across the board. The 2016 Global Gender Gap Report indicates that Trinidad and Tobago ranks 51st in economic participation and opportunity; ranks 88th on labour force participation; 76th on wage equality for similar work; 91st on estimated earned income and 1st in professional and technical workers.²³ Except for professional and technical workers, gender parity is lacking across key indicators.²⁴ This inequity is in fact, a paradigm common in the region. Interestingly, however, there is a perception that the gender gap is closing.

In addition, female headed householders are among the poorest.²⁵ Male headed households are TT \$1,741 (USD \$275) gross per month better off than female headed households, even when they have the same average number of children.²⁶ There are more male headed households than female headed households, but more single parent female headed households with children (7.1%) than single parent male headed households with children (1.1%). The single parent female headed households with children have on average more children and are TT \$585 (USD \$80) a month worse off (gross) than male headed ones. Single parenthood has a negative impact on job opportunities.

Participation in the workforce by females is also lower than men across all age groups in Trinidad and Tobago.²⁷ As a percentage of the labour force who are unemployed, there are more females than males

²¹ D Alissa Trotz, ‘Behind the Banner of Culture? Gender, “Race” and the Family in Guyana’ (2003) 77(1-2) *New West Indian Guide* 17; Bridget Breton, ‘Family Strategies, Gender and the Shift to Wage Labour in the British Caribbean’ in Bridget Breton and Kevin Yelvington (eds) *The Colonial Caribbean in Transition: Essays on Post-Emancipation Social and Cultural History* (University of the West Indies Press, 1999) 76-107.

²² *ibid.*

²³ World Economic Forum, ‘Global Gender Gap Report’ (2016) <<http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=TTO>> accessed 30 May 2018.

²⁴ *ibid.*

²⁵ See Committee on the Elimination of Discrimination Against Women, ‘Concluding Observations: Trinidad and Tobago’ (2016) CEDAW/C/TTO/CO/4-7.

²⁶ Central Statistical Office <<http://cso.gov.tt/statistics/?Subject=Employment>> accessed 12 July 2018. Also reported in Republic of Trinidad and Tobago, Ministry of Planning, Economic and Social Restructuring and Gender Affairs Report (2010).

²⁷ Central Statistical Office, ‘Labour Force Survey’ (2015) Table 4. <<http://cso.gov.tt/statistics/?Subject=Employment>> accessed 12 July 2018.

(4.2% female compared to 2.9% male).²⁸ Significantly, there are many more male employers than female employers (26,500 males and 7,500 females). For example, in Trinidad and Tobago, males dominate in the self-employed worker category (74,200 males and 28,200 females).²⁹ These figures suggest that men are better able to negotiate the free market enterprise environment, which typically requires access to capital and investor confidence.

There is also considerable evidence of occupational segregation in relation to women in terms of the types of occupations, benefits and the seniority in relation to those occupations. Females dominate in three areas: (1) wholesale, retail, restaurants and hotels; (2) financing, insurance, real estate and business services; and (3) community, social and personal services. These are all gender stereotyped areas that are likely to be lower-paid in comparison to other industries such as energy.³⁰ For example, in the lucrative energy sector where males dominate, the majority of women are employed within the sector as clerks. Despite their overall domination in the numbers of employees in the community, social and personal services sector, women still cluster in lower-paid positions. There are 23,300 female clerks compared to 6,300 male clerks. Males dominate within this sector as legislators, senior officials and managers (5,200 males and 4,600 females). As Edwards & Chase observe, 'this would suggest that even in a sector dominated by women with far higher numbers of female professionals (12,300 females and 8,200 males), management and leadership are still male dominated.'³¹ This pattern is also instructive in considering how women will fare in innovative enterprises that attract higher income and rely on managerial and entrepreneurial skills.³²

World Economic Forum data and analysis show that women's estimated earnings are almost half those of males.³³ This is despite their increased academic qualifications and the popular perception that

²⁸ These statistics are helpfully collated in a new Report, J Edwards and B Chase, 'A Gender Analysis of the European Union's Focal Sectors, Trinidad and Tobago' (2017) EU, AECOM (on file with author).

²⁹ Central Statistical Office (n 27). There are also more male government employees than females across the government/public service/statutory board and government state enterprise groups.

³⁰ *ibid* Table 11.

³¹ Edwards and Chase (n 28) 20.

³² There are also more female professionals, technicians, service workers and clerks than males. Males predominate in areas such as legislators, senior officials and managers, agriculture and fishery workers, craft and related workers, plant and machine operators, *ibid*.

³³ World Economic Forum (n 23) Appendix D.

women are doing better than men.³⁴ This points to a reality that prioritises maleness over femaleness before all other characteristics such as education or skill, which should ostensibly function to level the playing field. Inequality is perpetuated because of inherent gender bias. These characteristics are reproduced throughout the region, pointing to inherent structural deficiencies and enduring patterns which have deep sociological and historical rationales.³⁵ What is striking from all of these statistics is that women are situated in disadvantaged positions even in the face of seemingly neutral benefits of free education and across all sectors. The prisms of privilege continue.

