

ANNANAN

AND THE WORKING WOMAN



A Jaheli REPORT OCTOBER 1998

This report would not have been possible without the ready cooperation of the many women we interviewed. We would also like to especially acknowledge the support extended by several others who helped us gain access to the many workplaces we visited for this study. In solidarity,

The Saheli Collective

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SEXUAL HARASSMENT AND THE WORKING WOMAN

SEXUAL harassment at the workplace is a form of systematised violence against women. Most working women at some time or the other face this kind of violence from their colleagues, bosses or employers. Every mode of production has throwin up specific forms of sexual harassment. Women working in fields and mines are often sexually exploited by tandlords and *thekedars* (contractors). Women industrial workers also face sexual harassment from factory owners, supervisors, and even from their male colleagues, while women employed in the service sector face harassment from their office colleagues, bosses and elients.

Despite increasing participation of women in all fields of work, changes in social attitudes towards women have not shown much progress. If anything, they have worsened, with Violence at the workplace probably on the increase. Women in the labour force are viewed as a threat to the institution of patriarchy. They are seen as 'snatching' men's jobs. 'Women's place is in the house', is the stated as well as unstated dictum. The impact of growing consumerism, the media and the mindless race of profileering to 'capture the market' have further promoted sexist images of women's and a blatant display of male power aimed at sublugating women.

Sexual harassment is any unwanted attention imposed upon a womant the total of harassment which constitutes acts of mental, emotional and physical violence against women, is often trivialised as 'eve-teasing'. By categorising this intrusive and objectionable behaviour as 'light flirtation' or 'harmless jokes', the seriousness of the offence is masked. The fact that sexual

WOMEN IN THE LABOUR FORCE ARE VIEWED AS A THREAT TO THE INSTITUTION OF PATRIARCHY harassment can leave a deep and adverse impact on the psyche, is totally overlooked. A woman's sense of security is shaken by such humiliating acts. Any woman objecting to sexual harassment is tooked upon as 'hypersensitive', a spoilsport and lacking in a sense of humour. Raising objections against such behaviour often results in a hostile work environment for the woman, delay in promotion, or even loss of the job. Such implications have discouraged many women from taking action. The find no outlet or expression for their anger and humiliation, and at the find it difficult to be creative and productive at work. This, again, hampers their chances at promotions and other career opportunities.

SEXUAL HARASSMENT AT THE WORKPLACE: GAINING MORE VISIBILITU

Over the past twenty years, the autonomous women's movement has politicised the issue of violence against women and consistently campaigned against it. This violence, in the form of sex-selective abortion, female infanticide, child sexual abuse, incest, molestation, rape, wife battering, dowry murders, widew immolation and witch-hunting has been brought into the public consciousness through protests and campaigns. Though sexual harassment at the workplace is also an age-old problem, women have been left to deal with it on their own, or sometimes with the support of women's organisations. However, there have been no effective legal measures to counter it. The problem received judicial recognition when, on August 13 1997, a three-judge bench of the Supreme Court headed by the Chief Justice delivered a significant judgement on sexual harassment at the workplace, ratifying guidelines drawn up by women's groups.

This non-adversarial petition was filed in 1992 by Visakha, Kali for Women and other women's groups following the brutal gang-rape of Bhanwari Devi, a *Sathin* (village-level worker) in the government-run Women's Development Programme in Rajasthan. Bhanwari Devi, as part of her work, was implementing the official campaign to prevent child marriage, in her village. She incurred the wrath of a group of high-caste *Gujars* when she attempted to prevent them from marrying off their minor daughters. In retaliation, they gang-raped her to 'teach her a lesson'.

The Supreme Court held that sexual harassment at the workplace is violative of Article 14 of The Constitution which guarantees the Right to Equality as well as Article 19(g) which guarantees the Right to Practice any Profession or to carry on any occupation, trade or business. Since the right to work depends on the availability of a safe working environment, and the Right to Life (Article 21)

means a life with dignity, the hazards posed by sexual harassment need to be removed for these rights to have any meaning. The Court also directed that in particular, it should be ensured that the victims are not victimised or discriminated against while dealing with complaints of sexual harassment. The Court noted, it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work, including recruitment or promotion, or when it creates a hostile work environment. In the absence of specific laws to deal with sexual harassment at the workplace, the Court issued a set of guidelines to, deal with the problem.

These guidelines (quoted in italics in this report) are significant from several points of view. First, sexual harassment at the workplace has been recognised as a serious problem. Thus, these guidelines, which are

THE SUPREME COURT GUIDELINES ARE A VINDICATION OF THE STRUGGLE TO GET SEXUAL HARASSMENT AT THE WORKPLACE THE ATTENTION IT DESERVES

enforceable in law, are a vindication of the struggle to get sexual harassment at the workplace the serious attention it deserves. Secondly, the Court made it mandatory for all workplaces to adopt the guidelines. In addition, the guidelines provide a comprehensive definition of sexual harassment and a redressal mechanism for handling complaints.

As women working in different fields, all the members of Saheli too have experienced harassment of various kinds. At some point of time, most of us have had to deal with frustration, humiliation, WITH THE INITIATION OF AN INSTITUTIONALISED MECHANISM TO DEAL WITH SEXUAL HARASSMENT, WE WANTED TO ANALYSE HOW FAR THE SITUATION WAS LIKELY TO CHANGE hostility or uncomfortable and tense working environments. With each situation, ways of coping with the problem have emerged individually and collectively. With the initiation of an institutionalised mechanism of dealing with sexual harassment, we wanted to analyse how far the situation was going to change. We wanted to look into the problems actually faced by women, how they cope with them, and see how far the Supreme Court Guidelines would actually help working women.

The purpose of the present survey was to elicit responses of women in different occupations and professions. The focus was on their own experiences, how they perceived the problem and how they handled it. We also sought their opinions about the Supreme Court Guidelines, the definition it put forth, and the redressal mechanisms envisaged. Women's suggestions and comments about redressal mechanisms like, the Complaints Committee, in order to ensure effective implementation of

the guidelines, were also discussed. Alongside, the purpose of spreading information and awareness about the guidelines among working women was also fulfilled.

While we were not aiming for a uniform statistical representation of all sectors, we attempted to cover women in a wide range of occupations and from different class backgrounds. Since the nature, form and degree of sexual harassment varies according to the nature of the jab, we tried to talk to women in a wide variety of occupations.

We interviewed 62 women from different areas of work. These included hawkers and vendors (2) and domestic workers (3) from the unorganised sector; factory workers (6) in the export garments industry and a tyre company; nurses (5); doctors (3); a lawyer; bank clerks (4); an advertising agency employee; Non-Government Organisation employees (2); university and college teachers (5); editorial staff in publishing-houses (2); journalists (4); scientists (5); junior executives and secretarial staff of small private firms (5); airlines employees (2); clerical staff in Ministries and government departments (11); Class IV government employees (2). The women interviewed were mainly from Delhi, with a few from outside via e mail. We have also included our personal experiences from the different professions we have worked in. These accounts are not part of the formal interviews. In addition, we have included, where relevant, our experiences of helping a woman pursue her complaint of sexual harassment, which occurred after the Supreme Court judgement.

How we went about it: Every interviewee was given a handout (in Hindi & English) in which the Supreme Court Guidelines were presented in a simple language. A few broad questions were included. Initial contacts were made through Unions, Employees' Associations, friends working in different establishments, and by directly approaching women in various offices and working women's hostels. At certain places, the handout was distributed in advance, and subsequently followed by visits to carry out interviews. We talked to women individually, as well as in groups, depending on the situation.

While some women were very open, many were initially hesitant to talk. A few denied the existence of the problem, and others were reluctant to dwell on the subject. The hesitation to speak stemmed mainly from the shame and social stigma attached to being a 'victim' of sexual harassment, and the social conditioning regarding what is considered to be a 'private' matter. However, a little

prompting and sharing of our own experiences helped to break the ice. Women were then forthcoming additiked about their own or their colleagues' experiences. They spoke of their frustrations, their despair and their struggles. The range of information we gathered and the variety of experiences shared by the women speak of the subtle nature of the problem, and the need for various strategies to deal with it. We hope that this survey can contribute to chalking out strategies towards making the workplace secure for women

DEFINITION OF SEXUAL HARASSMENT IN THE GUIDELINES

+11 this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as: (a) Physical contact and advances (b) A demand or request for sexual favours (c) Sexually coloured remarks (d) Showing pomography (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Many women we Interviewed found the definition adequate and inclusive. However, some said, "though it sounds broad, it is very vague." A lawyer we interviewed pointed out, "It leaves too much to interpretation and depends heavily on the person who is adjudicating. For instance, the word 'unwelcome' is not very clear, and notions like 'sexual' and 'non verbal' are open to interpretation and can very easily be struck down."

Some women opined that it is not possible for any legal definition to anticipate the kinds of situations women find themselves in. According to a member of Saheli, who is also a journalist, "Travelling alone at odd hours, landing up in new places in the middle of the night or staying alone in lodges in small towns are all more difficult for women. To feel secure in these situations, one needs an overall change in attitudes to women rather than only legal provisions."

Some women opined that discrimination against women at the workplace does not necessarily constitute sexual harassment. Said a scientist, "The difference between gender based discrimination and sexual harassment is very difficult to define." (See Box on page 15)

One opinion was that the psychological impact of sexual harassment on women should be reflected in the definition - the humiliation, the insults and the emotional injury caused by such harassment should be made visible.

It is assumed that all categories of workers in the unorganised sector are covered by the guidelines. While this is implicit in the definition, we need to be alert that it is applied in practice, because the unorganised sector comprises the largest section of working women who are very vulnerable to this form of harassment amongst many other hard working-conditions.



THE UNORGANISED SECTOR COMPRISES THE LARGEST SECTION OF WORKING WOMEN ... MOST OF WHOM DO NOT HAVE A WELL-DEFINED WORKPLACE

Having talked to women who do not have a well-defined 'workplace', we also feel that the definition of 'workplace' should be widened. For instance, in the case of hawkers and Vendors, the streets

become the workplace. Also, for some categories of self-employed women, their homes are also their workplaces. In the context of sex-workers demanding recognition of sex-work as a profession, the issue of sexual harassment at the workplace also needs to be addressed.

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DIFFERENT WORKPLACES, DIFFERENT EXPERIENCES

WINCH narrated a wide range of experiences of the nature of sexual harassment they have faced at work. They spoke of 'explicit' or direct sexual harassment as well as 'subtle' and indirect forms of sexual harassment. Most women have experienced the potential threat of sexual harassment and many spoke of its very frequent occurrence.

Women in the public sector and in government jobs had a mixed reaction to the nature of harassment they, their friends and colleagues faced. While a few denied its occurrence in their offices, most accepted that it does take place, and expressed a need to do something for its redressal. Even those who denied the occurrence in their offices, agreed that they had heard of such cases through friends or newapapers. Among the reasons cited for the non-occurrence of such cases were : job security which gave them a certain level of protection; strong unions; strict service rules and transferable jobs. Bank employees, for instance, with transferable jobs, claimed that they do not fear prolonged harassment or blackmail. The level of protection that women in the public sector enjoy is equally applicable to offenders. One woman pointed out, "the reverse too is true: even offenders enjoy protection." Nevertheless, the bank employees we interviewed, said that they constantly face a subtle level of harassment in the form of comments about their dress, make-up or hairstyle. One bank employee complained of male colleagues deliberately discussing film heroines in a "not-so-decent" manner, especially in the presence of women. Staring fixedity at



Looks and comments are constantly directed at us. Men crack jokes with sexual innuendoes, and laugh heartily at smail jokes, especially when women are around"

women colleagues till some eye contact is made, or the person gets noticed for his stares, is yet another common experience faced by many.

