

Orientation: Prevention of Workplace Sexual Harassment of Women

Internal Complaints Committee

Introduction

- Every woman has the right to a safe and secure workplace environment.
- Sexual harassment at workplace is a violation of a woman's right to equality and dignity.
- Sexual Harrassment of Women at Workplace Act 2013:
 - PREVENTION
 - PROHIBITION
 - REDRESSAL

The Act

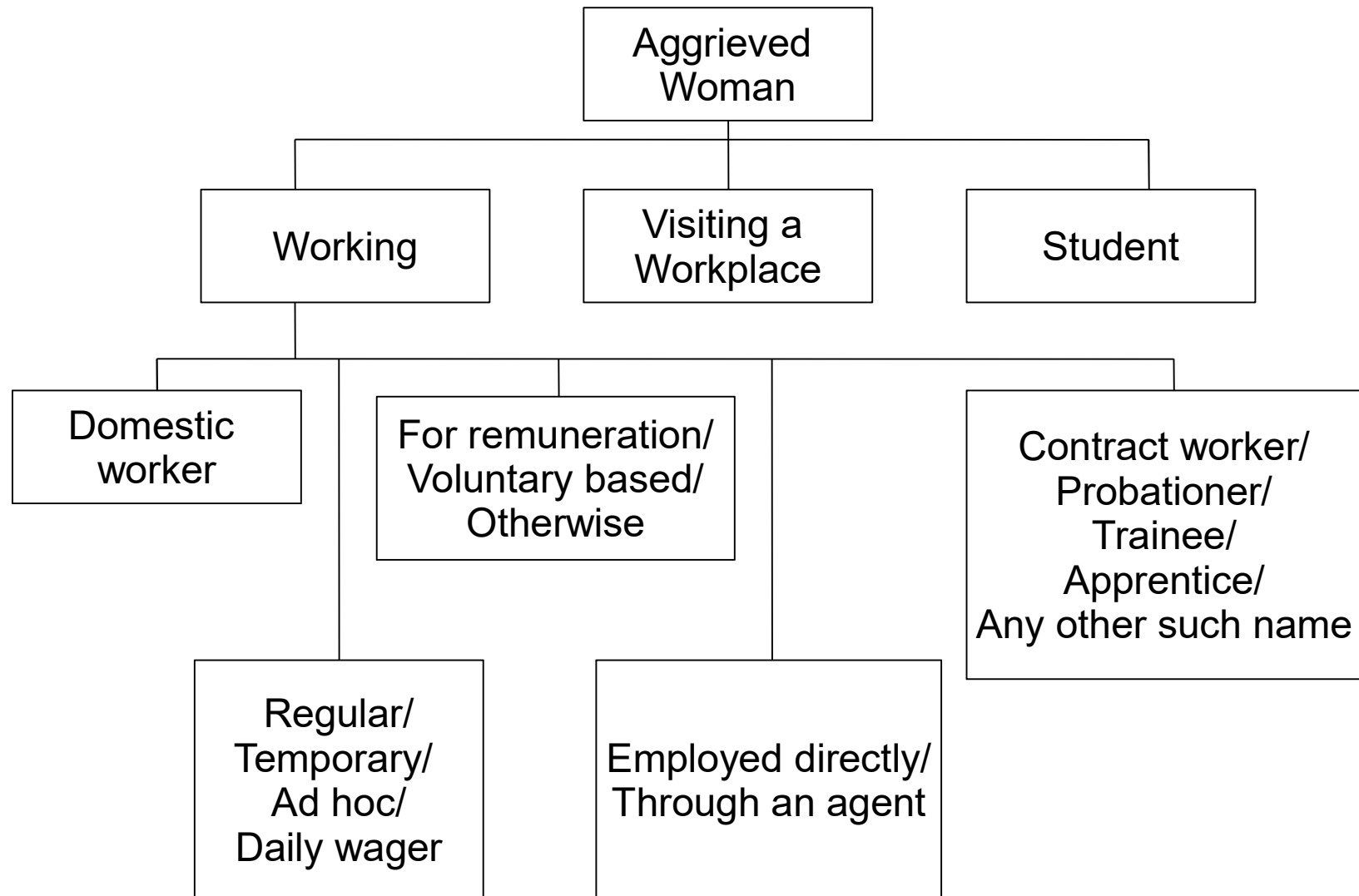
- In addition to laws of the land against sexual harassment.
- Meant to provide a civil remedy to women.
- A complainant always has the right to take recourse of criminal proceedings as well.