What needs to be interrogated further is the extent to which this dismal picture for women is further amplified by other simultaneous levels of discrimination, such as race, class, poverty and the like. It is clear that women do not form a homogenous group; and groups of women may be situated differently along the vulnerability plane because of further stratifications based on race, class and geography. Further, poor women are less able to succeed in obtaining formal qualifications and also lack the social networks to obtain the best jobs, factors which may often be connected to race/ ethnicity or geographical location. O' Connor concludes that despite 'higher levels of participation and performance in education, women's access to education in the Caribbean has done little to change their subordinate position in their societies [...] The patriarchy coexists within a system of matrifocal and matrilocal families, as well as the state patriarchy coexisting with the economic independence of women [and] . . . is most strongly developed within the lower-class Afro-Caribbean group.'³⁶

These structural patterns mean that women, in particular, racialized women, are in general, poorer than men, leading to concepts such as the 'feminisation of poverty'. The phenomenon speaks to structural gender inequities which result in disproportionate patterns of poverty affecting

³⁴ Reshma Mahabir et al, 'Understanding Wages in a Small Open Economy: The Case of Trinidad and Tobago' (2013) The Central Bank of Trinidad and Tobago Working Paper 11/2013, 15 <<https://www.central-bank.org.tt/sites/default/files/page-file/uploads/Understanding%20Wages%20in%20a%20Small%20Open%20Economy%20The%20Case%20of%20Trinidad%20and%20Tobago%20Mahabir%20Jagessar%20Neptune%20Cox%20-%20Feb%202013.pdf>> accessed 30 May 2018.

³⁵ Leith Dunn et al, 'Gender and Women's Rights Analysis of Economic Partnership Agreements: The Implementation of Trade Liberalization Jamaica' (2009) <<https://www.scribd.com/document/32716804/Gender-and-Women-s-Rights-Analysis-of-Economic-Partnership-Agreements-the-implementation-of-trade-liberalisation-Jamaica>> accessed 30 May 2018.

³⁶ Erin O'Connor, 'The Patriarchy's Role in Gender Inequality in the Caribbean' (2014) Student Publication 258 <http://cupola.gettysburg.edu/cgi/viewcontent.cgi?article=1335&context=student_scholarship> accessed 30 May 2018.

women, thereby identifying poverty itself as a symptom of gender discrimination. Poverty is both a cause and a result of gender discrimination.³⁷ This poverty has a cyclical effect; rendering women more susceptible to continued discrimination, for example, in relation to adequate child-care arrangements to access training, to access micro-financing, to avoid hazardous work etc. Law and policy must be engineered to attend to the needs of different groups of women.

D. Intersecting Race and Ethnicities

The Caribbean is often described as a pluralistic society, with many different races evident in its societal make-up. However, there are racial stereotypes, conflicts and biases which influence the labour infrastructure. Such laws often speak to indirect or hidden discrimination which are not easily captured by law.

Further, race and ethnicity are uncomfortable subjects for discussion and even research in the region. This is particularly the case in Guyana and Trinidad and Tobago, where racial tensions are not only between black and white, but between Indo and Afro-Caribbean ethnicities, typically evidenced in the make-up of partisan politics and patronage. The result is that the issue of race discrimination or disadvantage, whether direct or indirect, is invisibilised. There have been few serious attempts to collect data and determine to what extent, if any, such variables impact labour development. Yet, most scholars agree that race is a factor relating to class and empowerment. For example, Coppin concludes that '[r]ace continues to be a very important predictor of income...'.³⁸ Some racialised women have experienced upward occupational and social mobility, which 'reconfigured the composition of the middle class [...] However, while this transformation [...] might have diminished the former isomorphic primacy or salience of the colour code, it was never completely dismantled [...]'³⁹

Some of these issues of race and ethnicity factors are influenced by geographical context—the rural-urban divide discussed below—with particular impact on agriculture. Others speak to the likely make-up of

³⁷ UN Special Rapporteur on extreme poverty and human rights, 'Final Draft of the Guiding Principles on Extreme Poverty and Human Rights' (2012) A/HRC/21/39 [31].

³⁸ Coppin Addington, 'Color in the English-Speaking Caribbean Labour Market' (1997) 31(3) *Journal of Developing Areas* 399.

³⁹ Roy McCree, 'Race, Colour and Class in Caribbean Society' in Shirley A Jackson (ed) *Routledge International Handbook of Race, Class and Gender* (Routledge, 2015) 238 where McCree defines racial hegemony in the Caribbean to mean 'the dominance of a particular set of ideas based on the differential valorization of skin colour, which valorizes whiteness/ fairness and devalorizes blackness/ darkness'.

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industry or of the private sector. Some studies have been done which reveal these racialized variables.⁴⁰ Reddock suggests that industry patterns whereby persons of African descent are more prevalent in the public sector and persons of Indian descent, mixed race or Caucasian in the private sector may be traced to political patronage, cultural attitudes and other historic and sociological rationales.⁴¹ These must be confronted for effective policy planning. This is particularly the case because high earning opportunities for entrepreneurship is more easily facilitated in the private sector.

The issue of race or ethnicity is more complex than the black/white stratification and power relations common in other countries. These factors may all be relevant in how opportunities for training and access to employment and enterprise development may unfold, or more subtly, the cultural attitudes and approaches which impact them. For example, as seen above, available statistics indicate that female headed households are the poorest of all groupings. This is not merely a gender statistic since female headed households, comprising unmarried or single mothers are, in Trinidad and Tobago, as in the rest of the region, typically of African descent, so that the issue is one of gender intersecting with race. This is due to historic, cultural and sociological reasons. For instance, one study reveals how lenders in Caribbean microfinancing projects, even female lenders, made negative, moralistic, cultural, racial, gendered assumptions about single, female parent applicants, in particular, those with several fathers for their children.⁴² The discrimination suffered by such women encompasses deep, intersecting elements to do with race, status and gender.

In order to address these disadvantages, therefore, their particular conditions must be confronted and specific strategies employed to address them. These may be simple, such as child-care arrangements, sensitively coordinating times for training or more sophisticated measures, such as targeted credit-financing and mentoring.

