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## LIVING WITH DIGNITY THROUGH SKILLS AND TRAINING

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**Abstract:** The participation of women in workforce has increased with the growth and development of the economy. In India with the increase in the literacy rate more and more women are entering the labor force. In 1951 the literacy rate of females was 8.86 percent which increased to 65.46 per cent as per 2011 census (As per Census-Office of the Registrar General, India). The participation of women in the workforce also increased from 12.11 percent in 1971 to 25.5 percent (2011 Census-Office of the Registrar General, India). With greater participation of women in the workforce the women have been exposed to various problems, the most important being sexual harassment at the workplace. The most important consequence of this is that it reduces the productivity of the labor force, diminishes the quality of life, jeopardizing the wellbeing of women. The countries are working hard at various levels to prevent sexual harassment with various legislations and Acts. But the most important aspect is, still there is lack of awareness about this with regard to how to protect oneself from sexual harassment and handle the problem in such circumstances. Thus it is in this context that the research paper will focus about the awareness to combat sexual harassment at the workplace with a small pilot study undertaken for women in the nationalized banks.

**Keywords:** Awareness, Sexual Harassment, Skills, Training.

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**Introduction:** The women constitutes an important segment of the labor force in India and their participation in the labor force is gradually increasing in the labor market. The percentage of female main workers to total female population stood at 25.5 which shows an increase as compared to 14.68 reported in the 2001 Census. The literacy rate of females has also gone up from 8.86 percent to 65.46 per cent. With greater participation of women in the workforce the women have been exposed to various problems, the most important being sexual harassment at the workforce. The Government and organizations have from time to time have introduced a wide range of laws, policies and procedures aimed at preventing and combating sexual harassment. The research paper is structured as follows: Chapter II will review the Acts and policies put forward by Government to combat sexual harassment; Chapter III will validate the application with the pilot study and finally the paper will conclude with suggestions.

Sexual harassment in the workplace has intensified, it has become clear that the problem is relatively widespread in both developed and developing countries. Gruber (2011) says that there is no doubt that gender was important in sexual harassment. Women are the targets of sexual harassment perpetuated most often by men. Male dominance is a crucial factor. Women have long been exposed to workplace sexual harassment. Studies find that sexual harassment is present in all the organizations, where women have been silently bearing the harassment, often hidden because of social stigma. Sexual harassment touches the lives of nearly 40 to 60 percent of working women. Sexual harassment

includes such unwelcome sexually determined behavior (whether directly or by implication as

- (a) Physical contact and advances;
- (b) A demand or request for sexual favors;
- (c) Sexually colored remarks;
- (d) Showing pornography;
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Various studies demonstrate that harassment does not impact on women in a uniform way, but is more prevalent against the more vulnerable. Findings also show that young workers, single, separated, widowed, divorced migrant workers are at a greater risk of sexual harassment.

In India the number of sexual harassment cases are on rise. An online survey conducted by the Times of India to gauge the kind of sexual harassment women faced, of the 3,840 women which included women from abroad showed that almost 70% of the women said they had been subjected to lewd comments or songs from groups of men. About a quarter of them had been groped or molested by men. Stalking was reported by just 8%. Alarmingly, in over 90% of the incidents people around did not respond to help the women. Over 70% of the men who said they had witnessed a woman being sexually harassed claimed that they had registered a complaint with the police. However, only 5% of the women said that they made a formal complaint to the police. Of the men who did not report it to the police, 40% said they stayed mum as they were "scared of the consequences". About 8% of the men did not do so because they did not think it was their business to do so.

The sexual harassment case at the work place was for the first time brought into public glare by the **Vishakha judgement**. Banwari Devi, an employee of

a development programme run by the state government of Rajasthan, fighting against child and multiple marriages in villages, tried to stop the child marriage of Ramkaran Gujjar's infant daughter who was less than one year old. The marriage took place nevertheless, Gujjar family got infuriated by her interference, and on September, 1992, five men including Ramkaran Gujjar, gang raped Banwari devi, Unable to get justice, women groups had filed a petition in the supreme court of India, under the name of 'Vishakha' asking the court to give certain directions regarding the sexual harassment that the women face at the workplace. Thus the Vishaka guidelines were passed.