Sexual Harassment at our Workplace

What is a workplace?

- The Institute.
- Any place (may be a dwelling place) visited by an employee arising out of or during the course of employment.
- Includes transportation provided by employer for undertaking a journey related to work.

Who are Protected?



What is Sexual Harassment at a Workplace?

Includes anyone or more of the following unwelcome acts or behaviour **(whether directly or by implication)**:

- Making sexually coloured remarks,
- Physical contact or advances,
- A demand or request for sexual favours,
- Showing pornography,
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Ambiguity in Sexual Harassment?

IT IS THE IMPACT AND NOT THE INTENT THAT MATTERS!

The first steps to **Prevention** is **Recognition**:

- Unwelcome behaviour
- Sexual in Nature
- **A subjective experience**
- **Impact is what matters**
- Often occurs in a matrix of power

Ambiguity: Ask yourself questions

**IT IS THE IMPACT AND
NOT THE INTENT THAT MATTERS!**

- Could my behavior offend or hurt others?
- Could someone misinterpret my behavior as intentionally harmful or harassing?
- Would a person close to me like to be treated this way?
- No matter what the other person does (like clothes worn, signals I may be misinterpreting), does it give me a reason to harass the person?

Impact of Inappropriate Behaviour

PROFESSIONAL	PERSONAL
Decreased work performance, loss of promotional opportunities	Depression
Increased absenteeism, loss of pay	Anxiety, panic attacks
Retaliation from respondent/allies of respondent	Traumatic stress, sleeplessness
Subject to gossip	Shame, guilt, self-blame
Being objectified and publicly sexualised	Difficulty in concentrating
Being ostracized	Eating disorders
Having to relocate	Loss of self-confidence
Job and career consequences	Loss of trust in people
Weakened support network	Feeling angry/violent towards respondent
	Withdrawal and isolation

UNWELCOME BEHAVIOUR	WELCOME BEHAVIOUR
Feels bad	Feels good
One-sided	Reciprocal
Victim feels powerless	Person feels in-control
Power-based	Equality
Unwanted	Wanted
Illegal	Legal
Invading	Open
Demeaning	Appreciative
Causes anger/sadness	Person is happy
Causes Negative self-esteem	Positive self-esteem

Examples of Inappropriate behaviour and sexual harassment

- Unwelcome flirting
- Stalking
- Making sexually suggestive remarks, innuendos, offensive comments, jokes, teasing
- Inappropriate questions, suggestions, remarks or rumour-mongering about a person's body or sex life
- Displaying sexist or other offensive pictures, posters, mms, sms, WhatsApp, or e-mails
- Abuse of power, intimidation, threats, blackmail with regards to sexual favours, or protests against sexual harassment
- Falsely accusing and undermining a person behind closed doors for sexual favours
- Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit
- Physical contact from touching or pinching to caressing, kissing, fondling against the person's will (Considered as assault)
- Invasion of personal space (getting too close for no reason, brushing against or cornering someone, touching a pregnant woman's belly when she doesn't like it).

Examples of Behaviour that merits inquiry

- Criticizing, insulting, blaming, reprimanding, humiliating or condemning an employee in public, often without just cause.
- Exclusion or isolation from group activities, assignments, personal responsibilities without a valid reason.
- Statements damaging a person's reputation or career.
- Inappropriately giving too little or too much work.
- Unjustifiably monitoring everything that is done.

Examples of behaviour that is not sexually inappropriate

- Following-up on work absences.
- Requiring performance to job standards.
- The normal exercise of management rights.
- Work-related stress e.g. meeting deadlines or quality standards.
- Constructive feedback about the work mistake and not the person.

Types of Sexual Harassment

- **Quid Pro Quo** (literally 'this for that')
 - Implied or explicit promise of preferential/detrimental treatment in employment
 - Implied or express threat about her present or future employment status
- **Hostile Work Environment**
 - Creating a hostile, intimidating or an offensive work environment
 - Humiliating treatment likely to affect her health or safety

Quid Pro Quo: Scenario 1

Kamini is a researcher in the Chemistry department of her institute. Known to be forthright, she is dedicated, hardworking and is a perfectionist.