⁴⁰ For discussions on the race variables in industry in the region, see Rhoda Reddock and Roy McCree, 'Race, Class and Gender in Trinidad and Tobago: A Study of Social Stratification, Social Mobility and Social Interaction' a research report prepared for the Ford Foundation as part of 'The Future of the Caribbean Project' (1992) UWI St Augustine, Institute of Social and Economic Research; see also Mc Cree (n 39) 233-39.

⁴¹ Reddock and McCree (n 40) See also Rhoda Reddock, 'Radical Caribbean Social Thought: Race, Class Identity and the Post-Colonial Nation' (2014) 62(4) *Current Sociology* 1; Cecilia Green, 'Gender, Race and Class in the Social Economy of the English-Speaking Caribbean' (1995) 44(2-3) *Social and Economic Studies* 65.

⁴² Caroline Shenaz Hossein, 'Using a Black Feminist Framework: A Study Comparing Bias Against Female Entrepreneurs in Caribbean Micro-Banking' (2013) 2 *Intersectionalities* 51.

E. Competing Power Relationships Among Disadvantaged Races

As noted above, race relations in some parts of the region where there are competing racialised women majorities, specifically Trinidad and Tobago and Guyana, where there are large populations of Indo-Caribbeans, provide a further intricate layer to the analysis of complex power relationships. Considering where a racialised woman is placed in the intersection of race and gender will therefore require consideration of horizontal power relationships, between two groups of subordinate race groups, while both continue to exist within vertical power relationships when measured against white minority dominant groups of workers.

One of the ways in which this plurality and multi-ethnicity must be explored in the context of intersectionality is the inquiry into the situation of women who are stratified in terms of these further ethnic divisions, which may also intersect with religion, in particular, Caribbean Muslim and Hindu women. Paradigms of subservience and disempowerment (a woman's place is in the home and to be protected) recently brought again to the fore with the debate on child marriage, suitable jobs for Hindu women in the music industry and the wearing of the hijab, Muslim dress, are important lines of inquiry. The importance of empirical tools such as disaggregated data stratified along these key indicators will have to be advanced to further such goals. Such data can lead to models of interpretation to improve the current traditional legislative framework, empowering it to be more purposive and dynamic in its approach to discrimination by utilizing an intersectionality lens.

Work in the music industry provides instructive examples of intersectionalities between race and gender and speaks to visions of subservience and subordination of the Indo-Caribbean women and the racial tension between Afro and Indo-Caribbeans. For example, as Kavyta Raghunandan puts it, Indo-Trinidadian singer Drupatee Ramgoonai's 1988 saucy chutney soca song "Lick Down Me Nani"⁴³ 'outraged many Indian conservatives'.⁴⁴

⁴³ Shalini Puri, *The Caribbean Postcolonial Social Equality, Post-Nationalism, and Cultural Hybridity* (Palgrave Macmillan, 2004) 197. Chutney soca is a form of Trinidad's indigenous music, a version of the better known calypso. It is a fusion of Afro-Trinidadian culture, from which calypso emerged, with the East Indian music of Trinidad. Before the emergence of this genre Indo-Trinidadians did not participate in calypso, which is usually quite liberal in character.

⁴⁴ Kavyta Raghunandan, 'Hyphenated Identities: Negotiating 'Indianness' and Being Indo-Trinidadian' (2012) 6 *Caribbean Review of Gender Studies* 12.

Ramgoonai describes the creation and reaction to the song as:

an example of cultural hybridity that is far from Bhabha's "empowering" state, or at least, the marginalised people that it empowers are split along generational and gendered lines. Drupatee, far more than her male chutney-soca counterparts, was the subject of harsh criticism from Indian religious groups in Trinidad and Tobago ... As Puri observes "policing the behaviour of women is a means of policing the construction of the Mother Culture".⁴⁵

F. Indigenous People

Indigenous populations are significant in Guyana, Belize and Dominica, with a small socio-economically active population in Trinidad and Tobago. Indigenous peoples are typically the poorest ethnic group in the region. Women face particular vulnerabilities, especially with respect to access to employment, often perpetuated by less accessibility to quality education and training. They are often located in separate geographical districts, typically rural communities, so that the disadvantages that accrue to labour in rural areas, discussed below, apply here also. In Guyana, in particular, there is persistent anecdotal evidence of the susceptibility of indigenous women to sex work, especially along the border with Brazil, and the attendant vulnerabilities, including sexually transmitted diseases (STDs) and other health risks.

Agriculture, eco-sustainable and heritage tourism have emerged as important avenues for income generation and Indigenous women are actively engaged in, or, as in Trinidad and Tobago, attempting to develop, these sectors. However, the limitations identified with regard to finance, training and managerial skills development, apply here also. Like other countries in the world, Indigenous peoples claim disadvantaged treatment. On the one hand, care must be taken to ensure that agriculture and tourism innovations do not harm the fledgling enterprises already emerging in the Indigenous peoples' community and further exacerbate the marginalization of Indigenous women. On the other hand, non-discriminatory policy is needed to provide realistic opportunities for their advancement and meaningful participation in the economy. This might mean land reform policy and special community financing to correspond to the concept of collective title characteristic of Indigenous law and practice which can hinder loan financing.

⁴⁵ Puri (n 43) 196; Kavyta Raghunandan (n 44) 12.

G. Girl Child Labour

Poor, racialised girl children in rural areas or touristic sectors are the subjects of particular vulnerabilities in the existing social and industrial environment of the region, which may benefit from an intersectionality analysis. Some key issues are their increased propensity to health and safety risks in a variety of sectors, from agricultural to energy based, whether due to pollution, harmful chemicals or damaging industry practices.