## II Laws and Guidelines to Combat sexual harassment of women at workplace:-

### Guidelines and norms laid down by the Hon'ble Supreme Court in Vishaka and Others vs. State of Rajasthan and Others (JT 1997 (7) SC 384)

HAVING REGARD to the definition of 'human rights' in Section 2 (d) of the Protection of Human Rights Act, 1993,

TAKING NOTE of the fact that the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time,

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

#### 1. Duty of the Employer or other responsible persons in work places and other institutions:

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

#### 2. Definition: For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- Physical contact and advances;
- A demand or request for sexual favors;
- Sexually colored remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and

safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

#### 3. Preventive Steps: All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

- Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
- The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender
- As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- Appropriate 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 work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

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

In particular, it should ensure that victims, or witnesses are not victimized 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.

#### 5. Disciplinary Action: Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

#### 6. Complaint Mechanism: Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in the employer's organization for redress of the

complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

7. **Complaints Committee:** The complaint mechanism, referred to in (6) above, should be adequate to provide, where necessary, a Complaints Committee, a special counselor or other support service, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The Complaints Committee must make an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

8. **Worker's Initiative:** Employees should be allowed to raise issues of sexual harassment at a workers' meeting and in other appropriate forum and 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 appropriate legislation when enacted on the subject) in a suitable manner.

10. **Third Party Harassment:** Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable 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 Private Sector.

12. These guidelines will not prejudice any rights available under the Protection of Human Rights Act, 1993.

Other legal provisions include filing a **criminal case** under sections of the Indian Penal Code (IPC), the Indecent Representation of Women (Prohibition) Act and/or filing a civil suit.

The sections of the **Indian Penal Code** that can be applicable to sexual harassment (which makes it a criminal case):

- **Section 294:** 'Whoever, to the annoyance of others, (a) does any obscene act in any public

place, or (b) sings, recites and utters any obscene songs, ballads or words, in or near any public space, shall be punished with imprisonment of either description for a term that may extend to three months, or with fine, or with both.' This provision is included in Chapter XVI entitled 'Of Offences Affecting Public Health, Safety, Convenience and Morals' and is cognizable, bailable and triable by any magistrate.

- **Section 354:** Whoever assaults or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.
- **Section 509:** (Word, gesture or act intended to insult the modesty of a woman) this is included in Chapter 22 entitled 'Of Criminal Intimidation, Insult and Annoyance', and is cognizable, bailable and triable by any magistrate. It holds: 'Whoever, intending to insult the modesty of a woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture is seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.'

Under the **Indecent Representation of Women (Prohibition) Act (1987)** if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing the "indecent representation of women", they are liable for a minimum sentence of 2 years. Section 7 (Offenses by Companies) further holds companies where there has been "indecent representation of women" (such as the display of pornography) on the premises, guilty of offenses under this act, with a minimum sentence of 2 years.

**Civil case:** A civil suit can be filed for damages under court laws. That is, the basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.

It was observed by various Courts from time to time in the past that the guidelines and norms framed by the Hon'ble Supreme Court in Vishaka Judgment have not been followed in workplaces strictly. The increasing work participation rate of women made it imperative for enacting a comprehensive legislation focusing on prevention of sexual harassment as well as providing a redressal mechanism. Thus on 26th February 2013, the government complied with the court's order, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 was passed by the Upper House of the

Indian Parliament, the Rajya Sabha (enacted in April 2013).

**III Pilot Study:** To understand the women's issues with regard to sexual harassment a small pilot study was undertaken to know how much the women are aware about the problem of sexual harassment at the workplace, about the various laws, about the act, about the redressal mechanism and the procedure of filing the case in case of any incident. A total of 25 women were selected working in two nationalized banks. A structured questionnaire was prepared (Annexure I) comprising of 13 questions. A simple percentage method was used to analyze the data. Both primary data and secondary data like books, Newspapers articles, and journals have been used for research purpose.

