

Extending the Boundaries of #MeToo: Sexual Harassment in the Lives of Marginalised Women

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Unmitigated and pervasive sexual harassment at the workplace is pushing women out of the workforce and increasing socio-economic inequalities.

On the first anniversary of the #MeToo movement, India is witnessing a revolution of sorts. As several sexual harassment allegations surface, there is a need to move beyond the digital boundaries of Twitter and share the platform with women who have been historically silenced: the less-educated, poor, rural, lower-caste women who work long hours, under difficult conditions for survival.

A Culture of Normalised Harassment

Few reports capture sexual harassment incidents in the workplace for low-wage workers. For instance, the women who keep our streets clean had to take to the streets for their voices to be finally heard. Their complaint was against contractors, health inspectors and *mestris* who they alleged were repeatedly abusing them (Suresh 2018). Several news

reports highlight the severe abuse these women faced from supervisors at various levels. The matter had to be escalated to involve the Karnataka Social Welfare Department. When the Bruhat Bengaluru Mahanagara Palike finally set up a committee to hear the complaints of both permanent and contract employees, it got five complaints in six months, of which three were considered serious. One of the complaints (filed by 35 women) was against a contractor who “chased, abused and assaulted women,” reported several news outlets (Alva 2017; Balakrishnan 2017). The situation is equally horrific in the garment industry which employs women in large numbers. A study by the non-governmental organisation (NGO), Sisters for Change, documented that 60% of the women faced physical, verbal and sexual abuse in the factories. These industries employ tens of lakhs of women, with factories in Bengaluru alone employing about five lakh workers (Mohan 2017). If we assume that the study was representative of the population, then a quick calculation will show that about three lakh women working in Bengaluru factories have faced abuse of some kind. In addition, tens of thousands might have had to endure severe sexual harassment.

Even within the organised sector, significant portions of working women are contract workers (Kaur and Kaur 2013). We have no reports on the harassment faced by these women who are employed in housekeeping and maintenance, security and secretarial positions in organisations that are not necessarily dominated by female employees. Also, little is known about the harassment faced by women in the unorganised sector (for example, maids). Most of India is employed by the unorganised sector (Express News Service 2015). Essentially, what we are witnessing on Twitter and other online media outlets is just the tip of the iceberg. There are probably tens of thousands of incidents of harassment at the workplace which get no attention.

The normalisation of sexual harassment in the workplace could be one of the reasons why Indian women are leaving the workforce. According to the International Labour Organization, Indian women’s participation in the labour force has decreased from 34% in 1999-00 to 27% in 2011-12 (Verick 2014). Furthermore, according to the Centre for Monitoring Indian Economy, in the first quarter of 2017, jobs for men increased by 0.9 million, while 2.4 million women left the labour force (Bhandare 2018). Most of the women who are employed belong to two demographics—the less-educated (primary education or less) and college graduates (Kapurthala 2018). Many of these less-educated women tend to be employed in difficult working conditions which also foster sexual abuse. These women work because they are financially compelled. They are working because they have no choice but to earn their daily living. It is, therefore, not surprising that these women begin to leave the workforce when the family incomes start increasing, even by a little. Sexual harassment is thus, increasing inequality between classes, castes, and genders.

Why Do Women Not Complain?

In most cases, women's complaints have immediate consequences that affect their *roti, kapda, makaan* and children’s education. In fact, most of the protesting sanitation workers in Bengaluru were mainly demanding that their unpaid salaries be released. Their salaries

were put on hold because they had complained against the contractors. Similarly, many of the allegations of sexual harassment have been made against men who are economically better-off, compared to the complainant (Manickam 2018). The threat of termination or denied salaries prevents women from seeking redressal.

Consider the case of 42-year-old Sakina (Mohan 2017), who worked in a garment factory in Bengaluru and had been a tailor for more than half her life. In 2016, she found that the production manager had retained part of her salary. When she protested, Sakina was repeatedly harassed over the phone by the same supervisor who stole her money. When she complained to the owners, it was considered a false complaint. Suddenly, Sakina's tailored pieces were rejected. She felt isolated in the factory where she had worked for three years. She was eventually fired from her job. When Sakina went to the government authorities to register this unjust treatment, her complaint was dismissed as trivial. She was told, "What ma, all this for some dirty phone calls. It is not like it is rape, no?" Finally, the Karnataka Garment Workers' Union had to come to intervene. Given the enormous effort that Sakina had to make for her voice to be heard, is it really surprising if women do not come forward to complain about harassment?

Overall, economic vulnerability, lack of job security, stigma, isolation, family pressures are significant reasons why women do not complain about sexual harassment. Despite these pressures, women who do want to come forward and complain, are failed by the ineffective redressal mechanisms. In some instances, women are not even aware of the existence of a legal redressal mechanism (Aravind 2017).

Current Status of the Internal Complaints Committee

If one considers the testimonies on Twitter, it is clear that such safe spaces do not exist in our workplaces. From the case of the sanitation workers taking to the streets in Bengaluru, it is also clear that the authorities have muted women's voices.

The law requires every organisation with more than 10 employees to have an Internal Complaints Committee (ICC). The ICC deals with complaints of harassment at the workplace. The ICC must be led by a woman employee who will be assisted by (a) other employees in the workplace working on gender-related issues, and (b) members of NGOs working on similar matters. Before the implementation of the ICC, women had to go to the police or their supervisor. Naturally, many women chose to remain silent. The gap ICC is filling is evident by the complaint numbers. Five hundred and twenty-five and 601 complaints were registered in the financial years 2016 and 2018 respectively, with Nifty50 companies' ICC (Somvanshi 2016; Vyas and Sultana 2018). These growing numbers also suggest that ICCs are beginning to have an effect.