We interviewed clerical staff from six different Ministries. One secretary said, "Looks and comments are constantly directed at us. Men crack jokes with sexual innuendoes, and laugh heartily at small jokes, especially when women are around." She also related another incident where her male colleague went around showing a news item of an American woman teacher having raped her male student who was a minor. He discussed it over and over again with women colleagues. The woman who shared this with us frustratedly said, "This is nothing but

harassment. But it is so difficult to prove, or pin point. Men do all this in a light manner to enjoy themselves, and if you confront them, they deny that they are doing it to barass women." Especially when they are new recruits, women are unable to raise the issue. In another instance, a Director wanted a South indian secretary in particular, because "Southles" are generally assumed to be more docline. As migrante being away from home in a city like Dethi, they are more vulnerable due to a lack of a social support structure. The Director would stare all his secretary all day long, through a mirror placed at a 'suitable' angle. In due course, he shifted his desk in front of her. Unable to take it anymore, the woman complained and sought an internal transfer. The Director was given only male secretaries after this incident!

These experiences indicate that although women do enjoy job security in permanent government and public sector offices, they nevertheless face sexual harassment. The atmosphere in many of these offices can be emotionally and mentally quite disturbing.

In the private sector, job insecurity, because of the nature of employment and the lack of enforcement of labour laws, contributes to the occurrence of sexual harassment, as well as making the victim more vulnerable to such harassment. They stressed the problem of job insecurity because their jobs in many instances were ad hoc, temporary or on contract. An office assistant in a private firm said, "Sometimes women are unable to resist advances from male seniors or employers because of the fear of their losing jobs." The unstable nature of their contract and the scarcity of jobs renders women in the private sector much more vulnerable to sexual harassment. In a job interview, one woman was told, "You look beautiful in this red dress." Nothing else was asked! Although she got the job, she did not join. In another case, a woman was gifted a mobile phone by her boss. He uses it at all odd hours to chat with her. Though he had not made any objectionable remarks until then, she had begun to realise the price she had to pay for the 'gift'. THE UNGRABLE NATURE OF THEIR CONTRACT AND THE SCARCITY OF JOBS MAKE WOMEN IN THE PRIVATE SECTOR MUCH MORE VULNERABLE



IRONICALLY, THE JOB SECURITY THAT WOMEN IN THE PUBLIC SECTOR ENJOY, IS APPLICABLE TO OFFENDERS AS WELL

A computer professional in a private firm mentioned harassment by colleagues of the Accounts Section before passing bills. Unnecessary and emberrassing questions were asked, putting her in a very awaveral position. In several instances, women complained of having towanecessarily stay back late. One employee described how only girls are asked to stay back after office hours. In another affice, all-work was brought to the woman only towards cleaing time, having her with no option but to stay back. A member of Sahell, who worked as a personal assistant in a renowned private firm recalled that she was never given any worked as a personal assistant in a renowned private firm recalled that she was never given any work during the day. Towards evening, she was asked to stay back. If she refused, the following alay she was held responsible for the firm having lost out a contract because of her absence. "This kind of behaviour was obviously almod at forsing mean private firms are much more assertive and share these experiences less openly with even in private firms are much more assertive and share these experiences less openly with even in private firms are much more to the public sector. The fear of reprisale and insecurity of their jobs contributes to this culture of silence.

Airlines professionals whom we interviewed said that they did not face any second harassment. This could possibly be because most of the supervisory and managerial-layed staff, especially in international airlines, are women. Moreover, women employees are on par with male colleagues vis-a-vis grades, seniority, responsibilities, positions and salary. However, the same is not true for flying staff, now called 'flight attendants' rather than airhostesses. Despite unionisation, and the move to enhance their respectability, flight attendants continue to be easy prey to senior flight crew, ground cnew, male rostering officers as well as passengers. According to a member of Saheli working in the Airlines industry, "Female flight attendants are harassed in various ways - from subtle sexual advances and over-friendliness to passing remarks on their looks, about their uniforms; frequent calls to attend passengers or cockpit crew, phone-calls in their hotel rooms etc." Often duty rosters are manipulated in order to harass the flight attendants. "They are more vulnerable since they are away from home, alone and unprotected in strange foreign lands, confined to hotel rooms with no support systems. Another aspect is that most of the flight attendants are young and attractive, earning very well, and have gained sudden freedom. Some of them may find it difficult to distinguish the range from friendliness to sexual advances and exploitation, leaving them vulnerable to sexual abuse."

The academic world's not free from sexual harassment. A Reader In a college in Dethi University reported how in a Pali language class that she was attending, the teacher used examples that could not be taken in 'good taste'. " I used to feel very uncomfortable about it," she said. She also described how the power relationship between teacher and student is utilised to harass students, especially research scholars. However, cruder forms of harassment also occur on the campus.



"Senior male lawyere wield a lot of power. The legai 'fraternity' is male dominated and intimidating, respecially for a young lawyer." Another Reader in a Delhi University campus college has had to take severe harassment because of the support she extended to a female employee who had complained against sexual harassment. The Reader was verbally abused by one of the culprits, and one of her male colleagues even tried to assault her in the staff room.

The scientists we interviewed spoke about how harassment takes place at a more general level with inane sexist humour and gossip. Individual instances were reported of male colleagues forcibly seeking a friendship to the point of harassment. A scientist talked about how a colleague tried to get close to her, and in a drunken state made advances to her at an official party. Though she did bring it to the house of the senior scientists present in the gathering, she was told to calm down and not make a 'big deal' out of it. A scientist of a premier research institute had once submitted a 'list of items to be provided in the 'Ladies Tollet'. A huge discussion ensued in the Administration Section as to whose lob it was. She was

summoned and questioned in detail about what each item - mug, bucket, dustbin - was needed for. In her words, "Needless to say that the matter was discussed and made fun of for almost a month in the corridors by all classes of employees - from peon to the head of the institution." This was in 1996, and ontil the date of interview, the request was unfulfilled. Scientists generally tend to work late hours, "especially if campus-based accommodation is available. In such a situation, unless adequate security measures are provided, the chances of sexual harassment are quite high, said one scientist. For instance, a senior scientist reported that her junior female students complained about a sweeper who would stalk them on campus, and look at them peculiarly. She talked to the concerned authorities, who ensured that the man was posted for duty' in places where his interaction with female students was minimal.

Women in the legal profession have to face various kinds of discrimination. According to a lawyer we interviewed, "Senior male lawyers wield a lot of power. The whole atmosphere among

the legal 'fraternity' is male-dominated, and can be quite intimidating, especially for a young woman lawyer." The attitudes of judges, male colleagues and seniors is 'non-serious', according to this lawyer, "Many of them 'lech' at you all the time". Lawyers are also not exempt from physical molestation. In one extreme case, a woman lawyer was manhandled by the Bar Association President in front of a number of people. Following this incident and her subsequent complaint, she faced severe hostility from other lawyers, and found it very difficult to practice.

Journalists stressed that it is the younger and newer entrants into the profession who get targeted for harassment. They are very often not in a position to judge the implications of what may appear to be a simple thing like being invited to the boss' room for a cup of tea. In one instance, a journalist was constantly proposing an affair to a woman colleague. Though there was no touching or vulgar language, the fact that it went on with unfailing regularity despite her brush offs, led her to complain about him.

Another journalist spoke of an incident that occurred several years ago. A well-known senior journalist once asked her, "Do you know what it means when a woman wears lipstick of that colour..? It means you're willing to do a blow job." She recalled how naive and young she was then - she did not even know exactly what it meant, apart from the fact that it had some sexual

connotation. She never again wore lipstick to office. It is extremely traumatic for young inexperienced journalists embarking on their careers to have such encounters with their seniors. Pointed out one journalist, "Editors are far too powerful." Some editors are notorious for seeking out every young female trainee to sleep with them. Besides, journalists often have to deal with advances made to them by men they go to interview. Celebrities, assuming that their status gives them license, sometimes make advances to young journalists, who least expect such behaviour from 'well-known personalities.' What is worse, according to one journalist we interviewed, is the attitude of male editors who tell them not to make a fuss, and take it in their stride as part of the profession. Out-of- town assignments could lead to awkward situations like having to share a hotel room with a male colleague/boss, and are often the source of tension and heighten the likelihood of harassment. The vulnerability is more because of the lack of support when one is out of town. Late night shifts also leave women journalists more vulnerable, especially when the office vehicle is not made available.

"Some editors and celebrities are notorious for making advances to young journalists"



A woman working in an advertising agency revealed several traumatic incidents she had gone through. One incident she narrated involved the owner of the agency who used to make passes at her, since she was young and unmarried, or 'available' in his eyes. Her boss, though sympathetic, was unwilling to take any action. "The 'brotherhood' always protects each other," she said bitterly. As a result, she left that agency.

Speaking about another incident helped her to understand and analyse that what she had gone through was sexual harassment, and not merely a relationship gone sour. In another agency, her boss, the Branch Manager, began flirting with her right from the interview. "I didn't think much of it, since men in advertising are like that - flirtatious, familiar and 'cool', but they don't really do anything." Professionally, this woman was having a tough time, so her boss would spend a lot of time with her.

To show his concern he would drop the women colleagues at the autorickshaw stand. He would also take them out for a drink now and then, on the plea of "developing" his staff, "Actually, in the beginning, I was flattered that he was talking to me, privileged that a senior in the agency was taking interest in me and my work. He was a kind of demi-God figure." But when she talked once to another colleague, she realised that he was playing up to her as well, sharing confidences about his troubled marriage etc. "This 'moulding' of young minds works as an aphrodisiac for these middle-aged men. How come they always try it with juniors, never with women who are on an equal footing? Soon, I began to feel cheated, and didn't want to be part of his power play." She then started shying away from him, but things at work got unpleasant. So much so, that she finally had to leave this job as well. "Even in consensual relationships which develop in the office, there is an element of inequality when bosses get involved with their juniors," said this advertising professional. These unequal relationships also have a bearing on one's professional development, she said.

A member of Saheli who has been in advertising since long and also makes documentary films, drew attention to some other situations in this field. "My first exposure to the ad-agency set up was as a young trainee in Bombay. In a matter of days, I realised that on one hand it was great to be in a place which didn't expect you to behave in a formal, stuck up way, because the average age in most agencies, especially in the creative department is barely mid/late twenties - so the atmosphere is sort of college-y. But the flip side of this was that being there entailed bearing with the bratty behaviour of young men which also included constantly tolerating a lot of dirty jokes [read dirty male jokes] that you weren't quite sure were not directed at you. Those are my earliest memories of feeling uncomfortable in the workplace."

She added that clients also could be lecherous. "One of our biggest clients was the sleazy kind who would be chivalrous enough to hold the door open for you, while of course laying his hand on your back." Both advertising professionals also pointed out that since timings in the advertising business are also haphazard with late nights, working at studios etc., it is imperative that women have a sense of security among colleagues, adequate transport arrangements, etc.

According to a woman running a Non-Government Organisation (NGO), women working in the 'voluntary sector' or NGOs are very vulnerable to sexual harassment because they are already beyond the conventional social norms, working ostensibly to change the existing situation. They work during odd hours, travel to remote places, and interact with men at different levels. "The power relationships are more personal based, since the structures of NGOs are more flexible and there is an air of informality. Here, the boss also has an 'ideology' on his side to impress the juniors with and take them to bed." She further added that women in this sector are more vulnerable because they expect to be "safe" in such workplaces and among supposedly progressive colleagues.

