

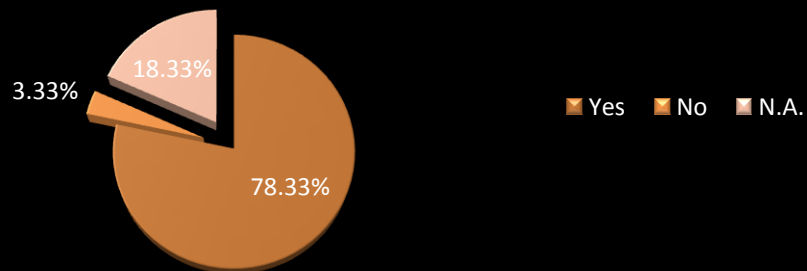
FINDINGS AND ANALYSIS

In order to collect information for the study, semi structured questionnaire/s were devised for individual employees as well as officers looking after the administration of the offices. This questionnaire was distributed among approximately one hundred people and inputs were requested from them. Sixty responses were received. Apart from this discussions were held with certain stakeholders, interviews were held with various individuals who had suffered sexual harassment, who may or may not have complained to the internal complaint committee in their offices, which again may or may not have been in existence in their office at the time of the incident. The findings based on some of these interviews were presented as case studies in Chapter 4.

- 1) On being asked whether their office had a specific forum (the Internal Complaints Committee) to deal with sexual harassment, 78.33 percent of the sixty respondents said yes, 3.33 percent said no and 18.33 percent said they were not sure.

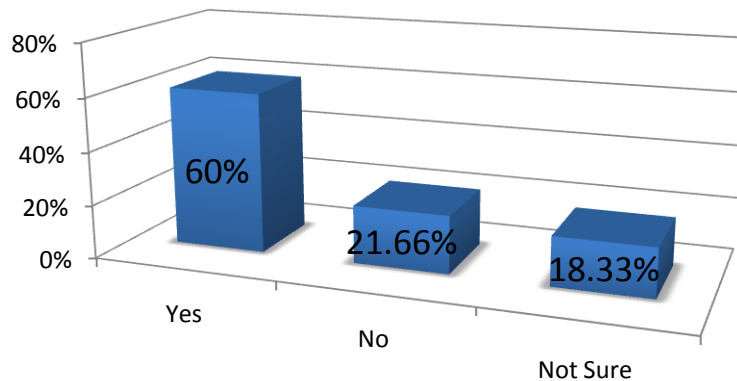
(see fig 5.1)

Fig: 5.1
Views of respondents to the question: Does your office have a specific forum to deal with sexual harassment?



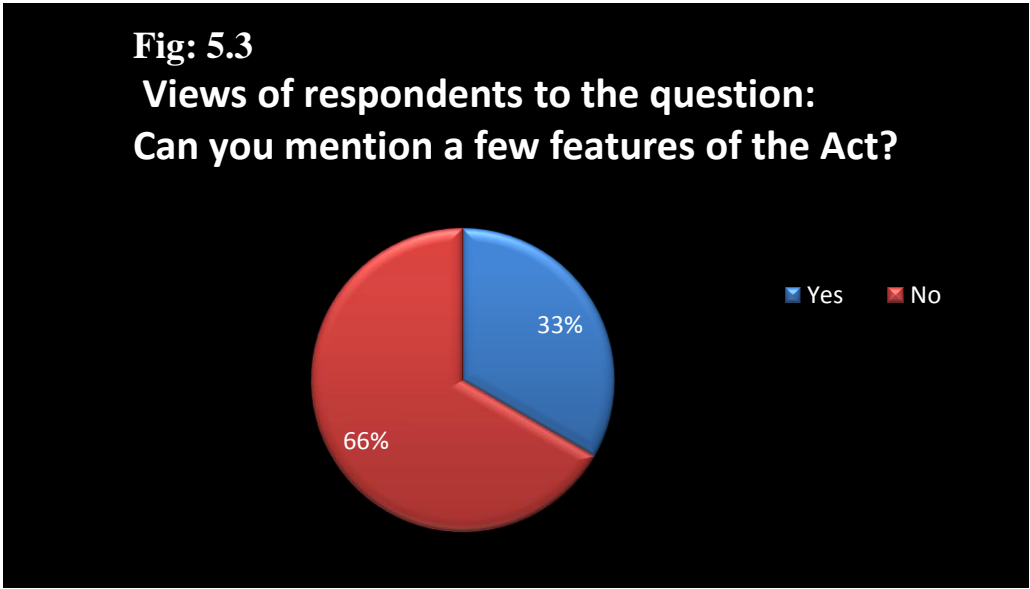
2) To the question whether they were aware of SHW Act, 2013, and its provisions, 60 percent said "yes" while 21.66 percent of the respondents said "no" and 18.33 percent of them said that they were "not sure".(see fig 5.2)