Such children are also exposed to child labour. Secondary sources indicate that between 1.5% and 4.1% of children aged 5-14 years in Trinidad and Tobago are working.⁴⁶ Children in rural communities are often rendered more vulnerable because of the relative lack of employment opportunities for their parents. This forces them to be engaged in exploitative child labour.⁴⁷ This is particularly visible in the agricultural, fishing and tourism sectors. This is a gendered phenomenon and may also be racialized. A girl's education is typically seen as less important than that of boys. Such pressures may account for the fact that the highest percentage of school drop outs in Trinidad and Tobago is not, as is often incorrectly assumed, urban male youth, but children, in particular, girls in Victoria.⁴⁸ It is not a coincidence that Victoria is a farming community in South Trinidad. Such children lose important education opportunities which, in turn, undermine their future employment prospects and their opportunities to engage meaningfully in the labour sphere.

As Dunn observes, '[l]imited awareness of children's rights and perceptions of children as the property of their parents also create an enabling environment for child labour.'⁴⁹ The main forms of child labour were reported to be vending, and work in trades, services, agriculture and fishing. Vending involves children selling food, fruit, craft, clothing and locally-produced sweets. Children in services were working as packers in supermarkets, as cosmetologists, child care providers and car washers.

Children's involvement in illicit activities included the cultivation and sale of marijuana, the sale of cocaine, working as drug lookouts and stealing, with boys being mainly involved. Children's involvement in

⁴⁶ See Leith Dunn, 'Tobago, The Situation of Children in the Worst Forms of Child Labour in a Tourism Economy: A Rapid Assessment' (2003) ILO Subregional Office for the Caribbean
<https://www.unicef.org/easterncaribbean/spmapping/Implementation/CP/National/RABarbados_ILO_2002.pdf> accessed 31 May 2018.

⁴⁷ *ibid.*

⁴⁸ Kissoon (n 15).

⁴⁹ Dunn, 'Worst Forms of Child Labour' (n 46) 4

hazardous activities included work that affected their education and development, such as catching crabs and shrimps. Sexual exploitation and involvement in illicit activities is also high on the agenda of hazardous work for girls, as they increased health risks (HIV/AIDS, teenage pregnancy, abortion), damaged children's morals and exposed them to violence, criminal behaviour and possible incarceration.⁵⁰

Not surprisingly, in Tobago, as in other Caribbean countries, poverty emerged as an important factor contributing to child labour and some children worked to support themselves and their family. Many children lived in single female-headed households, with parents who had low levels of education, who were unemployed, seasonally employed, self-employed or worked in low-income occupations. Several children worked to supplement family income or to meet their own personal needs.⁵¹ The findings for Tobago mirror that for Jamaica, the Bahamas and other countries in the region and can establish structural patterns of vulnerability particularly in traditional sun, sea and sex tourism economies, of particular significance for girls, discussed below, which must be confronted and addressed in policy and development.

H. The Rural-Urban Divide and the Significance of Race

Women in rural communities may experience particular disadvantages and have unique discernible needs which may be very different to women in urban communities, or even men in rural areas. Moreover, geographical location often intersects with race. For example, in Trinidad, many Indo-Trinidadians live in the Southern and Central districts, largely constructed as rural, and persons of African or other racial make-up typically live in urban areas. Guyana exhibits a similar pattern.

Research in the Commonwealth Caribbean reveals that rural populations face higher levels of poverty and unemployment. They are also more susceptible to health and safety hazards. They are deprived of equitable or adequate social services and infrastructure which exacerbate their poverty and life chances and increase vulnerability. Women and children who live in rural communities are doubly disadvantaged, given their particular existing vulnerability ratios.⁵² While statistics are again difficult to access, the Survey of Working Conditions 2014 reports that the county of St. Patrick, a rural community in the south of Trinidad,

⁵⁰ *ibid.*

⁵¹ *ibid.*

⁵² See Alicia Mondesire and Leith Dunn, *Towards Equity in Development: A Report on the Status of Women in Sixteen Commonwealth Countries* (Caribbean Community Secretariat, 1995) 1708. They note over 65 % of Jamaica's poor reside in rural communities.

had the highest indigent rates, 36%. This compared drastically with the next highest 24% and 12% for the city, Port of Spain.⁵³ Of particular note to this Survey are rural communities' lack of equal access to training and education; economic opportunities and access to agricultural land, credit, loan and marketing. Positive measures need to be taken to invest in rural development to eliminate discrimination against persons living in rural communities and provide for greater opportunities for them if social justice programs are to be meaningful and to bring about equality.

Since women represent the majority of the rural poor, increasing their economic productivity will depend on enabling women to realise their socio-economic potential more fully to improve their lives and that of their families. Important components of this strategy involve agriculture, renewal energy projects and environmental policies. Women living in poverty, in particular rural inhabitants are also more susceptible to the most negative impacts of climate change, natural disasters and environmental hazards. In a region known for its prevalence of natural disasters and negative climate change effects, this is a significant intersectional vulnerability.

3. Economic Sector, Women and Intersectionality

A. Intersecting Dimensions and Vulnerability of Tourism

The Caribbean is a high tourist destination which has been characterized as one that places a premium on recreational, beach vacation type tourists and traditional commercial tourism. The vulnerabilities that such an emphasis has for certain groups, in particular, women, especially racialised women and children, have been well documented. The over-reliance on tourism in these countries—it being the main source of foreign exchange and an important source of employment—exacerbates these vulnerabilities. Notably, it involves the reinforcement of gender and race sexual stereotypes and sexual exploitation with the accompanying health risks.⁵⁴ The current sector model is also characterized by local

⁵³ Kairi Consultants, 'Survey of Living Conditions in Trinidad and Tobago' (2014) ILO <[http://www.ilo.org/caribbean/events-and-meetings/WCMS_304860/lang--en/index.htm](http://www.ilo.org/caribbean/events-and-meetings/WCMS_304860/lang-en/index.htm)> accessed 12 July 2018.