"Women in NGOs are more vulnerable because they expect to be safe in such workplaces and among supposedly progressive colleaaues"

Because women in this field are usually less conservative, men feel they can take liberties with them. "With the personalised relationships in the office, speaking about sexual harassment becomes more difficult, because it is viewed as disloyalty, and exposing the whole voluntary sector, which is supposedly more sacrosanct than the corporate sector."

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An NGO consultant working in a funding agency narrated an incident that occurred when she was attending a meeting out of town. The woman she was sharing her room with, broke down in the middle of the night, While sobbing, she related a harrowing story. This woman, who worked C

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alpagside her husband in an NGO in a rural area, told her that her filleband was constantly making advances to young village girls. He openly seduced the girls with his charisma and charm. Nobody dared to confront him, especially not his wife. "She made me promise not to tell anyone in my office. In any case, I do not have enough power to do anything. I do not know what can be done if those who are being vistimised do not expose him," said the consultant.

She related another incident, which occurred during a training workshop infilter. "A 20 year-old unmarried village girl suddenly started bleeding profusely, and became incoherent. We rushed her to hospital, and found out that it was a miscarriage at an advanced stage of pregnancy." When the girl was a bit better, she began talking, but denied the pregnancy, and kept on crying. Her friends consoled her, and told her to admit that the Director was responsible for making her pregnant. But the girl was

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"A pat on the cheek or the shoulders by doctors in the operation theatres or wards was very common.

But we were too timid and scared to complain"

in a state of shock and did not disclose anything. "I was helpless. The workshop had got over by then, and none of the senior-level people of the NGO were around, so once the girls left for their village, I returned to Delhi." In Delhi, the consultant, on hearing that the Director of that same NGO was in town, informed him of the incident, suggesting that he rush back, or at least send some money to cover the hospital bills. "But he was very casual, and didn't do anything. Since the girls had not admitted anything to me, I could not confront the Director. Even if it was a consensual relationship, it is so unequal and exploitative. But his extreme indifference confirmed that it was not a relationship to him - just using her for sex." Ac ording to this consultant, such occurrences are quite common in large NGOs with field staff. Employees are terrified to speak out, since they are usually young and unmarried, coming from poor backgrounds and jobs are not easy to find.

This is confirmed in the first hand experience of a field-level staff member of a well known NGO in Orlssa, who has been arbitrarily dismissed from work. In a public appeal for support, she has drawn attention to women facing sexual harassment in NGOs. In her words, "Many heads of voluntary organisations and senior employees sexually exploit women workers by threatening them with the loss of jobs if they do not comply. I myself know of many such incidents. These women are not able to reveal anything for fear of losing their jobs, social stigma and further sexual assault. It is tragic that those who are appointed in voluntary organisations to work for people's well being and empowerment are themselves denied conditions of minimum security" (Translated).

We interviewed one of the five junior doctors of Maulana Azad Medical College, who in 1996 filed a case of sexual harassment against the Head of the Department of Dermatology and Venereal Diseases. The doctors had been tolerating his dirty jokes, obscene remarks and light talk with sexual innuendoes for a long time. They finally decided to take him to task when he locked one of them in an OPD-room with a naked male patient. A long protest action and campaign ensued and the case is still pending in the courts.

A member of Sahell, who is a doctor, related many instances of harassment that she and her colleagues faced in the beginning of their internship. A pat on the cheek or on the shoulders by seniors and consultants in the operation theatre or wards used to be very common. "We never complained to the HOD or the MS, as we were scared, timid...," Light jokes would be made by male colleagues while they used to be on 24 hours duty. Since there would be only one Doctora' Duty

Room, a senior had once joked that they could all sleep together! Such instances used to be very unnerving for her. Two other doctors of a premier government institution said that women doctors do face harassment when they are new in the profession. One of them related a harrowing incident she had faced in her early years. An Associate Profession once started talking about penile erection, completely out of context when she was meeting him alone in his office. He went further to explain to her the functioning of an instrument that is used to measure erection in cases of male infertility and impotency. She felt extremely disgusted with the man. It was only after a long time that she realised that the incident was nothing short of sexual harassment.

Some of the nurses in a government hospital were hesitant to admit that sexual harassment does take place. They repeatedly emphasised the protection of being unionised. The reluctance to speak could possibly be because they felt that their profession does not get the respect it deserves. They felt that they are accorded lower status than doctors, even though they too go through rigorous training. Moreover, there is an underlying speculation that nurses are romantically



"I once heard the relatives of a patient discussing me. They said, *Isn't she* nice? Would you like to have her?"

involved with doctors they work with. An office bearer of a nurses' union at a premier medical institute said that their demand to scrap western style uniform and adopt saris as their uniform was linked to the denigration and trivialising of the nursing profession. Despite initial reluctance, the nurses came up with all kinds of incidents that occur. In one instance, arguing resident doctor caught hold of the nurse on duty in the ICU and kissed her IAn enquiry was conducted, and finally his services were terminated.

A shocking incident involved a nurse who had sent an acquaintance of hers to the Medical Superintendent (MS) for a job in a premier government hospital. The MS promised the job on condition that the applicant went out for dinner and spends the night with him. She fled, and informed the nurse, who complained against the MS. The MS then claimed that the

nurse was suffering from psychiatric problems and got her admitted into the ward. The MS is apparently well-known for seeking a night out with every young woman he comes across at work. Very recently, he has been suspended on charges of corruption.

Nurses face harassment from outsiders too. One of the nurses narrated how, when she was attending to a patient, she overheard the patient's relatives talking about her, "Isn't she nice? Would you like to have her?" She added that such experiences are common, but they have to learn to ignore such remarks.

These nurses stressed that their employment in a government institution offered a relatively high degree of security from sexual harassment. This protection was sorely lacking in private nursing homes characterised by low wages, longer working hours and no job security. Moreover, since many of the new entrants into the profession are migrants from Kerala, they are less capable of defending themselves from sexual demands linked up with job security. Being new to the city, unfamiliar with the language, and often dependent on the job for their housing too, leaves them more open to exploitation. Unfortunately, we were not able to speak to any of the nurses currently employed in private nursing homes, though some of the nurses we interviewed had at one time worked in private nursing homes.

A Class IV employee of a government hospital narrated how friendliness with a male colleague at the workplace leads to jealousies. Other male colleagues then try to play up to the woman,

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and if she does not respond 'positively' to them, they take revenge by spoiling her image, giving her useless tasks and tampering with her records. She added, "Male colleagues would play games like messing up hand-over procedures at the time of shift change, and try to damage my professional record." She also pointed out how men would use "ma-behen ki gaali" (sexist abuse) and always address women as 'tu' instead of the more respectful 'tum' or 'aap' - forms of address typically used by women to men. All this, she felt, contributed to a threatening and unpleasant atmosphere at the workplace.

We found that the frequency and severity of sexual harassment tends to increase as the security of the job and income levels go down. The industrial workers we interviewed spoke very openly, without the least hesitation. A couple of women were actually amused by our questions as it is such a routine matter in their lives. Some others spoke with anger and humiliation, almost breaking down as they related their experiences. The extreme case is that of a tyre company in Jhilmil Industrial Area where women workers are always addressed in filthy language full of sexual abuses, and are treated as sex-objects. They also face physical assaults. The 'normal' conversations are also very humiliating. Said one of the women, "If any man is seen talking to us, he is asked, "Pata rahe ho kya? Bahar le jana hai kya?" ("So, you are playing up to this girl...do you want to take her out?") If anyone is wearing a new dress, she is told, "Some man must have given you this dress." Similarly, when any woman asks for leave, she is asked, "So, you want to meet your lover? Are you feeling all heated up?" A 54 year-old woman, upon applying for one day's leave, had to hear the manager telling the supervisor, "Uske peechey 6 laundon ko lagaa do. Bahut aag lagee hai. Aur chutti nahi legee" ("Set six guys after her so that the heat cools off and she won't ask for more leave").

We found that sexual harassment as a form of control over women workers is a common practice. In another extreme case, a worker who was suspected of theft, was stripped and sent out of the factory completely naked. Women also spoke of security guards unnecessarily touching their breasts and genitals while conducting security checks. While male workers are slapped and kicked, women are sexually assaulted. "When they attack us, sometimes they pull our bra straps. Supervisors

also catch hold of our breasts." The management uses all kinds of methods to humiliate the workers, through their supervisors. As commented a woman worker, "If they did not encourage it, why would supervisors do it?"

The above point was reiterated by a woman worker in an export-garment factory in the industrial area of Okhla. "Managers give a long rope to supervisors to keep us in place. And constant verbal abuse is part of it all. Managers never tell supervisors to behave properly towards us." Women in these garment factories are per force putting up with provocative comments, casual remarks in passing, vulgar film songs, comments on their looks etc. Use of derogatory names, the age-old tactic of brushing past them, vulgar gestures and loose talk about women in their presence is an every-day affair. These workers said, "Men laugh at us for no reason, and their gazes remain fixed on us."

Women's skill often seems to matter less than physical appearance. "In the export-garments industry especially, they see our faces and



"In the export-garments industry, they see our faces and give us jobs. We have to be young, good-looking and smiling" Room, a senior had once joked that they could all sleep together! Such instances used to be very unnerving for her. Two other doctors of a premier government institution said that women doctors do face harassment when they are new in the profession. One of them related a harrowing incident she had faced in her early years. An Associate Professor once started talking about penile erection, completely out of context when she was meeting him alone in his office. He went further to explain to her the functioning of an instrument that is used to measure erection in cases of male infertility and impotency. She felt extremely disgusted with the man. It was only after a long time that she realised that the incident was nothing short of sexual harassment.

Some of the nurses in a government hospital were hesitant to admit that sexual harassment does take place. They repeatedly emphasised the protection of being unionised. The reluctance to speak could possibly be because they felt that their profession does not get the respect it deserves. They felt that they are accorded lower status than doctors, even though they too go through rigorous training. Moreover, there is an underlying speculation that nurses are romantically



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"In the export-garments industry, they see our faces and give us jobs. We have to be young, good-looking and smiling" give us jobs. We have to be young, good-looking and smiling." Women are hired for their looks, despite years of work experience. One woman who went for a job interview had this to say: the Manager, after one look at her told the person who had brought her, "Hamne ladki laane ke live kaha tha. Tum is budhiya ko utha laye ho?" ("We had asked for a girl, and you have brought this old woman?") This woman, in her early thirties, is facing difficulty in finding work because of the preference for young and docile girls. In a similar situation, when a woman questioned the manager, "Why don't you ask me about my work?", she was told, "Kaam to aadmi sambhaal hi lete hai. Dekhne ke live koi sundar chehra bhi to chahiye" ("Work can be taken care of by men but they need a pretty face to look at too").

The supervisors are constantly in pursuit of some girl or the other. Penalising the other workers or terrorising them into silence goes along with it. In one factory, the manager would take one of the young women workers under a huge table and be there for 3-4 hours. The electricity would be disconnected to darken the place. Everybody knew what was happening, but nobody could complain against the manager. As a result, the output of the workers would also suffer.

The three domestic workers interviewed spoke openly about having to put up with offers of money in return for sexual favours from their employers or their relatives. A domestic worker was repeatedly approached by the male employer who would catch hold of her hand and urge her to sleep with him. One day, he thrust a Rs. 100 note in her hand and pressurised her further. She finally threatened him, "If you insist, I will tell your wife," and the employer immediately backed out. In one posh apartment building, an employer insisted that the woman give him a body massage

The frequency and severity of sexual harassment tends to increase as jobsecurity and income levels go down

with oil. She avoided it a couple of times. When he plainly told her that it was part of her work to keep him happy, she got very scared and quietly slipped away from the house. She did not go back even for her salary. In another case, a domestic worker related how she was quite content working for a family, which was very decent. The arrival of a male relative for a few days brought trouble. He looked at her from head to toe and in a short time made her an offer. He said he would give her the same amount of money she was earning if she would sleep with him. She reported this incident to her employer, who believed her but did not take any action. This domestic worker chose to leave that house. She never felt secure in any house for years after this incident.