Fig: 5.2
Views of respondents to the question: Are you aware of the SHW Act, 2013, and its provisions?

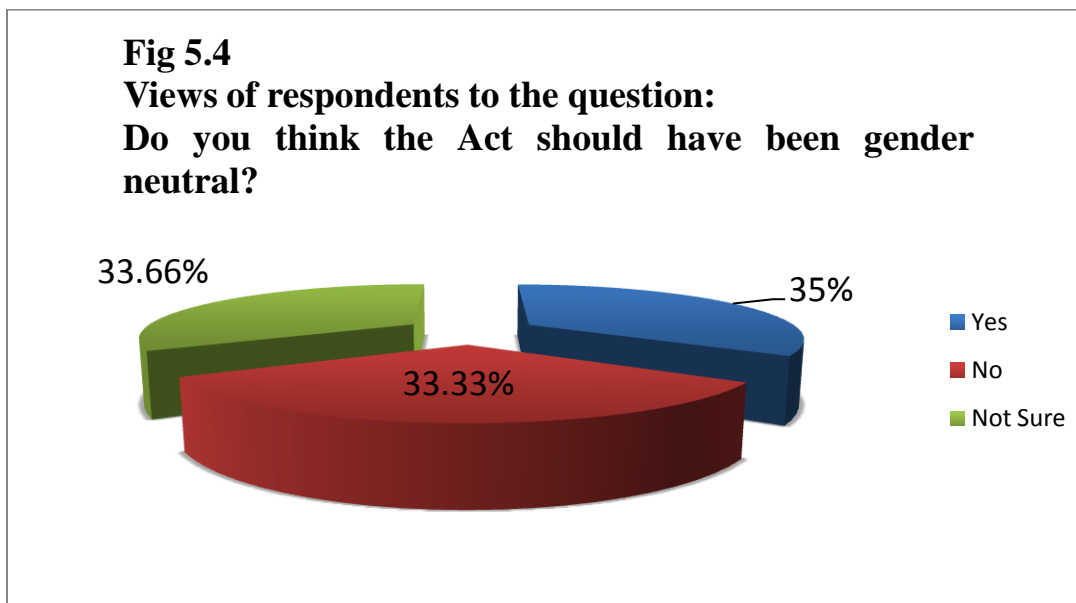


3) To the question whether the respondents could mention a few features of the Sexual Harassment of Women Act and whether they thought it had helped

empower women, only thirty three percent of the sixty respondents could actually mention some of the features of the Act, while sixty-six percent of them could not. However, almost all of them thought that it had indeed helped in empowering the women employees. On being asked about the provisions and details of the Act, mostly the respondents informed that even though they were aware of the Act under which the aforesaid committee is mandatory, both in Government and private sector, however, they had not gone through its provisions though they understood its intent. Even women employees did not feel obliged to know the details of the Act. They mostly thought that unless something drastic happens, which they thought will not happen to them so why even bother about the details of the concerned law.(see fig 5.3).