⁵⁴ See Kamala Kempadoo (ed) *Sun Sex and Gold: Tourism and Sex Work in the Caribbean* (Rowman and Littlefield, 1999); Lauren Johnson, 'Money Talks: Female Sex Tourism in Jamaica' (LASA Conference, Brazil, 2009).

employees holding largely unskilled positions with low social and income statutes, yet high turnover rates.⁵⁵ Notably, such workers are rendered more vulnerable in the labour law infrastructure.⁵⁶

It has also been described as 'gendered tourism', given the significant proportion of women employed in the sector, especially at the lower rungs of the industry. However, a closer examination illustrates that gender is closely intertwined with race and class in this sector. The character of the tourist industry, therefore, reveals interesting elements in the intersectionality analysis. Managers in the industry tend to be white or 'brown' and the 'face' of tourism is largely of the same complexion. The socio-economic structure of tourism focused industries has been identified by Dunn as increasing the risk of the harmful effects of tourism on women and children. She states:

High inequality between the island's Eastern and Western regions, [is] combined with low-levels of education, inadequate health facilities, a high incidence of HIV/AIDS and low female participation in the labour market. In addition, in such countries, the labour force is concentrated in elementary and service occupations, which contribute to poverty, estimated at between 17% and 24%.⁵⁷

The fact that the tourist sector is largely unregulated, comprising small, non-unionised businesses and informalised business activity, exacerbates identifiable vulnerabilities.

The infrastructure of tourism and the hospitality sector may also reveal some limitations. Given that women, particularly racialised women, are typically located at the bottom of the sector and are poor, industry arrangements such as split-shifts (two shifts in one day) or transport deficiencies can have disproportionately harmful impacts on such women. Apart from their own health and safety risks, as primary caregivers who are unable to hire help, these can lead to the breakdown of the family unit and other sociological hazards (such as crime). Indeed, crime is an important social problem in modern Commonwealth Caribbean societies, although no significant study has been done to trace its roots to the negativities of the disempowered labour market, informed by vulnerabilised intersectionalities.

⁵⁵ Dunn, 'Worst Forms of Child Labour' (n 46).

⁵⁶ See, Rose-Marie Belle Antoine, 'Rethinking Labour Law in the New Commonwealth Caribbean Economy - A Framework for Change' (2011) 32 *Comparative Labor Law & Policy Journal* 303; Rose-Marie Belle Antoine, 'Mapping the Social in Caribbean Regional Integration', in Adelle Blackett and Christian Lévesque (eds) *Social Regionalism in the Global Economy* (Routledge, 2010).

⁵⁷ Dunn, 'Worst Forms of Child Labour' (n 46).

Of particular note are the several documented studies on the harmful impact of traditional tourism on children, part of the wider problem of child labour relating to vulnerabilised children, in particular girls, discussed above.⁵⁸ Given that traditional commercial tourism is often the main economic sector in many countries in the region and that there are few other employment or enterprise opportunities, its impact is significant.⁵⁹ Many of the risks and discriminatory attitudes and practices noted in the discussion on gender and race are duplicated here with respect to girls and increasingly, boys. These negative consequences include sexual exploitation, such as prostitution and pornography, reinforced negative sexual stereotypes for racialised women and girls and the worst forms of child labour. These in turn have their own health and safety risks such as STDs and HIV/AIDS.

B. Intersecting Dimensions of Agriculture

Women and the rural poor present the most emphatic vulnerabilities in relation to agriculture, particularly within the context of the kind of modern, sustainable agriculture desired by the region. Further, as explained above, women are also the poorest in the rural sector, so rural women are particularly vulnerable. Attempts must be made to mainstream gender into the sector. The social location of women in agriculture, typically rural, poor, racialised women, or Indian women, is significant to the intersectionality analysis. Given that many women in agriculture belong to the Indo-Trinidadian community due to historical reasons, the element of race must also be considered and addressed, which may be apparent in attitudes to applying for loans, independent projects etc.

Information provided by the Agricultural Society of Trinidad and Tobago (ASTT) indicates an expected larger proportion of males to females in a ratio of 3:1 based on their membership. Only 22% of the registered farmers are women.⁶⁰ According to ASTT, most farms were family oriented with the man playing the leading role and the woman a supportive role. An analysis of family farms shows that some 53.5% of the total agricultural establishments in Trinidad and Tobago were family

⁵⁸ *ibid*; Kempadoo (n 54); Christine Barrow, 'A Situational Analysis of Children and Women in Twelve Countries of the Caribbean Region' (2001) UNICEF (on file with author); Beverly Mullings, 'Globalization, Tourism and the International Sex Trade' in Kamala Kempadoo (ed) *Sun Sex and Gold: Tourism and Sex Work in the Caribbean* (Rowman and Littlefield, 1999).

⁵⁹ Dunn, 'Worst Forms of Child Labour' (n 46).

⁶⁰ No empirical data was available.

farms.⁶¹ Of the 3,826 farmers who accessed the government's Agricultural Incentive Programme only 12% were women;⁶² and 90% of the applicants for agricultural lands from the state were men.⁶³ The poor participation of women in agriculture, even where financing was ostensibly available to them, is cause for concern. As discussed earlier, sociological patterns in the largely Indo community which entrench 'female' and 'family' roles for women, may be significant.