The hawkers and vendors we interviewed said that they do not specifically face sexual harassment. However, they spoke of regular harassment by the police, private security guards of shopkeepers, and staff of the New

Delhi Municipal Corporation (NDMC), all of who try to prevent them from selling goods on the pavements. "They pull our arms, and while confiscating our goods, there is usually a scuffle, during which we sometimes get hurt."

Although we were unable to cover each and every area of women's work, yet, this modest number of interviews has provided a broad spectrum. We found that despite the wide prevalence of the problem, this systematised form of violence is yet to get more recognition. While fewer women face the fear of job insecurity, it is a major obstacle for the majority employed in small private firms and factories to directly take action against such harassment. Women in the unorganised sector are particularly more vulnerable in the absence of any protective legislation. Needless to say, the frequency and severity of harassment increases as we go down the income levels of working women. While some confront the harasser openly, many women choose to ignore, take precautions, modify or regulate their interaction at the workplace. For a larger section of women there is no other option but to tolerate harassment - with anger and humiliation. These coping tactics speak of both resistance and the fight for survival in a hostile work environment.

SEXUAL HARASSMENT AND GENDER DISCRIMINATION

BLURRED LINES OF DISTINCTION

Discrimination against women, although prohibited under the Constitution, is rampant at all levels in different professions and occupations. This useruality assumes many forms, such as denial of opportunity in a range of typically male dominated fields like science, medicine and engineering. Women are often not taken seriously, and their work contribution is not given due weight. Women labourers do not get equal wages as men, despite laws declaring that women should receive "equal pay for equal work". Agricultural labour, construction labour, even labourers in the government's employment guarantee schemes do not receive equal wages

The issue of gender discrimination at the workplace was raised by a number of women in the course of our interviews. A lawyer said, "As soon as I joined the profession, I faced a gender bias. The attitude of male colleagues and judges is non-serious. Either they don't take you seriously or they augh at you. Many times junior women lawyers are not given work by seniors." She felt that this type of harassment causes a lot of mental tension but that it is difficult to relate it to the definition of social harassment in the workplace, as given in the guidelines. She further added that once a woman is able to establish herself and gets an equal footing, gender discrimination is a way to keep her down. An employee of a small private firm pointed out that in many offices women are asked or made to do more work than men. The new entrants especially, are asked to work for longer hours. This may not directly be sexual harassment, but the fear of such harassment is ever present. An editor of a publishing house said, "My own experience suggests that for many women the issue is more about gender discrimination than sexual harassment as such, being passed over for promotions being paid lower wages, being on less secure contracts, fighting for acceptable maternity leave, child care provisions, etc." A scientist said that discrimination at the workplace is quite often antiwoman and does not necessarily constitute sexual harassment. These and many other observations in the interviews emphasised on a strong gender bias, which is equally damaging and traumatic for women. It trivialises women's work and is a total non-acceptance of women on an equal basis.

In our understanding, when gender discrimination is so rampant in almost every area of work sexual harassment finds an easy ground. This structured form of violence occurs in a context of unequal power relationships. Thus women do get victimised by the employer, the boss, the contractor, the manager, subordinates and colleagues too. Focus ng on this form of violence in no way reduces the vast spectrum of gender discrimination. Highlighting sexual harassment is a concerted attempt to give recognition to a specific form of violence women face at the workplace. We have to confront it directly as part of our struggle to put an end to all forms of discrimination against women.

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Willi grow up having faced sexual harassment ever since they are very young. In varying degrees, women learn to cope with it in their own ways. A feminist sociologist opined, "As we all grow up accepting in some way or the other this kind of intrusion in our physical and private space, we take it for granted (unfortunately), and learn to accept it to some extent." A 29-year-old lawyer confirms this view, "I have faced a lot of harassment and teasing in school and later in the Law Faculty. In a way, you get used to it..... If I want to stay in this profession, I have to learn to deal with it." 'Learning to deal with it' comes with the experience of coping. At the workplace, there is no escape from the perpetrators of this form of harassment. As our interviews confirmed, women evolve a variety of ways to deal with it.

A senior journalist suggested, "It is better to try to establish equations at the workplace differently. Then you get treated with more respect. For instance, calling seniors 'sir' to avoid

OVER THE YEARS, WOMEN HAVE DEVELOPED MECHANISMS TO COPE WITH THIS MENACE. IT REMAINS TO BE SEEN WHETHER THE SUPREME COURT GUIDELINES CAN STRENGTHEN THESE WAYS OF RESISTANCE familiarity, dressing conservatively, etc." Another way of coping seems to be to act hostile. A woman working as an UDC in a Ministry said, "I simply snub men. It works. Be hostile. Give dirty looks. Snap at them. You do not need to do more than that." A Class IV employee in a government hospital said that offence was her first defence. "You have to be careful not to be too friendly with men. I always behaved with coldness to create a distance between us." Altering one's own behavjour, emerged as a common method of coping. A curb on one's natural behaviour becomes essential to keep male colleagues at a distance. A clerk at the Ministry of Railways says that she does not engage In verbal fights. She suggested, "Give a cold and stern look ... sit like that. It's painful, but it works." This

idea is echoed by a nurse at the AIIMS, "Be stern. Dress simply. Laugh less. Giving a blank look also helps." In this way, each woman discovers 'what works'.

Many women simply ignore all kinds of harassment without showing any visible reaction, which, needless to say, is a difficult proposition. Another Ministry employee said, "It is better to ignore than to fight..." Women usually give vent to their feelings when they meet for lunch or as they leave their workplace. Finding some outlet for their anger and humiliation with friends, gives some relief. "We have our own clicle of friends in the office. We share and discuss everything. If one of us is feeling low or disturbed, she is cheered up by the others." One journalist said that she made a special effort to have a number of friends at the office. A couple of women workers stated that they could only talk about it while walking back home. "We crib about it on our way back. We abuse them amongst ourselves. It takes care of our tension. What else can we do, other than share in this manner?" What emerged was that middle-class employees do not usually confront colleagues, but resort to more passive ways of coping, such as ignoring and giving stern looks.

In contrast, factory workers said that they often settle disputes there and then if it involves a coworker. It is mostly harassment caused by supervisors or the management that they feel helpless against. Workers in a tyre company in particular feel terrorised by the daily sexual harassment by their 'superiors'. When asked how they cope with it, the answer was simple - hope and prayers. In the absence of any source of support, this is the only option. As one worker put it, "Everyday, every second, we keep hoping that we are not humiliated. It can happen any time to any one. So we keep praying to God, 'don't let it happen today'." The humiliation and shame women feel in the oppressive atmosphere of this factory is described by another woman, "This factory is notorious for all this. I don't tell my neighbours that I work here. If my children are asked, they have been told to say I work in a hospital."

In the absence of laws and guidelines, women have over the years developed their own mechanisms to cope with this menace. One reason for evolving such coping strategies is the general sense of futility in making complaints or from the feeling internalised by social processes that such incidents are a part of life. It remains to be seen whether the Supreme Court Guidelines can complement such coping tactics and strengthen these ways of resistance.



Live harassment has for long been shrouded in silence, not just at the workplace, but in the home, the community and on the roads. In the workplace it has been portrayed as a 'natural' corollary of stepping out of the home and entering the 'big bad world'. Women have been conditioned to believe that they should prepare themselves mentally to face such incidents and not make a big deal of it. Women are reluctant to come out openly and complain against sexual harassment for a number of reasons.

One major reason is the shame associated with such harassment and the fear of being blamed for it or looked down upon by others. There is also an overwhelming sense of guilt imbibed over the years through social conditioning. Women feel that somehow, they are themselves responsible for what has happened. As in the case of rape, where the victim is made to suffer socially and psychologically, a sexually harassed woman also lives with a number of apprehensions. One nurse, for instance, said, "If we make too much noise about these incidents, we may not be able to get married." The stigma attached to the victim of sexual harassment is enough of a deterrent, which leaves women with little choice.

In addition to social humiliation, women do not complain because they feel that no one will believe them. It was pointed out by many women that both, male and female colleagues, tend to find fault with the woman complaining of sexual harassment, for instance, calling her aggressive, a trouble maker, a drug addict, etc. in one instance, the MS of a premier hospital who was charged with sexual harassment retailated by declaring that the complainant, a nurse, was insane. He got her admitted into the psychiatric ward. A woman who dares to complain against sexual harassment is seen as bold and aggressive - traits which are not regarded as positive for a feminine' personality. On the other hand, seniors, bosses and employers when accused of sexual harassment, allege that the woman complainant is inefficient or lazy, and in order to cover up her

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MANY WOMEN POINTED OUT THAT WOMEN WHO COMPLAIN OF HARASSMENT ARE NEVER TAKEN SERIOUSLY AND INSTEAD BECOME OBJECTS OF RIDICULE own faults is making out a case of sexual harassment. A member of Saheli who has worked in an advertising agency also pointed out that in the male-dominated world, professional women feel that raising the issue of sexual harassment may detract from their 'professionalism'. In order to mix in as 'one of the boys', women often attempt to avoid projecting their identity and their problems as women.

Many women pointed out that women who complain of harassment are never taken seriously. Instead they are laughed at and become objects of ridicule. One woman said that people start looking for excuses for not taking an unequivocal stand in favour of the victim. For instance, they may say, "Her character may be dubious, she might have provoked the man, she may actually be involved with him sexually, etc." Unfortunately, there is a general presumption that those who face such harassment are some kind of 'bad' women, while 'good' women would never find themselves in such a situation. Women colleagues too are reluctant to get identified with such a woman. This seems to stem from a belief that if women behave in accordance with the limits set by a male dominated society, they can save themselves from such harassment.

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Women who complain also become the subjects of office gossip - a fate that many wish to avoid. Lack of support within the office was also cited as one of the reasons why women do not protest against sexual harassment. Colleagues - both male and female - hesitate to support the woman for fear of inviting disfavour of their boss or accused colleague and hence the woman is usually isolated and left to fight a lone battle.

A feminist university professor pointed out that opposition comes from those who refuse to recognise that such things happen. When anyone points out such harassment, there is a general feeling, "This person wants to create a problem for her colleagues and for the institution," She also observed that this could also be viewed as part of the process of the decline of democratic traditions, for example, of trade unionism in colleges. This contributes to the isolation of women who then have no space to protest against injustice.

The repercussions of raising the issue of sexual harassment also act as a deterrent against complaining. This feeling was echoed by many other women who had tried to pursue their own cases of sexual harassment or had tried to help a colleague or friend who had gone through such experiences. A senior lecturer in a Delhi University campus college narrated how she almost single-handedly pursued the case of a Class IV female employee in her college who was sexually harassed. As a result, the President of the college Karamchari Union tried to hit her. Since she tried to mobilise outside support for putting pressure on the college Governing Body and the Inquiry Committee, she was viewed as a threat to peace on the campus. Matters reached such a head, that a case was registered against her. Thus, besides the stress and strain of following the complaint through, she had to deal with criminal cases too. Many women pointed out that working life becomes so uncomfortable once you raise the issue that it is difficult to continue in the same workplace. "Especially in small organisations, once you make a complaint of this nature, you have no future."