Kamini's laboratory work makes her stay back at work late one evening. Her colleague Ravi is also in the laboratory finishing an important paper. Ravi offers to buy Kamini dinner and later drop her home since it's been a long day. After dinner, Ravi proposes to Kamini that he would like her to spend the night with him. Kamini refuses politely but firmly and goes home. Next evening, Ravi repeats

Quid Pro Quo: Scenario 2

Renuka is employed as a temporary cleaning staff at an institute guesthouse. Most of the times, the only other person in the guesthouse is the Guesthouse warden.

Renuka finds the Guesthouse warden to be constantly leering at her. On one occasion, while she was sweeping, he pinched her bottom. When she protested that she will complain to the authorities, he threatened to accuse her of stealing, and that he will ensure that she loses her temporary job or that she never gets a permanent position.

Quid Pro Quo: Scenario 3

Shamima is a final year PhD scholar in her institute. Her advisor, Dr. Bhavan is a well-reputed and influential professor.

During an official field visit to Shimla for 2 days, Dr. Bhavan finds an opportunity to be alone with Shamima and makes a physical advance. Despite her protests, he forces himself on her while giving lurid and sexually explicit details of his relationships, both past and present, with women. When she chastises him and threatens to make his behaviour public, he threatens to destroy her career.

Hostile Environment: Scenario 1

Varghese, Jayanthi's supervisor at work, often tries to touch her on one or the other pretext. For example, he adjusts her dupatta while she is at her workstation on the pretext of covering her back.

Jayanthi is very uncomfortable with his behaviour. Her colleagues at the workplace ridicule Jayanthi and mock her for the 'special treatment' by her supervisor. They often gossip about her and Varghese.

Hostile Environment: Scenario 2

Sukhi is a daily wage labourer working at a construction site. Every day at lunch time, Sukhi sits under the shade of the tree to feed her 16-month old baby. She finds Jaswinder, a worker, staring at her from the distance. Sukhi feels uncomfortable and asks Jaswinder to stay away from her while she's feeding the baby. However, Jaswinder persists and always finds a place near her. The group of fellow construction workers now constantly catcall and whistle at Sukhi every time she walks their way to refill the cement or mortar. When she questions them they tell her they are only joking amongst

Hostile Environment: Scenario 3

Sumedha is an administrative officer at her institute. She has refused an offer made by a Senior Officer for a relationship. Sumedha has kept quiet about this experience, but thanks to the rumour-mongering by the Senior Officer, she has acquired a reputation of being a woman of 'easy virtue'. Now she is being subjected to repeated advances by three of her senior officer colleagues. When she turns around and protests, she is singled out for work that makes her stay for long in office, well past office hours.

Hostile Environment: Scenario 4

Asha is a researcher in a team led by Dr. Purshottam, a very influential person in his field. In the first few months of Asha's employment, Dr. Purshottam is very pleased with her work and publicly appreciates her. Soon after, Dr. Purshottam frequently summons Asha to his office on the pretext of work and makes verbal sexual advances and sexually coloured remarks to her. He brushes aside her protests by saying that they would not be able to work as a team unless she interacted closely with him and they both got to know each other well. However,

Filing a complaint with your Employer

Who is an employer?

- <Institute name>, overseen by <Government>, <District Officer>.
- Responsible Action Group: Internal Complaints Committee

Internal Complaints Committee

Current Members:

Webpage:

