

# Sexual Harassment:

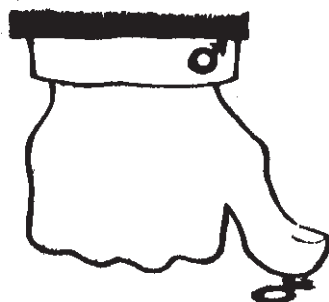
## Ways to Obtain Redressal at the Workplace

by

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In the weeks after we published the cover story on sexual harassment in **Manushi** No. 68 several additional cases of sexual harassment were brought to **Manushi's** notice. They provided confirmation for our view that this form of abuse is extremely widespread in every stratum of our society. The cases referred to **Manushi** involved, among others, school teachers and customs officers.

A persistent theme in all these cases was that those protesting against the harassment or those wishing to support and defend the victimised woman were at a loss as to how to proceed, how to seek redressal. For instance, a high Customs official sought our intervention in a case of sexual harassment involving a woman probationary officer. This official had been experiencing a great deal of frustration in his attempts to get disciplinary action taken against the officer who had molested the woman probationer. He was finally forced to seek the intervention of the Finance Secretary, the Finance Minister, and the Prime Minister in order to get an inquiry under way into the charge of sexual harassment, and to suspend the officer pending the enquiry. While we at **Manushi** were impressed by this official's care and concern for the welfare of the woman probationer who had asked for his intervention, we were also very disturbed to discover that even an officer as highly placed as he is did not have a well defined procedure or mechanism available



which he could set into motion to deal with such cases. This was true even though the aggrieved woman is very well connected. She is, among other things, the daughter-in-law of a high court judge.

Hence, his only recourse seemed to be desperate appeals to the very top officials of the central government. However, very few people have the connections this officer had for getting a hearing at the ministerial level. Any procedure which is dependent on reaching the prime minister and other central government ministers to deal with each individual case of sexual harassment suffered by a woman, whether in Bombay or in some remote provincial town, is simply not feasible.

Considering how widespread the problem is and how serious its consequences for women, we need to begin by demanding that workplaces be made safer for women. Lack of security from sexual harassment adversely affects our fundamental right to work and earn a livelihood. Too many women are compelled to withdraw from earning their livelihood for fear of sexual harassment. A major prerequisite for

making our workplaces less insecure is to demand that every workplace install and follow a rigorous set of procedures that make sexual harassment an offence that might even result in the harasser losing his job and being subject to court action.

Such procedures need not be elaborate or time consuming. As possible example we present the broad outlines of a procedure. These stipulations will need to be refined and modified to make them appropriate for the requirements of particular work situations.

- In every work unit, be it a business firm, a university, or a government office, a carefully selected person should be assigned the task of listening to complaints of sexual harassment, recording them in writing, and taking official note of each of them.

- This person should be authorised and equipped with the necessary powers required to conduct enquiries either by her or himself, or to appoint a committee to assist in completing this task.

- Annually, the women in that unit should be asked to provide a confidential evaluation of the performance of this official in order to ensure that the person holding such a responsible job enjoys the confidence of the women in that unit. The official should not continue to hold the position if a majority of women don't have confidence in her or him.

- The employer should be responsible for ensuring that every

employee working in the unit is made aware that sexual harassment is unacceptable within the firm and is a punishable offence, both by the firm and in the courts. A written code of acceptable and unacceptable conduct should be provided to each employee, posted on the bulletin board, and carefully reviewed in training, orientation and retraining programmes. Punishments by the firm might range from censure, to loss of bonuses and other extra compensation, to punitive fines, and in more severe cases, to loss of job.

Building up an awareness that sexual harassment is unacceptable within the unit in itself would act as an important preventive measure. It would have a restraining effect on many of those who feel emboldened to try it these days because they feel they can get away with it.

- The woman complainant should have the option of deciding whether she wishes her complaint to be kept confidential or to make it public.

- If there is a strong prima facie case against the accused he may be temporarily suspended from his job forthwith, for the brief period of the investigation, so that he does not have the opportunity to abuse his official position to intimidate the woman or her supporters.

- It should be mandatory to complete the enquiry and take action within a specified period of time, no more than three months.

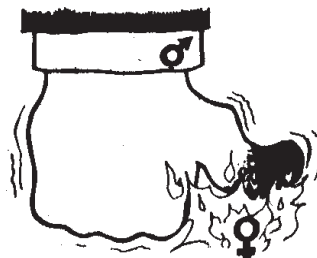
- It should also be mandatory to make the report of the enquiry committee public unless the woman complainant specifically requests them to keep it confidential. Not releasing these enquiry reports is a common way of shielding the culprit by covering the matter with a shroud of secrecy.

The Indian Institute of Technology, Delhi, is already in the process of establishing procedures for dealing with sexual harassment.

We invite our readers to send us their suggestions and hope that they will ensure that such protective measures are taken in their respective workplaces.

However, apart from demanding appropriate codes of conduct and a grievance redressal mechanism, women also need to learn to defend and protect themselves more effectively by taking their own measures.

The first bad habit that we need to reject is our own tendency to assume the attitude of a powerless victim. Too many women behave in stupidly passive ways in their relations with men, not saying a determined “no” to unwelcome advances as soon as they start occurring. We often let things go too far before we begin to reject advances and start to protest, by which time many others see us as having invited trouble or as willing participants in a ‘flirtatious game.’ Too many of us live and act in the belief that ‘men will be men/ that is, men are always going to act sexually aggressive, however we try to indicate that their advances are not welcome. In this view, women just have to put up with such abuse because it’s in the nature of things. This victim mentality is our worst enemy, for this stereotyped role suits the aims of the aggressive man best. We need to take responsibility for changing our ineffective stereotypical behaviors. In this regard it is important to act decisively as soon as possible, as soon as unwelcome advances are made. By moving quickly you will not allow the man to create the misleading impression that his advances are



acceptable to you. Some men consider themselves entitled to react in obnoxious and sometimes violent ways if they can convince themselves and others that they were led on by a woman.

Sometimes, not protesting early enough is in part responsible for women remaining silent about incidents of sexual harassment they suffer, because the longer such behavior continues, the more lurid are its manifestations and, therefore, the more embarrassing to discuss with others or to make a public issue of. We need to learn to talk about such experiences without shame, to protest against attempts at bullying or blackmail. Making this an open struggle is our best protection against further sexual harassment and sexual abuse because blackmailers have little leverage in an open atmosphere. They thrive on fear and secrecy. You have a chance of defeating them by being more direct and decisive.

It is also very important for women to learn to provide mutual support and protection to each other rather than, as so often happens, work against each other. In most units where bosses are prone to harassing women sexually, one of the common ploys they use is to offer crumbs and special favours to the ‘chosen ones.’ This causes resentments, competition and mutual hostility among women employees or students, who find it much harder to act with solidarity and support each other in case of need. As a result, the task of exploiting women becomes much easier. We need to learn to rely on our competence and dignity rather than seek favours through flirtations which are likely to alienate us from other women and deny us their respect and support. A woman not respected by other women is seldom taken seriously by men and, therefore, less able to resist being sexually abused or harassed.