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Another major reason for not complaining against sexual harassment is the fear of dismissal and lack of job security. In the private sector and amongst women working in the unorganised sector, the possibility of losing the job acts as a major deterrent in reporting such cases. Women working in gament factories on piece-rate basis told us that though the harassment they face is open and routine, they cannot complain. If they do so, the supervisor rejects their pieces and finds unnecessary fault with their work. The management refuses to listen to their woes, and sides with the supervisor, claiming that it must be the woman's fault. Women workers, are threatened that they will be chucked out of their jobs if they persisted in their complaints. Coworkers, although they witness harassment, do not intervene because of economic necessities and fear of losing the job. "Why invite trouble unnecessarily?".

At a practical level, women stated that it would be very difficult to prove this kind of harassment, given the nature of evidence required. Taking the issue to court or any redressal committee only adds to the harassment of the women, it was felt. The fact that the complainant has to keep repeating what happened is another deterrent. In addition to the trauma of sexual harassment, the woman has to 'expose' herself to everyone she approaches for redressal - the boss, the police, the lawyer, the press, and the judges. The endless number of dates and appearances is seen as a source of protracted harassment. Taking leave from work to attend to the follow up of the complaint is also seen as impractical. Given all these hassles, it is no wonder that women think twice before making a complaint against sexual harassment. With our own experience of the legal system, it is also not surprising that even though women do make complaints, the obstacles in the way of pursuing the case till the end often forces them to drop it somewhere along the way. Moreover, there is also a general feeling that even after all the bother, nothing comes out of such complaints.

REPERCUSSIONS OF COMPLAINING: THE TRIALS AND TRIBULATIONS

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The repercussions following the lodging of a complaint usually add to the mental torture of the woman who is sexually harassed. For instance, a lawyer who was molested some time ago, by the then Bar Association President and his associates, was made to suffer even more after she tried to file a case against him. Not only that, the police refused to intervene. Her career too suffered, since she was thrown out of the Bar Association, and had to face a hostile atmosphere at the Sessions Court where she practised. Both male and female colleagues labelled her as frustrated and aggressive and speculated about whether she was a drug addict. Her entry into the toilet was barred, her workplace was taken away. Despite all these odds, she has continued to pursue her case, with no support from women's groups or other progressive groups.

A junior doctor who complained against her head of department, shared with us how she faced censure from the rest of the medical community for 'daring' to complain against such a senior person. Her M.D. thesis, as well as those of her colleagues supporting her, was held up since their supervisor was the offender himself!

Women in the private and unorganised sector revealed that making a complaint against sexual harassment can invite severe reprisals in the form of whipping with a rope, pulling their hair, kicking etc. In one case cited earlier, a woman who complained was badly hurt when the supervisor pulled out her stool just as she was about to sit. When the wages are piece - rate, pieces produced by women who dare to protest are rejected, leading to loss of wages. In many other cases, women are simply removed from their jobs on the pretext that the company does not need them anymore.

In the case of a Reader mentioned earlier, one of the accused abused her and attempted to hit her in the staff-room. Later, a colleague used sexually abusive language against her. Criminal cases were put up against her and her husband, also a senior lecturer. On top of this, the Karamchari Union (to which the accused belonged) passed a resolution demanding action against her. Further, a karamchari was suspended from the Union for his support to the employee who had been sexually harassed.



THE INSTITUTIONS OF LAW AND ORDER ARE BASTIONS OF MALE DOMINATION ADD TO THE TRAUMA OF WOMEN SEEKING JUSTICE In a case taken up by Saheli, a woman employee with a permanent job was suspended, and later dismissed for daring to complain against sexual harassment. Criminal cases were filed against her by the accused, while the police refused to even register her case. In addition to the trauma of the incident, and the social and psychological consequences of coming out in the open, this woman had to wage battles on several fronts: the labour dispute, criminal charges, and contempt petition against the company.

Dealing with the police and legal system can be an exhausting and frustrating experience, as expressed by the junior doctor who registered a criminal case against her head of department. The fact that these institutions are bastions of male domination adds to the trauma and stress of women pursuing cases. In addition to this ordeal, a lot of money and time is also spent, which becomes an additional burden.

DO WOMEN GET THE SUPPORT THEY NEED ?

If previous sections indicate that there are a number of factors, which make women hesitant to talk about the problem of sexual harassment at the workplace and seek redressal. When a woman picks up courage to speak about it, help and support, especially at the workplace, is crucial. The absence of support not only compounds her emotional trauma but also leads to a loss in self-confidence. A woman's credibility is itself questioned. Support from colleagues, friends and even family members is thus critical. Many times such support helps to pursue the case rather than fighting a lone battle. The sense of solidarity that builds up during the whole struggle may turn out to be an effective deterrent, for all potential harassers.

Though many women felt that there is a great need to support and help women who face sexual harassment, it was clear that such support is not always forthcoming. Unfortunately, many women we talked to gave a very pessimistic account of the type of support they got. The general feeling we got from talking to women was, "No one supports the woman, and the victim gets isolated and is told to keep quiet about these matters." Supporting a woman who raises the issue of sexual harassment can have several adverse consequences such as: threat to the job; spoiling the service book or confidential report; stopping promotions or increments; false cases; jeopardising relationships with colleagues, including the offender and subtle forms of harassment at the workplace. It is therefore not surprising that colleagues try to find reasons for not supporting a victim. "No one wants to add more problems to their own lives," said many women. does not be been a solution

A scientist we interviewed observed that there was no single trend on the question of support to the woman. Some colleagues unconditionally support the woman, while others support only in return for help rendered to them by the victim in some other situation. There are also many who openly support the offender. Sometimes, jealous colleagues end up enjoying the

THE SENSE OF SOLIDARITY THAT BUILDS UP DURING THE WHOLE STRUGGLE CAN TURN OUT TO BE AN EFFECTIVE DETERRENT AGAINST ALL POTENTIAL HARASSERS

whole incident. Not only male colleagues, women colleagues too, are often not supportive. One woman stated that women are also competitive and suspicious, so they do not help other women. If at all support is available, it is at a very personal level. According to one woman, "If one has a good friends' circle, one may get support."

In situations where all women are placed in an equally vulnerable position, for example in factories and private firms, it is difficult for them to support each other openly. Women working in such situations said that they fully understood the pain and humiliation that each of them had to undergo, but they were unable to help each other for fear of losing their own jobs. One woman worker admitted, "If anyone is harassed, other workers will not say anything. All are concerned only with their own work and earning their own bread. I am also like that. No one helps or cares for anyone." Even where emotional and moral support is given, it has to remain invisible to the management. No one can individually dare to support - if at all it is done, it has to be done as a group. Reiterating this view, a nurse in a government hospital said, "Why will colleagues help? Everybody lives in their own world. At least there is a Union to keep us together, otherwise nobody gives a damn for anyone else." The helplessness of workers in such situations is articulated by a worker in a tyre company, "Working on two shifts from 9 am to 6 p.m. and 9 p.m. to 2 am - where is the time to help the girl or even complain?" IT IS APPARENT THAT IN A SITUATION TORN WITH CONFLICT, INSECURITY AND OPPRESSIVE CONDITIONS, A WOMAN WHO DARES TO SPEAK UP IN SUPPORT OF ANOTHER IS HERSELF SELDOM UNDERSTOOD OR RESPECTED Amongst other reasons for the lack of support from colleagues in the workplace is the prevailing social attitude, which blames the woman and holds her responsible for the incident. The assumption seems to be that such women do not 'deserve' to be helped. Aspersions are cast about her character, nature etc. This victimisation of the woman is extended to those who support her. Not surprisingly, women do not want to be branded in such a manner and thus they hesitate to openly support a colleague.

A worker in an export-garments factory spoke of the futility of making complaints, since nobody, not even women, stand by her. "Complaints boomerang. Some women workers side with the management and supervisors against anybody who complains. That will bring them the favour of the management." Why do women side with the management ? Is it simply fear of losing the job? It is apparent that in a situation torn with conflict, insecurity, and oppressive conditions, a woman who dares to speak up is

seldom understood or respected. Even female co-workers fail to see this structured form of oppression. It cannot be assumed that a woman will understand a woman better.

As our interviews revealed, many women did receive support in several ways from their colleagues in the workplace. For instance, a worker in a garment factory declared that she always stood up and spoke for young girls who were harassed but were too scared to speak about it. Similarly, the Class IV employee in a campus college received unstinting support from the Reader mentioned earlier. A doctor who is pursuing a case of sexual harassment against her head of department spoke of the immense support she initially got from her colleagues, both female and male. This initial support for the doctors' struggle however, did not remain sustained. In one case, the matter of sexual harassment could be taken up because of a sympathetic senior woman manager. If there is a sympathetic third party in authority, victims can pick up the courage to lodge complaints with greater chances of getting heard. Moreover, we also found that in a few cases, for example, the Reader, though colleagues at the workplace did not help, other friends and women's groups from outside the institution extended support in different ways.

The active support of Unions can be extremely energising for a complainant. In a premier government hospital, the nurses' union successfully pursued the case of a nurse who was harassed by a doctor in the ICU. In another instance, the union of an international bank had fully supported the complaint of sexual harassment made by employees against the management. Union members told Saheli that they perceived the problem of sexual harassment as a grave threat to women, and were conscious of such violations experienced by their women members.

Family support also counts in how far the woman is willing to fight it out. If husbands and fathers are disbelieving, a woman who is sexually harassed finds it more difficult to take up the matter. An employee of a private company who was suspended for complaining against sexual harassment said that her mother's support was very important in her decision to go ahead and fight it out, especially since she was isolated in her workplace and received no support from her colleagues.

WHY BLAME THE VICTIM?

It is unfortunate but true that very often, the woman who is harassed is the one who is held responsible. Blaming the victim is a way of evading the real issue, since confronting the problem is not easy. The patriarchy inherent in society allows 'men to be men', and makes women bear the onus of male behaviour, however objectionable it may be. In fact, in our interviews we found that even women often hold women responsible for the harassment they are subject to. Some of the remarks were : "Women provoke it", "Why should women support each other? They are also competitive and suspicious."

A couple of nurses stressed that 'good behaviour' can prevent such inoidents. One of them said, "If we behave well, nothing will happen". A number of women shared their views about the way some women 'behave'. A government employee equally blames women for the overall situation where harassment occurs, "Had it not been for flirtatious women, I know how to keep men in their place. I am so anti-men - therefore, when I say women mess up things - I mean it. If all women could see how they are treated in a male world - our work would be done." A woman in a private firm said, "Some girls do not resist advances of their seniors or employers in exchange for favours. This generation is more materialistic. It is a race to get ahead of others ... very few girls have self-respect." While there can be no moral judgement on how women ought to behave, there is a need to be cautious of the power dynamics in operation. As an advertising professional said, "Even in a consensual relationship with someone in the office, it may not always be an interaction of equals."

Quite a few women spoke about women deliberately using flirtation or feminine charms to get ahead in their professions. While men use different means to get into the good books of a senior, or manipulate certain situations to their advantage, some women choose to use their sexuality. Our interviews revealed that other women colleagues often resent this. They hold such women responsible for the way men perceive all women. These judgemental views are typical of a patriarchal society, whose norms are weighed heavily against women. In certain workplaces like advertising agencies, media/press agencies and NGOs, sexual norms are not as rigid and conservative as elsewhere. Here, interpreting the 'use' of sexuality becomes even more sensitive an issue. Unless women follow traditional stereotypes of being 'chaste and pure', freer body language or unconventional dress codes may invite censure even from women colleagues.

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Incidents of violation are dismissed as individual events and chance happenings, and it is the woman who is held responsible. And if the situation or event assumes significance, the victim is further isolated. A woman who stands up for her ideas or speaks her mind is opposed. As a scientist observed, "male employees often take the liberty of behaving as they like but criticise women who are bold and assertive. Unfortunately, women themselves criticise or oppose such assertive behaviour". A lawyer narrated the incident of an advocate who had faced severe harassment in the Tis Hazari Courts in Delhi, when she had opposed the lawyers strike against Family Courts. Women lawyers themselves called her frustrated and aggressive and denied her entry to the toilet in the women's lounge. According to a professor, "Even women do not seem to understand the issue within the context of power."