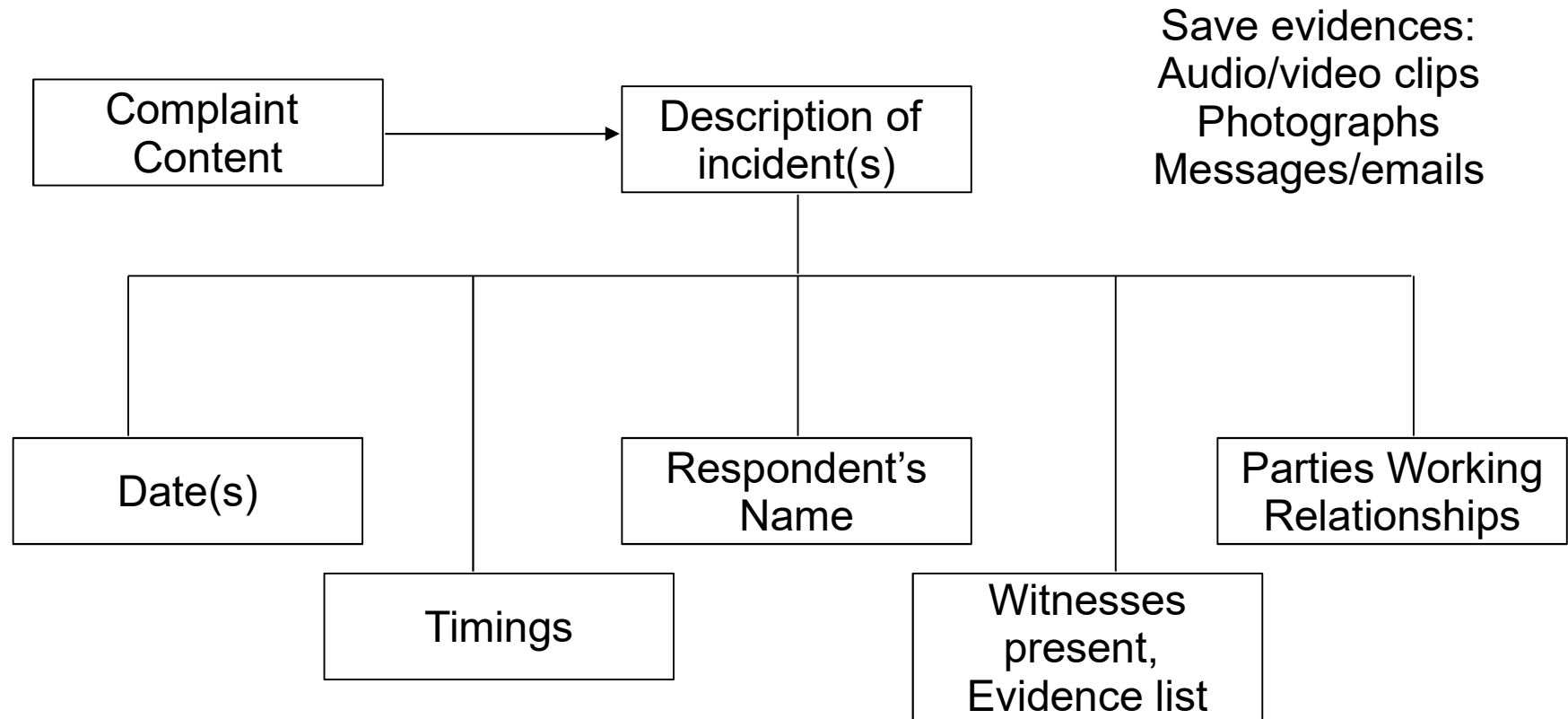
Exception: Local Complaints Committee

- For institutes under state governments – District Officer
- For central government institutes – Women's commission

When the complaint is to be filed against the employer, then the Local Complaints Committee should be approached

Filing a Complaint

- ✓ Who files: Complainant or Any person with knowledge of the incident and written consent from the complainant
- ✓ How to file: Signed letter either by email to <email id> or hardcopy to <resp. Office with Attn: ICC>



Rights of the Complainant

- A fearless environment created by the Internal Complaints Committee
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent
- Keeping her identity confidential throughout the process
- Support, in lodging FIR in case she chooses to lodge criminal proceedings
- In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent
- Right to appeal, in case, not satisfied with the recommendations/findings of the Complaints Committee

Rights of the Respondent

- A non-biased hearing
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant
- Keeping his identity confidential throughout the process
- Right to appeal in case not satisfied with the recommendations/findings of the Complaints Committee

Timeline for Action

Submission of Complaint to the ICC	Within 3 months of the last incident
Notice to the Respondent by the ICC	Within 7 days of receiving the complaint
Reply of the Respondent in writing (optional)	Within 10 days of receiving notice from ICC
Completion of Inquiry by ICC	Within 90 days of receiving complaint
Submission of report by ICC to the employer	Within 10 days of completion of inquiry
Implementation of Recommendations	Within 60 days of receipt of report from ICC
Appeal to tribunal/court by complainant/respondent as the case may be	Within 90 days of the recommendations
Report of the ICC to the Appropriate Government/ District Officer	In the Annual Report of that year

Concluding remarks

- Full Handbook on Prevention of Workplace Sexual Harassment can be found here:
- Full Act of 2013 can be found here:
- Full declaration of internal rules against Workplace Sexual Harassment can be found here:
- Contact details and committee members:

Thank you for your Attention!

PREVENTION PROHIBITION REDRESSAL
It is the impact and not the intent that matters.