In other paradigms, for example, for single women involved in agriculture (typically Afro-Caribbean), other discriminatory patterns related to occupational segregation are present. For example, women attached to the Network of Rural Women Producers of Trinidad and Tobago are often single heads of households with limited resources and therefore it is a challenge for them to attend training due to lack of funds.⁶⁴

The sector is dominated by men, except for horticulture. Further, women appear to be excluded from training that could convert them to more productive enterprises, apparently from a perception that they would not do so. While women participated in the training, they were not among the top 20 farmers chosen to receive greenhouses and seedlings to produce for the market.⁶⁵

Women in agriculture also face difficulty in accessing markets, so that efforts must be made to move women from subsistence production, in which they are mainly engaged, to market-oriented production. Women are also considerably disadvantaged in relation to financial services.

C. Intersecting Vulnerabilities in the Informal Sector

Throughout the region, women are disproportionately situated in the informal sector, usually amidst low income livelihoods. Moreover, there has been an increasing push toward greater informalisation in the job market, even of formerly traditional livelihoods. The casualization of labour, paralleled by the feminisation of the informal sector and the increasing vulnerability it brings to women has been well documented.⁶⁶ Important intersecting variables to be noted are of course, socio-

⁶¹ Sergio Schneider, 'Family farming in Latin America and the Caribbean: Looking for New Paths of Rural Development and Food Security' (2016) International Policy Centre for Inclusive Growth of the UNDP and UN Food and Agriculture Organization Working Paper (2016) <<http://www.fao.org/3/a-i5534e.pdf>> accessed 7 March 2017.

⁶² The sex disaggregation was done based on names and not actual male female information sex disaggregated data is not collected.

⁶³ Edwards and Chase (n 28) field notes 24 March 2017.

⁶⁴ *ibid.*

⁶⁵ Edwards and Chase (n 28) 27.

⁶⁶ Antoine, 'Rethinking' (n 56).

economic status and often, the underlying factor of race. The trend toward franchising or ‘contracting out’ jobs which have employee benefits, rendering them informal, independent contractor type work with no benefits, is part of this phenomenon. This is particularly prevalent in the all-important tourist sector and women, particularly, poor, typically Black women, have been the worst affected.

The informal sector is not only unregulated but also unsupported by formal policy, financing and capital infusion. The tendency for even formerly traditional jobs to become informalised is common in the service sector, whereby work is franchised out (cleaners etc). In fact, it is very much a hidden economy and informalisation typically means lower earning capacity, benefits and the abolition of formal avenues of redress for workplace violations. Neither anti-discrimination law nor labour law has been able to keep pace with this ‘race to the bottom’ type of market reorganisation, given that the law is still wedded to the pure ‘contract of labour’ model, which places an unhealthy emphasis on a narrow definition of an ‘employee’. Apart from concerns about entrenched and persistent poverty, the large slice of women in the informal sector also has implications for opportunities for enterprise development, whether in capital support or simply designing programs that accurately reflects the reality of the market.

Women’s businesses also tend to be more micro in nature.⁶⁷ These factors have a negative impact on equal opportunity in projects and enterprises, which typically target the formal sector, in terms of financing and organizational support, unless specific programs are created to reflect the reality of the market and focus on the economic empowerment of women. Such programs must include mentoring women to convert technical expertise (which they often have) into entrepreneurial business activity. Indeed, the breadth of the informal sector has been identified as an obstacle to innovation development.⁶⁸

At the other end of the spectrum, studies have shown that women of African descent predominate in the informal trading sector (hucksters/hagglers) and have demonstrated independence and entrepreneurial skills against the odds, even able to trade across the region.⁶⁹ They have been vulnerable because of prejudicial loan arrangements that stigmatise cultural characteristics, making

⁶⁷ This is also supported by the latest findings in the Edwards and Chase (n 28) 35.

⁶⁸ Sylvia Dohnert, ‘Five Obstacles to Overcome for a More Productive Caribbean’ (2017) *Compete Caribbean*, <<https://blogs.iadb.org/caribbean-dev-trends/2017/04/05/5-obstacles-to-overcome-for-a-more-productive-caribbean/>> accessed 7 May 2018.

⁶⁹ Hossein (n 42) 51. This was a study of 491 interviews in Jamaica, Guyana and Haiti, using a Black Feminist framework.

assumptions about reliability etc. Specific gender/cultural sensitive mainstreaming have to be in place to overcome such biases.⁷⁰

Non-traditional forms of work, such as alternative livelihoods, contract labour, casualised labour, sex work/human trafficking and the drug trade are also important as particular manifestations of intersectionality. Here again, the analysis relies on considerations of the intersectionality of class, race, gender and even place of origin. While, as explained above, race may not be the pivotal identity issue in the Commonwealth Caribbean, the construction of race globally operates such that it is racialized women who are disproportionately situated in such vulnerabilised work activity, which is typically underpaid, marginalized and even illegal.

D. Intersecting Dimensions of Innovative Enterprises

Gender differences also appear in relation to how women access and participate in innovative enterprises that often prioritise technology and market access. As in other sectors, there is little disaggregated data available. However, there are trends that women are disproportionately less involved in enterprises involving innovation, science and technology in particular. In one study on the information and communication technology (ICT) sector, results showed disadvantages in ICT access for women which resulted in gender differences in sector involvement. This was felt to be due to gender socialization and the resulting discrimination and employment which undermined commitments to inclusive development. Ultimately, this means ‘untapped opportunities for innovation, efficiency and business along the ICT value chain relating to development.’⁷¹

Despite attaining superior educational qualifications to men, Commonwealth Caribbean women and girls have fewer opportunities to excel in the ICT sector, especially in senior positions and as business owners. Studies document gender biases in occupational choices for men and women, gender wage, gaps, ‘gender glass ceilings’ which deny women equal access to higher leadership and technology positions and in business ownership.⁷² Access to ICTs related to gender, class, literacy and poverty have also been examined and revealed significant inequities

⁷⁰ *ibid* 59.