It is clear that a woman is expected to adhere to the norms of a male dominated society. She bears the onus of 'appropriate behaviour', while exploitative male behaviour is assumed as a given. The assumptions and biases nurtured in a patriarchal society are also imbibed by women. In any oppressive system, victims also internalise the dominant ideology and thus contribute to the thriving of the oppression. It is this dominant ideology that the women's movement seeks to challenge.

BLAMING THE VICTIM ABSOLVES THE HARASSER FROM THE RESPONSIBILITY FOR WHAT HE HAS DONE

COMPLAINTS COMMITTEE: SOME REACTIONS AND SUGGESTIONS

(OMPLAINT Mechanism: Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate, time-bound complaint mechanism should be created for redressal of complaints.

Complaints Committee: The complaint mechanism should provide, where necessary, a Complaints Committee, a special counsellor or other support service. Confidentiality should be maintained in all these dealings.

The Complaints Committee should be headed by a woman, and not less than half of its members should be women. To prevent the possibility of undue influence from senior levels, such Complaints Committees should involve a third party such as an NGO or other body familiar with the issue. This Committee must make an annual report to the concerned Government Department regarding the complaints received and action taken.

Failure to comply with this Court Directive would amount to contempt of court.

A few women had a clearly negative reaction to the proposal of a Complaints Committee. It was for two reasons: first, that the guidelines seem to place too much trust on the employer for the formation of a Complaints Committee assuming that the employer is the best protector of employees' interests. It overlooks the situation where an employer, a manager or an owner of a firm himself is the perpetrator of sexual harassment.

THE GUIDELINES PLACE TOO MUCH TRUST ON THE EMPLOYER FOR THE FORMATION OF A COMPLAINTS' COMMITTEE AND ASSUME THAT THE EMPLOYER IS THE BEST PROTECTOR OF EMPLOYEES' INTERESTS Secondly, the general experience of women with law and legal procedures has not been very positive. Thus they feel, that little or nothing would be achieved. For example, a clerk in the Ministry of Railways said, "Even rape cases are difficult to prove - despite medical examination and other evidence. When something as blatant as rape does not get 'proved' and rapists are not punished, in cases of sexual harassment it would be much more difficult to prove a case because of the nature of evidence."

However, the majority of the women interviewed expressed the need for such committees, though they were equally doubtful about their efficacy. In the words of an employee of a private computer firm, "It is useless. Just a waste of time." An employee of a publishing house said, "I don't think that a Complaints Committee would be acceptable to many women or the management if it's focus was purely on sexual harassment. It would be better to combine various issues of discrimination under one umbrella....because other forms of discrimination perhaps play an equally important part of their (women's)

experiences and the two issues may not be unrelated." A scientist reiterated this view also. A feminist activist and journalist opined, "rather than just setting up a Complaints Committee, work conditions should be defined. Appropriate security should be part and parcel of working conditions."

A few women expressed their fears and reluctance in approachinga Complaints Committee. The reasons given by them reflect the general prevalent social attitudes on the issue. Said an executive of a private firm, "Complaints Committee is a good step - but people may not want to complain because social image/status may get destroyed." According to a scientist, "women may not want to approach for the fear of standing out, being identified as a victim." "But young and unmarried nurses won't go there", professed a nurse working at a government hospital.

Some women from the unorganised sector were also vehement claiming that "It's of no use to us. Who will sit in it? All the same people who harass us !" (Women hawkers in Connaught Place). They felt that if their livelihood is made secure and they are allowed to earn a decent living there's no need of any committee. They can deal with other things on their own. We feel that such a reaction to "It's of no use to us. Who will sit in it? All the same people who harass us !"



the formation of Complaints Committee came mainly because, for these women the primary issue was of their survival. All other problems including the problem of sexual harassment came after that. Thus for these women, harassment by police and MCD officials or goondas was the main issue. While for others, the general experience about the ineffectivity of such mechanisms, which emanate from management being part of it, lack of support to the complainant, not believing the victim and the problems of proving such harassment was the major cause for doubting the efficacy of a Complaints Committee.

Some women also responded positively to the idea of a Complaints Committee. Many women voiced the need for a redressal mechanism. To quote a few examples :

- A domestic worker felt that the mere existence of a Complaints Committee would make women feel encouraged to come out openly and go there with their problem/complaint.
- Another domestic worker said that a Complaints Committee will be effective as a first step. "If there is no Committee, who will women talk to ?"

A worker emphatically said, "Every factory should have it - every working place."

A Reader in Delhi University said, "The long time that it takes to pursue such cases and that too, without any success is quite frustrating. It takes out your time, energy and money too, disrupts mental peace and family life. In such a situation, the total absence of any redressal mechanism takes up your energy even to get such types of mechanism created, before one can proceed on to other steps."

 Another Reader opined that a Complaints Committee is important as a first step towards recognising the existence of such a problem, as well as a place where women can lodge complaints.

An employee of the Ministry of Railways felt, "If it is the boss himself who is harassing - there is all the more reason to have a Complaints Committee."

The need for a Complaints Committee was expressed, both in the organised and the unorganised sector, even if it is for 'name sake' as opined by a journalist. A scientist opined that the existence of the guidelines and a Complaints Committee would help women to articulate the

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"There has to be some redressal. It can't be like it has been so far. A change is needed. How it will work is left to be seen"

problem and seek its redressal. "Even though I raised my voice against a senior colleague who harassed me at an official party, I was not clear about what action I could take. If this incident had occurred after the Bajaj vs Gill case, or after the Supreme Court judgement, I would definitely have lodged a formal complaint against him." In the absence of a Complaints Committee, women do not know who to complain to, whom to approach - the police or a women's group. Women are hesitant to go to the police station for reporting the matter because of the police constantly try to prove the woman wrong.

Overall, quite a few women interviewed were hopeful that a Complaints Committee could be effective and that it could work as a deterrent. Some of them were cautious saying that "we should try and see" and that it could be effective if it is free of vested interests! Supporting the general view of being effective as a first step, a government employee aired her view in these words - "At least extreme cases can come to the Complaints Committee. There has to be some redressal. It can't be like it has been so far. A change is needed. How it will work is left to be seen." She also warned that

"the inquiry should not delve into detailed questioning and asking stupid questions. That's the beginning of invalidating a case. It should not work like the police or the courts who try all the time to prove the woman wrong ... what will be the use then ?"

Functioning of the Complaints Committee: Those who spoke about the futility of having a Complaints Committee at the workplace as well as those who strongly felt the need of it even as a first step, expressed their apprehensions about the functioning of such a committee. Most of them expressed a fear about biased, pro-management functioning, especially if it was an internal Complaints Committee, i.e., a committee at the workplace constituted by the employer for probing into cases where the employer/boss or senior officers could also be the culprits. Hence, the majority voiced the need for an External Committee, so as to keep it out of the firm's/management's power structure and influence. This is especially true in case of small private firms. To quote an employee of one such firm, "A centralised type Complaints Committee might help more than every firm having itOn the lines of Consumer Redressal Cells. In this way, the Complaints Committee would remain outside the firm's power structure." A journalist suggested an independent, external Complaints Committee on the lines of the Press Council, to cater to all media personnel. This would be an attempt to ensure that in-house Complaints Committees are not influenced by editors and senior staff within newspaper establishments.

Who should constitute the Committee? The objective is not just to have a Complaints Committee, but also to make it function impartially and effectively. A number of suggestions came as to who should constitute the committee. There were suggestions to make it mandatory to include a representative of the Unions or Employees' Associations (wherever they exist) in the Complaints Committee. Some of them agreed with the Supreme Court Guidelines for including members of NGOs, women's groups or social organisations in the Complaints Committee. There were further suggestions of including a member from the media, which they feel will act as a deterrent. In addition it was suggested that retired judges, lawyers, retired female police officers, administrative officers, clinical psychologists, a senior member of the concerned organisation/ institute; professionally trained people, feminist psychologists, a socially conscious outspoken local representative from the city/town, should be part of the Complaints Committee.

The main concern expressed was that a Complaints Committee should have members not just with knowledge of the issue but they should also have good intentions and motives. Another concern was that a Complaints Committee should be effective and take decisions expeditiously. It should be neutral and fair and just. Voiced two factory workers, *"Insaaf waala insaan chahiye"* ("There should be people with a sense of justice").

An employee of a publishing house is of the opinion that Complaints Committees will not work in a private firm, because employers would be part of the committee. An employee of a garment factory said, "it is pointless to have the management, including supervisors, in the Complaints Committee. They will always compromise in favour of the company and

attempt to salvage the reputation of the company". According to an employee of a private company, "The Complaints Committee is another typical example of ignoring the management-employee conflict. The committee consists of people hand-picked by the management. For instance, one of the so-called 'independent' committee members was present during the domestic inquiry held to inquire into my alleged misconduct. The impartiality and good intentions of a Complaints Committee constituted entirely by members of the management's choice is questionable. Even the NGO members in the present case, are friends of the management. Expecting justice in such circumstances is like asking for the moon!"

"The impartiality of a Complaints Committee constituted entirely by members of the management's choosing is questionable. Expecting justice would be like asking for the moon"

A number of women endorsed the provision in the guidelines regarding

the presence of NGOs in the Complaints Committee. However, the legitimacy enjoyed by NGOs is often only a mask. The mass institutionalisation and commercialisation of social and development issues has also given rise to unfair labour practices and corruption in these bodies. Further, there is an increasing incidence of sexual harassment of employees in NGOs, as confirmed in our interviews. In our opinion, the heads or representatives of such NGOs are least qualified to play the role of independent arbitrators in Complaints Committee of other institutions.

Presence of Women in the Committee: There was a general consensus on having female members in a Complaints Committee with percentage varying from 50-70%. The various reasons given were - the complainant women will feel more free to talk to female members; that the latter would understand the problem better; women gossip less than men would on such an issue; their presence would ensure that women will not be doubly victimised or harassed further and that the victims will get a fair hearing.

Two bank employees were, however, sceptical about the presence of female members in a Complaints Committee saying that "it is not necessary that the presence of women will help. Sometimes women play games too, to seek favours. Their presence will only ensure that they

understand our problems. Men may not even consider this as a problem." A young doctor at Maulana Azad Medical College involved in the case against her head of department accused of sexual harassment by several junior doctors, opined bitterly that women are women's worst enemies. "We had an Inquiry Committee with two men and two women. The women were worse." The women committee members were friends of the culprit, and not surprisingly, the Committee gave him a clean chit.

Except for a scientist who is of the opinion that a Complaints Committee should only have female members, no other woman was against having male members in a Complaints Committee. Opined a lawyer, "it should have equal representation of men. Strategically, it would be better to have men also in it, otherwise they (men) will tend to dismiss the Committee as ' a bunch of hysterical women.' Also sensitive men may be more understanding." A journalist too expressed that " a compassionate or well-meaning man will also be effective."

In our experience, the mere presence of a woman in a Complaints Committee does not guarantee a pro-woman perspective. In several instances, even senior women members in such committees have preferred to protect the reputation of the institution rather than give a fair hearing to the woman concerned. Besides, it is a fact that they themselves may not be free from patriarchal attitudes and biases.