The **data analysis** shows that 100 percent are aware about sexual harassment at the workplace. The women in the sample size are having the knowledge about what is sexual harassment. (Seventy two percent) But less than 50 percent of the sample size are aware about Vishaka guidelines i.e. Fifty two

percent have not heard about Vishaka guidelines. With the education background it seems they have heard about Prevention, Prohibition and Redressal Act 2013. The women have also expressed that in case of any sexual harassment in their bank, maximum number have given multiple answers (forty percent) from branch manager to police to lawyer, friend, union or they will also take the help of consultancy services. They also have expressed that in their bank there is a redressal mechanism to deal with sexual harassment. The bank has also a Grievance cell to deal the cases. For awareness the bank also conducts gender awareness programmes, and wishes to conduct gender sensitization programmes, however they are not aware about any consultancy services which can give them training and skills to handle the sexual harassment at the workplace (fifty six percent). Finally the women believe that the problem of sexual harassment needs to be addressed for safety, prevention and it is considered to be the best HR practice for a bringing the dignity and harmony at the workplace.

#### Statistical Analysis of Primary Data

QUESTION	A	B	C	D	E	F	MULTIPLE	BLANK	TOTAL
1	100.00								100.00
2	48.00	52.00							100.00
3	8.00	4.00	4.00	-	8.00	72.00	4.00		100.00
4	68.00	32.00							100.00
5	-	-	-	-	-	-	-	-	100.00
6	16.00	12.00	4.00	8.00	-	8.00	40.00	12.00	100.00
7	76.00	24.00							100.00
8	64.00	28.00						8.00	100.00
9	64.00	36.00							100.00
10	40.00	56.00					4.00		100.00
11	92.00	8.00							100.00
12	96.00	4.00							100.00
13	12.00	12.00	4.00	4.00	64.00		4.00		100.00

**Suggestions:** With the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 it was expected that the number of sexual harassment cases will decline. However it is seen that the perpetrators do not deter from such act and it is seen that more awareness programmes, campaign are required to combat sexual harassment. The following suggestions can go a long way to treat the women with dignity.

1. It is required to combat sexual harassment through various campaigns in Schools and colleges and also in the corporate sector where the participation of women is increasing.
2. In Educational institutions various programmes, workshops, seminars, poster competitions, debates etc. can be organized by the College

Women Development Cell to sensitize on the issues of sexual harassment, with the participation of the females and most important the males. The schools and colleges should have a suggestions box for the redressal of complains and suggestions. CCTV cameras can be installed to monitor the activities of the college.

3. The corporate sector also has major concerns about the corporate liability. As many of the departments do not have adequate knowledge to deal with the cases of sexual harassment a new breed of **consultancy services** are available which can **train and provide the skills to handle the problem**. Gender sensitization training programmes can train the employees. In house legal team and HR may not have the

necessary understanding to handle cases. There are various specialized Institutes like **Cohere, Interweave, and Rainmaker** an online learning company which has developed an anti-sexual harassment training solution called WorkSafe which is a hybrid of online and in person training.

**Conclusion:** Though there are Acts and laws to deal with sexual harassment cases but there is a huge vacuum to understand the problem and deal with it. There is an urgent need to have a high quality, scalable training tool to deal with sexual harassment. More awareness programmes are needed to understand the procedures and nuances of the problem. Such efforts will help to create a healthy, sensitized and gender neutral work environment.

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### Annexure I Questionnaire

1. Are you aware about sexual harassment at the work place? (a) Yes (b) No
2. Have you heard about Vishaka guidelines? (a) Yes (b) No
3. What in your opinion is sexual harassment?(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 (f) All the above.
4. Have you heard about the Prevention, Prohibition and Redressal Act 2013 with regard to sexual harassment at the workplace (a) Yes (b) No
5. How many lady staff are there in your bank branch? \_\_\_\_\_
6. In case of any event of sexual harassment in your bank branch whose help/assistance you will take? (a) Branch manager (b) police (c) lawyer (d) consultancy service (e) friend (f) union (g) all the above
7. In your bank do you have any complain mechanism to deal with sexual harassment cases? (a) Yes (b) No
8. Does your bank have a grievance Redressal cell/Women Development cell (a) Yes (b) No
9. Does your bank conduct any gender awareness programmes (a) Yes (b) No
10. Are you aware about any consultancy services that helps to provide solutions through policy formulation and workshops for employees? (a) Yes (b) No
11. Would you like to organize training programmes for employees with regard to gender sensitization? (a) Yes (b) No
12. Do you believe in healthy, sensitized and gender neutral work environment? (a) Yes (b) No
13. Why do you think sexual harassment needs to be addressed in the work? (a) for safety (b) prevention (c) Best HR practices (d) Gender equality (d) All the above.

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