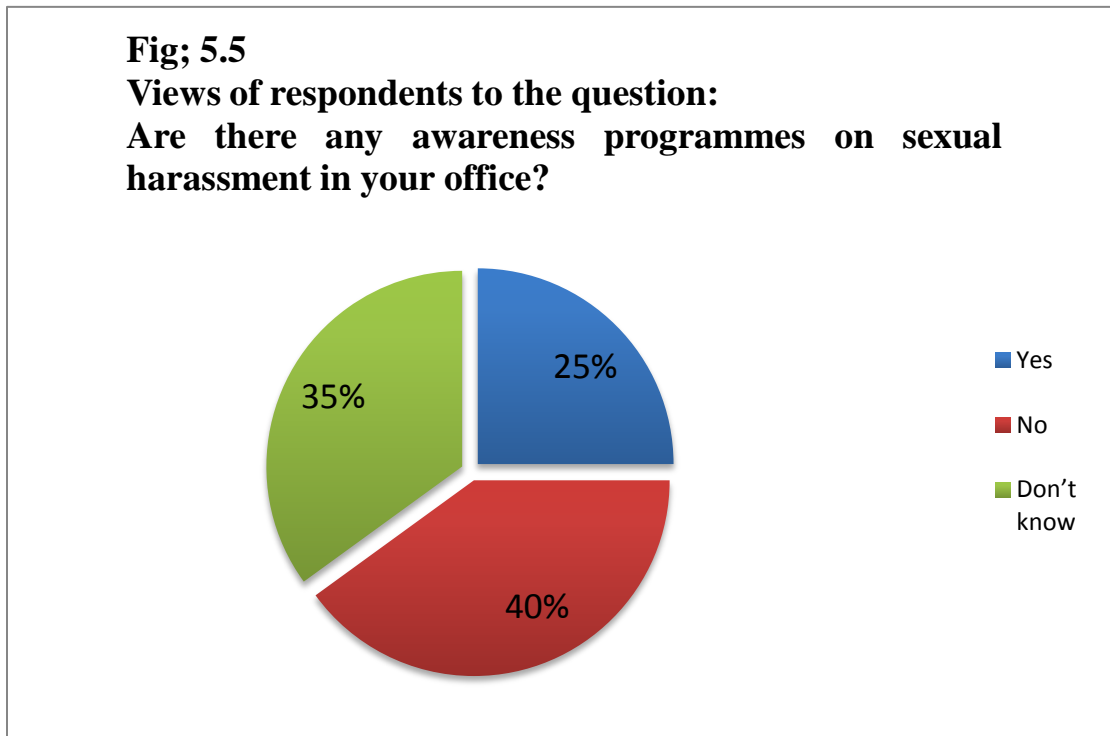
4) In response to the question whether the Act should have been gender-neutral, 21 respondents replied in the affirmative, 20 in negative and 19 could not make up their mind. (see fig 5.4)



5) As far as the understanding of the term sexual harassment was concerned most of the respondents were aware of it as any indecent act, demeaning of women by way of inappropriate use of words, display of inappropriate (pornographic) material or any other unwelcome action or words, having unwelcome, sexual connotations.

6) To the question whether any awareness programme on sexual harassment were being organized in their offices, 15 of the respondents answered in the affirmative, although they said it was very rare, 24 in the negative, while 21 of them said they

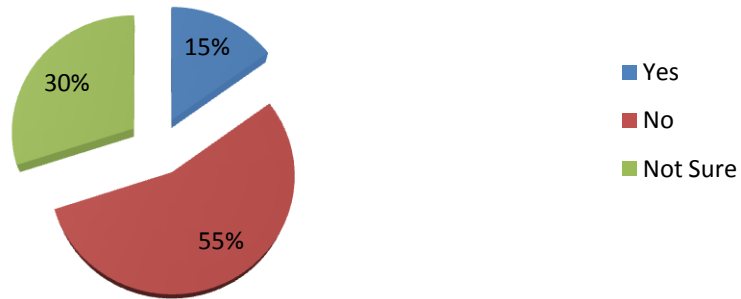
did not know. (see fig 5.5)



7) The main sources of information about the provisions of the Act were television, radio, newspaper, social media and the internet.