⁷¹ Ayanna Samuels and Leith Dunn, ‘Gender, Equity and Access in the Caribbean ICT Sector’ in Laura Robinson, Jeremy Schulz and Hopeton S. Dunn (eds) *Communication and Information Technologies Annual (Studies in Media and Communications Volume 12)* (Emerald Group Publishing, 2016) 65.

⁷² Eudine Barribeau, *The Political Economy of Gender in the Twentieth Century Caribbean* (Palgrave, 2001).

which negatively impact development.⁷³ These differences have also received world-wide attention at the World Summit on the Information Society. That Summit noted: ‘Persistent large disparities in access to information and knowledge, particularly in relation to geographical, socioeconomic, gender, age, rural-urban differences and the need to understand how traditions, local customs and perceptions can affect ICT access.’⁷⁴

While these studies targeted ICT enterprises, they are relevant to other science, technology based innovative enterprises. More gender based analyses need to be done of these other sectors in order to more effectively plan to integrate women into these sectors as managers and business owners in particular.

The region is turning to renewable energy as a form of diversification to boost the informal economy. Here too, an intersectionality analysis is useful. Examples of failed products during the ‘Green Revolution’ in the 1960’s and 1970’s hold important lessons for gender and cultural appropriate policy. The medium and long term effects of these projects were frequently negative because little account was taken of cultural, sociological patterns and gender variables.⁷⁵ Because technologies were aimed at male household heads that already controlled legal and cultural rights to land, water, hired labour and credit access, they exacerbated vulnerabilities. Male tasks, such as land preparation and planting were mechanized, whilst female tasks, such as weeding, harvesting, transport, food processing, were not. In addition, the initiative to mechanise wage labour, labour intensive tasks done mainly by women, ended up merely displacing women with men, who now did these new mechanized jobs. Green energy simply meant the masculinisation of jobs, with men taking over the now more efficient jobs in what used to be traditional women’s industries.⁷⁶ Technology usually brings upgraded skills and higher returns, which means more incentives for men at the expense of women.

Given the identified vulnerability of women with regard to access to capital and finance and disproportionate lack of land for collateral, this is a considerable hurdle that must be overcome.

⁷³ Hopeton S. Dunn and Leith Dunn, *Ringtones of Opportunity: Policy, Technology and Access in Caribbean Communications* (Randle, 2012).

⁷⁴ UN World Summit on the Information Society (2003)
<<https://www.un.org/press/en/2003/pi1549.doc.htm>> accessed 12 July 2018.

⁷⁵ Elizabeth Cecelski, ‘The Role of Women in Sustainable Energy Development’ (2000) National Renewal Energy Laboratory vi

<<https://www.nrel.gov/docs/fy00osti/26889.pdf>> accessed 31 May 2018.

⁷⁶ *ibid* 27-8.

E. Cross-Cutting Patterns in Intersectionality Analysis

From the above discussion, the following factors are identified as impacting on the gender wage gap: (1) women's work may be undervalued because women's economic lives follow different patterns; (2) women tend to have lower reservation wages than men; (3) gender-bias in wage setting institutions may have uneven gender effects; and (4) women are often disadvantaged by independent workplace effects (i.e. by workplace specific practices).⁷⁷ In the Commonwealth Caribbean, these continue to be overlaid by other variables such as race, class and the rural/ urban divide.

These factors underline gender stereotypes and roles which inform women's unequal status which impact significantly on their ability to negotiate innovative industry or participate to their full potential in development. Such inhibiting attitudes may be shared by women workers, deeply embedded in the psyche. For example, it makes it more difficult for them to enter scientific fields and enterprises (renewable energy, ICT), engage in entrepreneurship, including agricultural enterprises, access capital and loans and limits their accessibility to land for farming.

The issue of financing and in particular micro-financing, is one important element that greatly influences how women are socially located. Women continue to have unequal access to financing and capital and to land, which itself may be important for capital accumulation. Moreover, anecdotal evidence suggests that in some sectors, even when microfinancing was available for innovative enterprises in agriculture,⁷⁸ enterprise development and renewal energy projects, women did not take advantage of these opportunities. This appears to be informed by stereotypical attitudes of the lenders, but some concern should be noted about the factors that may inhibit women's participation in such innovation schemes. More research needs to be done using disaggregated data and specific training, incentivisation programs and mentoring designed to counter what may be conditioned attitudes about enterprise and the much sought after innovation.

Whether it is modern, sustainable agricultural projects, small and medium sized enterprises, or renewal energy projects, financing will be needed. Available research suggests financing is often influenced by race, or class, the latter often being a derivative of race and is not free from racial stereotyping or loyalties.⁷⁹ The phenomenon of 'racial browning',

⁷⁷ Mahabir et al (n 34).

⁷⁸ Edwards and Chase (n 28) 27.

⁷⁹ Hossein (n 42).

whereby lighter complexioned persons are viewed by unaware or untrained lenders as more responsible or credit-worthy, or where cultural judgements are made about single women's multiple partners in determining micro-financing decisions, are also relevant factors in inclusive policy-making.⁸⁰ There is also evidence that when women do receive loans they borrow smaller amounts.⁸¹

Similarly, the fact that the agricultural sector is typically made up of Indo-Trinidadian women, who tend not to be household heads, might help explain the low incidence of loans for agricultural projects applied for by women in that sector.