The sanitation women workers in Bengaluru had to take to the streets for an all-women ICC to be setup (Alva 2017). In contrast, the Municipal Corporation of Greater Mumbai (MCGM) has worked to create a safe space for its 40,000 women employees. All the 106 departments

at MCGM reportedly have their committees to deal with sexual harassment cases. Further, they draw help from NGOs such as Savitribai Phule Gender Resource Centre to strengthen their redressal mechanisms (Vyas and Sultana 2018).

MCGM might be an exception, as news reports suggest that many public sector undertakings and private firms still do not comply with the act (*LiveMint* 2018). In addition, civil liberties lawyer Vrinda Grover argues that it is important to get into the details of the numbers on the complaints (for example, complaints by whom and against whom) to build effective structures in the organisation. In particular, Grover wonders whether the women working on the shop floor of garment factories have also been able to assert their voices.

Browsing through *EPW*, one finds several studies by academics discussing the absence of ICCs or the dismal state of ICCs at various workplaces. For example, Anagha Sarpotdar (2016) in her study found that many firms in Mumbai did not form an ICC or when they did, the organisations did not take women's complaints seriously. In another study, Bhavila and Beegom (2017) interviewed employers, chairpersons, and members from 15 ICCs in government offices in Kerala. The researchers found that the ICCs were constituted as mandated by the law with both external and internal members. However, women, including the chairperson at times, were afraid of asserting themselves against senior male members. The ICCs did not have much legitimacy in a male-dominated environment. Further, Bhavila and Beegom (2017) found that many complaints were anonymous since the complainant did not trust the ICC members to keep the case confidential. The law requires the case details to be confidential in order to protect the complainant, accused and even the witnesses.

An ICC that is powerless and lacks autonomy is almost as good as non-existent. In Sakina's case, the factory claims that there was an ICC, but clearly, it was dysfunctional. In fact, 75% of garment factory workers who were surveyed said that the ICC in their factories was not useful (Aravind 2017). In many firms, ICCs are created since the law mandates it. However, employees are not made aware of it. "Why to put ideas in women's minds?" is the attitude in such cases. Factory owners, academic institutions and businesses are concerned about their reputation if women start making formal complaints. Finding no respite, women under-report abuse or find new jobs to escape abuse. It is not surprising, therefore, to see women taking to Twitter by the numbers because it is unclear to them who at their workplace will hear and investigate their case.

While ICC is for organisations with more than 10 employees, a Local Complaints Committee (LCC) is for organisations with less than 10 employees, unorganised sector workers and complaints against the employer. The LCC is headed by the district officer who then appoints five members to be part of the committee. To locate an LCC, a complainant has to go to the district officer's or the state women commissioner's office or call the 181 helpline. These steps reduce the ease of accessibility, and it is highly likely that a woman will not register a complaint until the sexual harassment is severe or repeated. Based on a Right To Information request, Mumbai's LCCs received just six cases (all resolved) in three years of

its existence. For a city with working population in the millions, such a low number raises doubts of the LCCs' efficacy. The LCCs have the potential to become sources of power for contract and unorganised workers, who are otherwise unrepresented. It is essential that they reach the women workers rather than the other way around.

A Renewed Role for the ICC

The current dysfunctional state of ICCs and LCCs needs to change immediately. We need to provide a platform for every person to be able to share their harassment experience, and for the episode to be investigated in a fair and judicious manner. Importantly, both the complainant and the accused should have a chance to explain their case. Such due process can set a precedent and influence work culture. It can initiate conversations and engage people in a difficult, but constructive discussion. The process is time-consuming but more effective in the long run.

The Network of Women in Media, India (NWMI), has put out a note requiring that the ICCs at media houses carefully investigate claims of sexual harassment that have cropped up in recent times. This is a desirable first move. The presence of an autonomous ICC and awareness amongst all employees about its existence is one sign that an organisation takes the safety of its women employees seriously. The need of the hour is to make sure that the private and public organisations follow the law and institute these committees. But, it is more important that the unorganised and contract workers who are part of these big organisations are also knowledgeable about the existence of such a committee.

As the number of contract workers in an organisation grows, it is important that the ICCs do not render them invisible. The ICCs may be burdened at this time, but this moment also presents an opportunity for them to hear the voices of all the workers in their organisations. It is commendable that the NWMI is suggesting that equal rights be extended to freelance and full-time journalists. Similarly, ICCs should take cognisance of contract and unorganised workers' work conditions and extend similar protections to all. The non-unionised, low-wage worker requires special protections as she is more vulnerable to being fired by the contractor if she raises her voice. The contractor would rather replace a complaining worker than lose his/her contract with the organisation.

Finally, the law may have mandated the composition of ICC to ensure a fair trial, but unless the attitudes of the members of the ICC change, the formal mechanisms will continue to fail the abused. Bhavila and Beegom (2017) found that the ICC members whom they interviewed in Kerala had little idea about the investigation procedures and had patriarchal attitudes. In order to build a safe workplace, there is a need to train the ICC and LCC members to be sensitive to people's voices and investigate in as fair a manner as possible.

It was Bhanwari Devi's battle for justice against the people who gang-raped her that got us the legal guidelines to protect women against and prevent sexual harassment at the workplace. There is no time like the present to take those guidelines seriously and

implement them in order to build a safe workplace. A supportive and sensitive workplace with robust redressal mechanisms for sexual harassment can help complainants, and prevent cases of abuse in future.

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