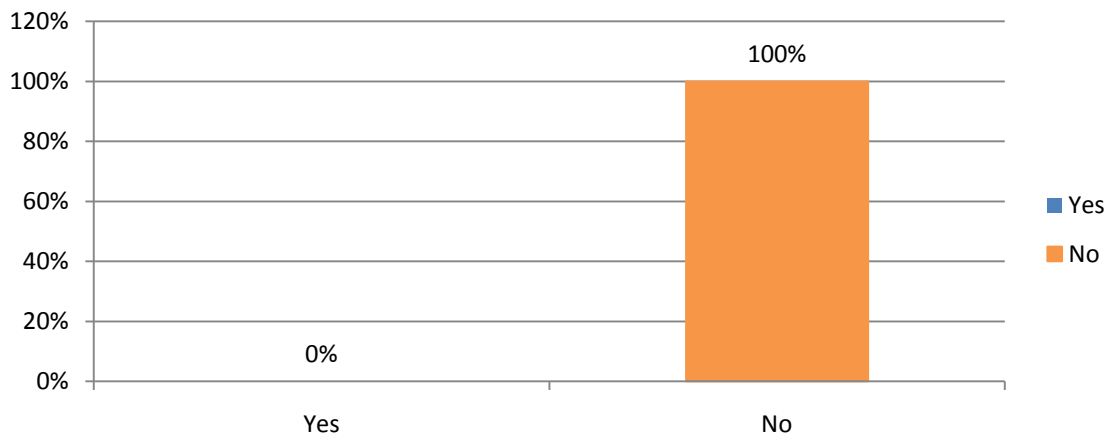
8) In response to the question whether the respondents themselves or anyone in their offices had ever directly/indirectly, experienced sexual harassment in the workplace, nine of the respondents said 'yes', thirty-three said 'no', whereas eighteen of them said they were not sure if the behavior could be considered harassment. (see fig 5.6)

Fig: 5.6
Views of respondents to the question:
Have you or anyone in your office directly/indirectly,
experienced sexual harassment in the workplace?