Support Networks: Considering the hesitation in lodging a complaint due to the fear of social stigma and/or losing the job, etc., the need was voiced for building up popular support and support networks for mutual counselling and confidence-building amongst the victims to encourage them to lodge a complaint and pursue it. A lawyer stressed this point on the basis of her own experience. She said that with popular support - especially of male colleagues, there are more chances that the culprit would amend his ways. She feels that going to bodies like Bar Council is useless as they are male dominated and are full of 'boss-like' characters. In the absence of support, whether it comes from friends, family, colleagues or a women's organisation, the victim



"Efforts must be made to propagate the view that the culprit must be denounced, and not the woman"

loses courage and it becomes a lone battle. Said a domestic worker, "Even if there is a Complaints Committee, people should go in a group ... it is useless for a woman to go alone. She will not be believed and only be further victimised." The basic feeling behind these opinions was that the victim gets isolated in such situations and unless that situation is changed, nothing can be achieved by merely making a law or constituting a Complaints Committee. 8

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In addition some women also felt that there is a need to make this a public issue and have more dialogue with men on this problem. A journalist suggested having regular meetings of women employees for discussing sexual harassment and other similar complaints. A scientist reported how her colleague who was being harassed by a male colleague gathered enough courage to complain after she attended a meeting held on campus to publicise the Bajaj vs Gill case. Since the offender was a contract employee, he was verbally reprimanded and his contract was not renewed. According to a

University Reader, "Train the society to unite on these issues and fight for the rights." The need for a campaign was also voiced by a feminist university professor, who added, "There should be a movement that will confront and attempt to change the culture regarding this issue." It was generally felt that rather than ignoring the existence of this problem, efforts have to be made to make people aware of it and propagate the view that it is the culprit who is to be denounced and not the victim!

To sum up, a need was felt, in general, to have some redressal mechanism to deal with sexual harassment matters. A mechanism that will be expeditious, time-bound, sympathetic, and understanding not only to the woman complainant but also towards the issue. It should be free of lengthy procedures and unwarranted questioning. The people constituting a Complaints Committee should be impartial and be able to render justice to the complainant.

Note should be taken to widen the scope of the Complaints Committee to include harassment due to gender discrimination along with sexual harassment. Steps should be taken to define the work conditions to free it from any kind of harassment and provide appropriate security at workplaces. In addition the campaign has to be taken further for changing the prevalent social attitudes, especially among men. We should work towards a future when the perpetrators of sexual harassment have to be denounced and not the concerned women. In the end, women should muster the courage to expose the culprits and raise their voice. "A wrong is a wrong. One should not remain silent", as aptly voiced by a worker from a garment factory.

IF YOU, OR SOMEONE YOU KNOW, IS BEING SEXUALLY HARASSED, HERE ARE SOME TIPS THAT MAY HELP YOU CONFRONT THE SITUATION:

- Don't blame yourself or feel guilty. The man harassing you is entirely responsible.
- Don't try to ignore the problem. Harassers don't get the message easily.
- Let the harasser know as directly as possible that his attentions are absolutely unwanted.

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- * Keep a diary of events and instances. Save any note from the harasser as evidence. Try to enlist the help of any witnesses.
- * Be brave about talking to friends and colleagues. Generate their support for any action you want to take. Publicly exposing the harasser, even through the media, can often be effective.
- If there is a trade union or employees' association at your workplace, get them involved.
- Make a written complaint to your senior/employer. Remember that the Supreme Court Guidelines compel them to take immediate action.
- You can also register an FIR with the local police and pursue legal action.
- Whether or not you decide to take such action, you can also contact a women's organisation which can offer you help and support.

INFORMATION ABOUT THE GUIDELINES

Awareness of the rights of female employees in this regard should be created, in particular by prominently notifying the guidelines (and legislation when enacted) in a suitable manner.

Barring one or two exceptions, this provision had not been complied with by employers in any workplace at the time we began our survey. According to a woman in a private company who had complained against sexual harassment, "It is not likely that the management will raise awareness about this issue, because the management will allege that women employees will 'unnecessarily' keep bringing 'false' complaints against men in the office. In order to counter this view, a mechanism to sift out genuine cases can be evolved."

Preventive Steps: All employers or persons-in-charge of workplaces, whether in the public or private sector should take appropriate steps to prevent sexual harassment :

a) Express prohibition of sexual harassment at the workplace should be notified, published and circulated.
 b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment, and provide for penalties against offenders.

c) Steps should be taken by private employers in the standing orders under the Industrial Employment Act, 1946.

Most of the women we spoke to were not aware of the Supreme Court Guidelines prohibiting sexual harassment at the workplace. In fact, the survey was combined with an attempt to raise awareness on the issue and disseminate information on the guidelines and also inform women about the redressal mechanisms available. Our interviewees put forth several ideas on ways to popularise the guidelines so that more and more women know about them.

Many women suggested making effective use of both print and electronic media to spread the information. They felt that women's groups should make special effects to popularise these guidelines by distributing pamphlets and leaflets on a big scale. Some women strongly felt that talking personally to women helps instil confidence and that it is more important than simply disseminating information. A government notification and propaganda could help in making all employers, managers, bosses, supervisors and contractors aware of the existence of such guidelines. The personnel department of every office should be responsible for providing all workers with information about their rights and terms of employment and methods of redressal of grievances. Guidelines on "rules of conduct" should include sexual harassment as a punishable crime and be given to each employee at the time of joining. Every organisation should have a women's grievance cell which should arrange meetings, lectures and seminars which are open to all employees. In addition, posters and notices should be put up in all public places announcing that "Sexual harassment at the workplace is a criminal offence." It has to become a subject of daily talk and deliberation so that everyone is forced to recognise it.

Popularising the guidelines does not simply mean making women aware of their legal rights. The guidelines could additionally be used to bring consciousness in society that such harassment at the workplace is nothing short of a criminal offence.

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SUSHEELA'S STRUGGLE: THE GUIDELINES ON TRIAL

DUALNG the course of the survey, Susheela approached us for help in dealing with sexual harassment she had undergone at the workplace. We are presenting the case in detail so that we can share with others in the field the experience of attempting to operationalise the guidelines.

Susheela (name changed), employed as an EDP (Electronic Data Processing) Executive since two and half years in a pharmaceutical company located in Ghaziabad, approached us for help to deal with sexual harassment which she faced at her workplace. Ramesh (name changed), the cleanliness and sanitation contractor of the Company, used to repeatedly harass Susheela, but she tried to ignore it and continue with her work. However, the situation was becoming intolerable. On 3.11.97, he sang sexually suggestive songs, used foul language, and made obscene gestures at her. He also made physical advances to her, despite her strong objections. Following this incident, Susheela made a written complaint to the Manager (Administration).

THE ROLE OF MANAGEMENT

Although the offender was not an employee of the company, the guidelines do cater to this situation: Where sexual harassment occurs as a result of an act by any third party or outsider, the employer and person-in-charge will take all necessary steps to assist the affected person in terms of support and preventive action.

IN A CLEAR CASE OF VICTIMISATION, SUSHEELA WAS SUSPENDED ON THE VERY DAY THAT SHE LODGED THE COMPLAINT Ramesh, though not an employee, had access to the workplace (being a contractor). Following the complaint lodged by Susheela, Ramesh was prohibited from entering the company premises, but his contract was not cancelled. On the other hand, in a clear case of victimisation, Susheela was suspended on the very day that she lodged the complaint. The management of the company, instead of dealing with her complaint in accordance with the guidelines laid down by the Supreme Court in cases of sexual harassment, issued a letter alleging that she had used abusive language against Ramesh and had beaten him up with a chappal, stating that this constituted "serious misconduct and breaking the discipline of the company". Clearly implying that the management expects women facing such harassment to suffer it quietly and not raise their voice against it.

It shall be the duty of the employer or other responsible persons in workplaces and other institutions to prevent or deter the commission of acts of sexual harassment, and to provide for the resolution, settlement and prosecution of sexual harassment by taking all steps required.

In the present case the Company not only failed to carry out its duty, it went a step ahead by turning a blind eye to the real issue of sexual harassment and portrayed the case as that of a labour dispute i.e., a case of misconduct. Susheela was penalised. ENACTING A FARCE, THE MANAGEMENT SET UP A COMPLAINTS COMMITTEE AFTER HAVING DISMISSED SUSHEELA Saheli attempted to pressurise the management to view the case in its proper perspective, i.e., as a case of sexual harassment and also apprised them of the Supreme Court Guidelines in dealing with such cases. But all along the management refused to concede that sexual harassment had occurred. They also didn't like the idea of a women's group intervening and questioned Saheli's credentials, insisting that we have no locus standi to intervene in what they perceived as a 'labour case'.

Negotiations were held with the management, alongside attempts to initiate criminal prosecution for contempt of court, while at the same time we also tried to deal with the criminal charges instituted against Susheela by the offender.

The management held a domestic inquiry. Three other women employees, who were witnesses to the incident gave evidence against Susheela. Following the domestic inquiry, the conclusion was reached that she was guilty of misconduct. Although the Supreme Court Guidelines clearly specify: during the period when a woman's complaint of such harassment is being processed, care should be taken to prevent her further victimisation. Susheela was dismissed on 2.4.98.

EXPERIENCE AT THE LABOUR COURT

Susheela had made a complaint at the office of the District Labour Commissioner (DLC). Saheli raised the issue of the Supreme Court Guidelines, but the Assistant Labour Commissioner was hostile. He claimed that he had nothing to do with the Supreme Court Guidelines and sexual matters are 'not applicable' to him !! Before our intervention the DLC was ready to close the case, and wait for Susheela to get terminated after which it would become a 'proper' case. Since the DLC's office is only an arbitration body, it does not have powers to enforce anything.

Following our intervention the DLC was compelled to hold another inquiry and bring out a report. The first time when Saheli met the DLC, who was a woman, she was quite interested in the guidelines, about which she herself had no previous knowledge.

The lack of sensitivity of institutions such as the DLC's office is too well known to need repetition. It is a moot point whether such anti-worker and anti-women institutions can at all help women. The labour case is usually handled by lawyers who are unaware about the Supreme Court Guidelines. In Susheela's case, her lawyer, despite suggestions from Saheli was unable to creatively interpret and use the guidelines in the labour case. The judges in the Labour Court, too, are not aware of this judgement, and are not very receptive to the intervention of women's groups either.

PENALISING THE VICTIM

In a bizarre turn of events, the offender had lodged a complaint through the Judicial Magistrate and got a criminal case registered against Susheela under section 325 of IPC (voluntarily causing hurt), 500 (defamation), 501 (printing defamatory statements) and 506 (criminal intimidation). A

warrant was out for Susheela's arrest. She had to run around for getting bail and the case is now pending in the Sessions Court.

Since the criminal cases against her are motivated, false and without any basis, it is obvious they have been filed with the intention of harassing her further. She has now approached the High Court to ask for the quashing of these baseless cases against her.

On the other hand, the difficulty faced by women in pursuing criminal cases is illustrated by Susheela's inability to get even an FIR registered despite intervention from Saheli by way of meeting high ranking police officials, the city magistrate and letters to the District Magistrate. Following an incident when the security personnel of the company tried to forcibly make her sign a document without allowing her to read it, Susheela had made another written complaint at the police station. This too was not registered as an FIR.

THE COMPLAINTS COMMITTEE

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The Complaints Committee came into existence the very day Susheela was dismissed. The reason for this much belated action was a legal notice from a Supreme Court lawyer, who has also been helping Susheela. It stated that failure to fulfil and discharge the obligations and duties imposed by the law laid down by the Supreme Court would amount to gross contempt of court, inviting penal action.