The reality that race is also linked with partisan politics, which may also be a factor in financing arrangements and other forms of benefits for enterprise and entrepreneurship, is a pertinent consideration to policy and planning.⁸² These inter-relating factors have been noted by studies in Guyana, but very little work has been done in Trinidad and Tobago to interrogate any discernible patterns.⁸³

F. Transnational Influences on the Intersectionality Paradigm

An intersectionality analysis in the Commonwealth Caribbean is incomplete without considering the external relationships that influence the axes of discrimination. Commonwealth Caribbean societies have always been and continue to be outward looking, 'plantation economy' types,⁸⁴ and cycles of disadvantage are exacerbated by and continuously created from the region's unequal trade relations as a so-called 'Third World' country, existing in a state of persistent poverty. Globalisation has deepened such inequities. Contemporary globalization is recognised as a gendered phenomenon and its impact on the (in) equity women, in particular, racialised women and poor women experience is significant.⁸⁵

⁸⁰ Edwards and Chase (n 28) 40.

⁸¹ *ibid*

⁸² Selwyn Ryan, Roy Mc Cree and Godfrey St. Bernard, *Behind the Bridge: Poverty, Patronage and Politics in Lavantille, Trinidad* (University of the West Indies, 1997).

⁸³ Alissa Trotz, 'Red Thread: The Politics of Hope in Guyana' (2007) 49(2) *Race Class* 71.

⁸⁴ The term 'plantation economy' is attributed to George Beckford, *Persistent Poverty: Underdevelopment in Plantation Economies of the Third World* (OUP, 1972). He described Caribbean economies as clinging to the model of the sugar plantations of colonial times, extracting outputs for the benefit of an external, imperialistic 'mother country' and market.

⁸⁵ Ann Denis, 'Globalization, Women and (In)Equity in the South' (2003) 18(3) *Constraint and Resistance in Barbados* 491; Rose-Marie Antoine, 'Constructing a Legal Framework for Securing Economic, Social and Cultural Rights for Women Workers, with Particular Reference to Structural Adjustment and the Caribbean' (1997) 7(2) *Caribbean Law Review* 534.

Poor, Black women often bear the sacrifice of the pressures of globalization.⁸⁶ The dominance of multi-national enterprises, whether in the original agricultural based economics or the more recent commercial tourist industry and typically foreign owned and self-interested, has served to cement such unequal power relationships. The face of happy, successful, tourism, for example, like that of the sugar plantations of the past, is white, while the menial, subservient, underpaid and sex-ploited is that of the poor, Black woman.

4. Conclusion—Charting a Legislative Intersectionality Framework

The question whether an intersectionality analysis may be useful to exploring and alleviating planes of inequality relating to women in the work environment of the Commonwealth Caribbean has been explored in this paper. The short answer is in the affirmative. Traditional anti-discrimination law and labour law are inadequate to reveal the deep complexities of women's inequality in the Commonwealth Caribbean workplace and can indeed benefit from the more piercing lens of the intersectionality framework. Yet, despite the important intersecting axes of discrimination and disadvantage, there is a lack of gender or vulnerability awareness, analysis, or mainstreaming in policy formation in the region which can properly inform anti-discrimination law or labour law.⁸⁷

While the anti-discrimination/equality legislation in the region does not specifically reference intersectionality approaches, such legislation does not exclude such a route. Taking a purposive approach to such laws, which attempt to generate enhanced equality to women and other disadvantaged persons, would permit a court to consider the broader intersectionality lens. Indeed, the objectives of such legislation prioritise broad equality. For example, the Trinidad and Tobago Equal Opportunity Act, in the Long Title, describes the statute as: 'An Act ... to promote equality of opportunity between persons of different status...'. While it may be difficult to intersect grounds of discrimination that are not listed in the enumerated grounds of the various equality statutes, at

⁸⁶ Leith Dunn and Alicia Mondesire, 'Poverty and Policy Coherence: The Case of Jamaica' (2002) The North-South Institute
<<http://www.nsi-ins.ca/wp-content/uploads/2012/10/2002-Poverty-and-Policy-Coherence-Jamaica.pdf>> accessed 31 May 2018.

⁸⁷ Edwards and Chase (n 28) 46.

minimum, the existing grounds may be intersected to produce a more dynamic and realistic frame for discrimination which is prohibited. Courts should be encouraged to do so.

Commonwealth Caribbean legal frameworks challenging discrimination have not as yet utilized intersectionality approaches, and therefore fail to adequately understand and address discrimination against women in the region. The intersectionality lens is a useful and dynamic one to approach what are multi-faceted and complex dimensions of inequality. Such enduring inequality is still influenced by a colonial legacy that, despite resulting in Black majority populations, perpetuate experiences of marginalization and inequality through the intersecting realities of gender, race, class, social and geographical origin.

The proper approach to addressing the simultaneous and multi-levelled planes of women's vulnerabilities which include race, socio-economic status and geographical location should be a proactive one. Policy and legal interpretative techniques and strategies must be designed with the identified vulnerabilities in mind to achieve particular targets for redress, if such initiatives are to succeed. Currently, such policies and developmental programmes are not formulated taking into account the different challenges, needs and interests of women, including their difficulty accessing finances and capital, societal conditioning and the unequal demands of family and household responsibilities. Unsurprisingly, without such awareness, existing law, even anti-discrimination law, is ill suited to address these axes of vulnerability and disadvantage and remain poor models for social justice.

Within the historical continuum of the Commonwealth Caribbean, the 'single axis framework' currently envisioned by all anti-discrimination legislation in the region, but now discredited by Crenshaw and others, is of limited value and must be re-imagined.