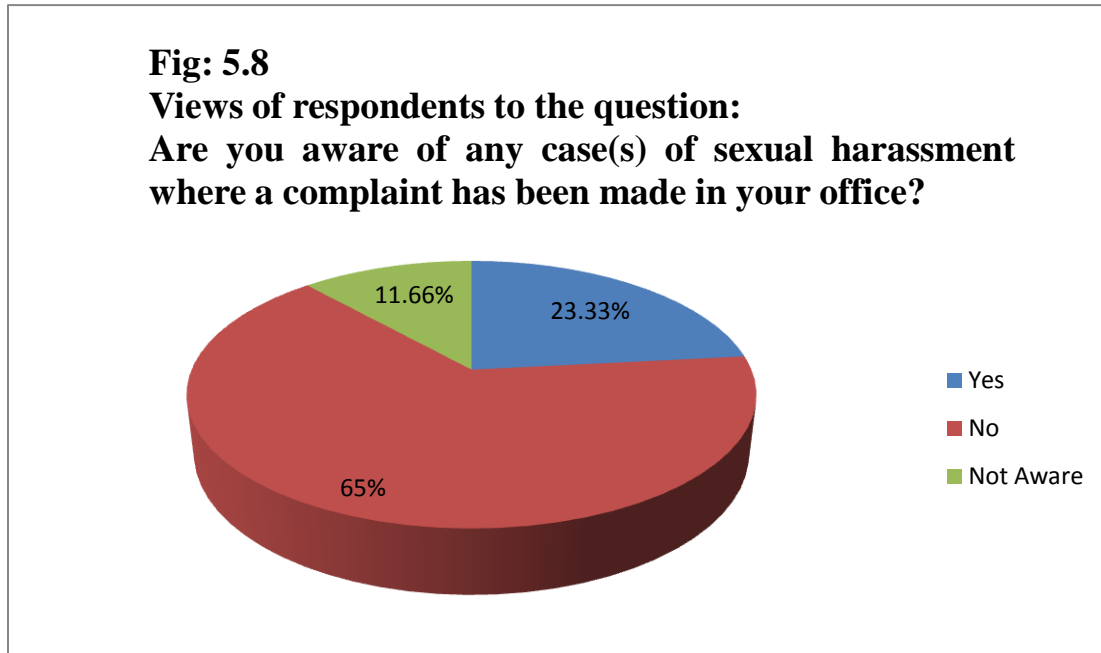


9) In response to the question whether they knew of anyone in their offices who had left their job due to sexual harassment in the workplace, it was revealed that none of the respondents had come across any such case. (see fig 5.7)

Fig: 5.7
Views of respondents to the question:
Do you know of anyone who has left his/her job due to
harassment?



10) In answer to the question whether they were aware of any case/s of sexual harassment when a complaint has been made, in their offices, fourteen responded in the affirmative, thirty- nine in the negative while, seven of them said they were not aware. (see fig 5.8)

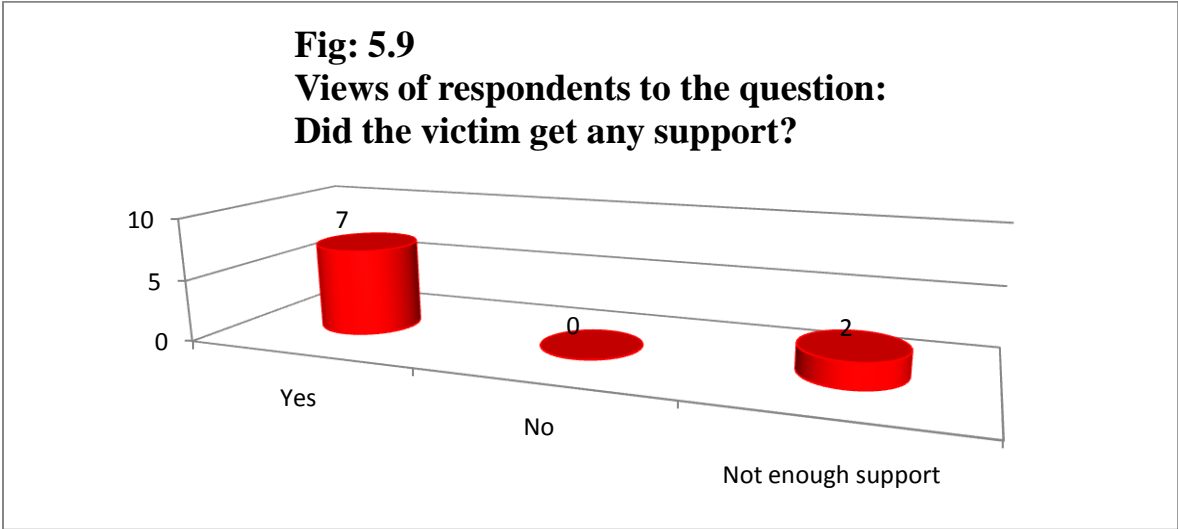


Responses of those who had experienced or witnessed sexual harassment at workplace -