A farcical situation ensued, whereby the Committee was inquiring into a complaint of sexual harassment committed on a woman who had by that time been dismissed by the management. However, now that the Complaints Committee had been set up, the management expected Susheela to attend the proceedings. Susheela gave the Complaints Committee a plea in writing that this procedure was not in keeping with the Supreme Court Guidelines, and that Complaints Committee is meant to look into cases only of the employees of the organisation. Susheela requested them that she should first be reinstated and repeatedly assured them that once they have fulfilled this basic requirement, she would be happy to appear before the committee.

Without paying any heed to Susheela's plea and the legal validity of her demand to be reinstated, the management went ahead with the inquiry. The setting up of this Complaints Committee was just an eyewash, aimed

THE LAW MUST BE USED WITH EXTREME CAUTION IN A CONTEXT WHERE ANTI-WOMEN PREJUDICES DOMINATE, LEST THE STRUGGLE TO GAIN JUSTICE BACKFIRES

at protecting the company's own interests by appearing to be a fair and just organisation. Not surprisingly, the Complaints Committee came to the conclusion that there had been 'no incident' of sexual harassment against Susheela.

This initial experience of dealing with sexual harassment at the workplace provided us with a few insights into the working of the Supreme Court Guidelines. In our first attempt to make use of the guidelines, several of our assumptions and apprehensions about the working of the law enforcing machinery were confirmed. The law must be used with extreme caution in a context where antiwomen prejudices dominate, lest the struggle to gain justice backfires.

OPTING FOR CRIMINAL PROSECUTION

WILL JUSTICE BE DONE?

Where such conduct amounts to a specific offence under the Indian Penal Code or any other law, the employer shall initiate action by making a complaint with the appropriate authority.

The employer, has a duty and responsibility to initiate criminal prosecution in case the sexual harassment perpetrated amounts to an offence under the Indian Penal Code.

These directions would be binding and enforceable in law until suitable legislation is enacted to occupy the field.

In operation, however, a woman who decides to pursue a complaint of sexual harassment at the workplace has to take recourse to already existing laws. In the first place, given the corruption and anti-woman biases of the police, even getting a FIR registered is a Herculean task, requiring enormous perseverance and dogged determination. Subsequently, the penal provisions applicable to such cases are IPC 509 (insulting the modesty of a woman). and section 354 (assault or use of criminal force to a woman with intent to outrage her modesty). As is evident from the wording of these provisions, the offence is rooted in the patriarchal notion of a woman's 'modesty'. Past experience with prosecution in rape trials has shown that legal provisions and procedures are weighed heavily against women.

In terms of a criminal prosecution for sexual harassment at the workplace, three crucial issues are brought to bear on the complaint:

1. **Consent :** The woman has to establish that she did not consent to the offender's behaviour. This is extremely difficult to prove, since it is usually the woman who is judged and blamed, and not the offender. The burden of proof is on the woman to establish that she did not consent to the offender's behaviour.

2. The complainant's past sexual history and conduct is brought into the picture. If she does not conform to society's male-defined notion of a 'good' woman, she is automatically held responsible for having 'invited' the harassment. The evidence of such a 'bad' woman is then discredited.

3. Corroborative evidence/witnesses : Since evidence in cases of sexual harassment is subjective (e.g. was the behaviour 'objectionable' or not, was the advance 'unwanted' or not) a lot depends on the perception of the witnesses (if any). If a woman has got no support at the office, she will find it extremely difficult to prove her case. In Susheela's case all the witnesses, though women, gave evidence against her. Thus, if witnesses are hostile and decide to side with the management because of office dynamics or because of job insecurity, the woman's own statement will not be corroborated. In such circumstances, expecting justice by filing criminal charges may well turn out to be a mirage.

CHALLENGES FOR THE WOMEN'S' MOVEMENT: WHERE DO WE GO FROM HERE?

It is yet to be seen how best these guidelines can be used to the advantage of women in the labour market. In Saheli, our healthy scepticism about law and legal procedures persists. At the most, the guidelines can be seen as providing one concrete step towards registering a complaint or seeking redressal if a woman wants. It is a ready mechanism for the woman who decides to take a culprit to task. In implementing these guidelines, there is bound to be a sea of obstacles, as even our limited experience of handling cases shows.

As many of our interviewees also said, the guidelines can also act as a deterrent amongst potential harassers. There is no doubt that the Supreme Court judgement has lent visibility to the issue of sexual harassment at the workplace. Gaining media attention, the issue has been brought into the open as a common problem faced by women, rather than being reported as sporadic incidents.

The various definitions used in the guidelines are yet to undergo the rigour of legal arbitration. Women's long experience with the law has shown that rigid and specific definitions have been counter-productive in seeking justice. Most often, the legal domain has been used to reinforce the domination of male, upper class, upper caste and other powerful interests. Law is only one crucial area of redressal for violence against women amongst other strategies of resistance that women evolve. It is an arena of contending claims and realities. It is here that we seek to define and assert the realities women face in all their complexity. Actively implementing the guidelines, to test out their efficacy and loopholes, would be effective in re-defining or bringing about amendments.

It is clear that the guidelines place too much faith on the employers and places on them the onus of resolving the matter of sexual harassment. Such a position does not recognise the fundamental conflict of interests between employer and employee, or management and worker. It is assumed that the employer has the best interests of the employee at heart, and will do all that is needed to establish and resolve a case of sexual harassment. In reality, this is far from the truth. In fact, the management refuses to acknowledge the incident of sexual harassment because it wishes to disengage itself from the responsibility put on it by the Supreme Court Guidelines. The employee's assertion results in a conflict with the management which uses its power position to suppress the matter and pressurise not only the subordinates but also other authorities, like the police, courts etc. LAW IS ONLY ONE CRUCIAL AREA OF REDRESSAL FOR VIOLENCE AGAINST WOMEN AMONGST OTHER STRATEGIES OF RESISTANCE

Moreover, filing a 'labour' dispute or allegation of 'misconduct' is a diversionary tactic to sidetrack the matter, since the labour dispute becomes important for economic survival.

While the guidelines can be an important tool to counter this menace, we need to improve our coping strategies and other forms of resistance too. Efforts can be geared towards creating an awareness of the problem and a willingness to act upon it because the creation of a non-threatening atmosphere is an intangible that no law can achieve. In the case of routine harassment faced by

workers, the guidelines will not help, when harassment is so rampant and on such a wide scale. The culture of the workplace needs to be entirely changed. We need to pressurise authorities and managements to the extent we can, in an organised manner, to act upon this issue. Trade Unions and Employees' Associations, wherever present, need to take up this issue with serious commitment.

The fight against such harassment in the workplace is also a challenge to change the dominant notions of women's sexuality. It is not upto women alone to preserve their '*izzat*', and be responsible for its 'protection'. Oppressive acts by men should not have the power to shatter this '*izzat*', and damage women's self-confidence and self-worth. The workplace also reinforces this structured

THE FIGHT AGAINST SUCH HARASSMENT IN THE WORKPLACE IS ALSO A CHALLENGE TO THE DOMINANT NOTIONS OF WOMEN'S SEXUALITY form of violence, which denigrates women as sexual objects. Our professional status and competence are constantly undermined by attention being directed at our looks only. Moreover, it is only women who conform to male defined notions of 'the ideal woman' who are considered victims worthy of sympathy. Assertive and confident women who defy male stereotypes of 'femininity' are themselves blamed for any oppression they are subjected to. Challenging these assumptions and notions is a simultaneous battle with the struggle to secure better working conditions and wages.

Our interviews and discussions indicated certain important areas that those of us engaged in the women's movement, need to actively work in. The response of women's groups to women seeking support is varied. The young doctors of Maulana Azad Medical College felt strongly that the intervention of women's organisations could have been more

decisive and strong. Especially, when the National Commission for Women was doggedly diluting the issue, discouraging and demoralising the doctors. In the case of the lawyer who refused to participate in a strike protesting the introduction of Family Courts, women's organisations should have been more responsive to her fight against sexual harassment by Bar Association members. This is especially so since women's organisations have been agitating for setting up of Family Courts. We need to be as alert as we can to intervene in time and effectively do so. Women's organisations' interaction with each other in actively dealing with such issues needs to be more dynamic and productive.

The responses, attitudes, biases and dilemmas voiced by our interviewees as well as the many questions we ourselves have indicate the complex level of issues involved while coming to grips with sexual harassment at the workplace. Having more discussions would make the issue more visible and build solidarity amongst women. As long as the menace of sexual harassment persists, the interests and well being of all of us as working women is in jeopardy. It is a structured form of oppression, inherent in every institution, office, factory or market place, that is integral to upholding male supremacy.

To fight against sexual harassment and create a safe and healthy workplace, is one step towards our vision of a society free of violence against women.

THE SUPREME COURT GUIDELINES IN BRIEF

1. It shall be the duty of the employer or other responsible persons in workplaces and other institutions to prevent or deter the commission of acts of sexual harassment, and to provide for the resolution, settlement and prosecution of sexual harassment by taking all steps required.

2. Definition: Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as : a) Physical contact and advances; b) A demand or request for sexual favours; c) Sexually coloured remarks; d) Showing pornography; e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The Court noted "It is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work, including recruitment or promotion, or when it creates a hostile work environment."

3. Preventive Steps: All employers or persons-in-charge of workplaces, whether in the public or private sector should take appropriate steps to prevent sexual harassment :

a) Express prohibition of sexual harassment at the workplace should be notified, published and circulated.

b) The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment, and provide for penalties against offenders.

c) Steps should be taken by private employers in the standing orders under the Industrial Employment Act, 1946.

d) Work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces.

4. Criminal Proceedings: Where such conduct amounts to a specific offence under the Indian Penal Code or any other law, the employer shall initiate action by making a complaint with the appropriate authority. In particular it should ensure that the victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator, or their own transfer if they so desire.

5. Disciplinary Action: Where such conduct amounts to misconduct as defined by the relevant service rules, disciplinary action should be initiated by the employer.

6. Complaint Mechanism: Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate, time-bound complaint mechanism should be created for redressal of complaints.

7. Complaints Committee: The complaint mechanism should provide, where necessary, a Complaints Committee, a special counsellor or other support service. Confidentiality should be maintained in all these dealings. The Complaints Committee should be headed by a woman, and not less than half of its members should be women. To prevent the possibility of undue influence from senior levels, such Complaints Committees should involve a third party such as an NGO or other body familiar with the issue. This Committee must make an annual report to the concerned Government Department regarding the complaints received and action taken.

8. Workers' Initiative: Employees should be allowed to raise issues of sexual harassment at workers' meetings and in other appropriate forums. It should be affirmatively discussed in Employer-Employee meetings.

9. Awareness: Awareness of the rights of female employees in this regard should be created, in particular by prominently notifying the guidelines (and legislation when enacted) in a suitable manner.

10. Third Party Harassment: Where sexual harassment occurs as a result of an act by any third party or outsider, the employer and person-in-charge will take all necessary steps to assist the affected person in terms of support and preventive action.

11. The Central/State Governments are requested to consider adopting suitable measures including legislation, to ensure that the guidelines laid down by this order are also observed by the employers in the private sector.

ANOTHER OCCUPATIONAL HAZARD

SEXUAL HARASSMENT AND THE WORKING WOMAN



1 #If is a report of a survey carried out among women in different professions and occupations. While recounting varied experiences of sexual harassment at the workplace, women talk of how it affects their lives and the many ways in which they confront it.

The report looks at whether the Supreme Court Guidelines adequately define the problem, and assesses the proposed redressal mechanisms in the light of women's responses. It reveals that while some women remain sceptical about the introduction of the Guidelines, others look upon it as a much-awaited recognition of an age-old problem. Simultaneously, it also questions the parameters of law and the legal options available.

This is also an attempt towards planning strategies and strengthening on-going struggles to make the workplace safe for women.