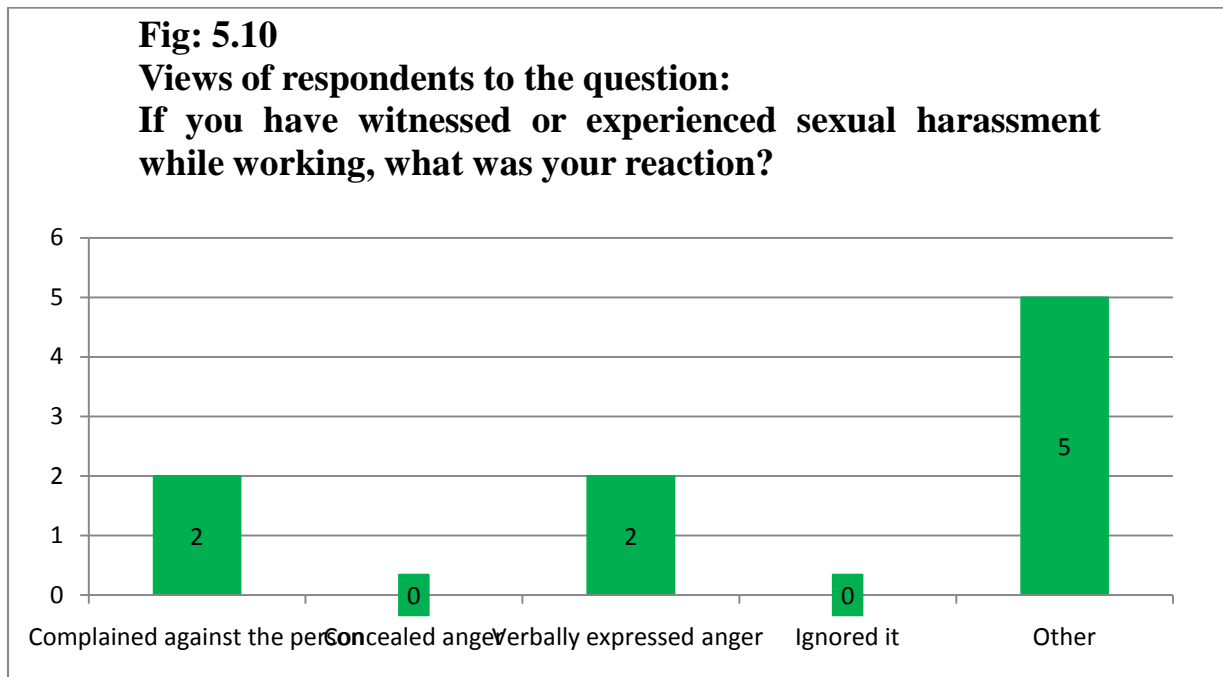
11 a) To the question about the form in which the harassment took place, in case the respondents had either suffered or witnessed the same, it was found that of the nine respondents, who answered in the affirmative, one person indicated that the harassment took the form of some unwelcome physical contact and advances. Another stated that it happened in the form of demand or request for sexual

favours. Three of the respondents informed that the harassment took place in the form of sexually coloured remarks, while one of them said that it was in the form of unwelcome physical contact and advances as well as the demand or request for sexual favours. One of the respondents mentioned that it took the form of unwelcome physical contact and advances, demand or request for sexual favours as well as sexually coloured remarks, while another respondent mentioned that it took the form of unwelcome physical contact and advances as well as sexually coloured remarks.

11 b) In response to the question whether the victim in cases of sexual harassment get any support from the office, seven of them answered in the affirmative, while two respondents felt that the support given was not enough (see fig 5.9)



11 c) In answer to the question that in case the respondents had witnessed or experienced any of the offending behaviors while working, what was their reaction to it, it was found that two of them had complained against the person, one had verbally expressed anger, while the rest had taken recourse to taking disciplinary action, informally supporting the victim till the matter was resolved through reconciliation and informally reporting against the offender, which resulted in his transfer. (see fig 5.10)



11 d) When asked whether the respondents knew if there was any type of punishment given for any of the sexually offending behaviors, five of the respondents informed that yes the offender had been given some punishment, three

persons said that there was no punishment given, while one respondent stated that the matter was sub-judice.

11 e) In response to the question - do you feel the sexual harassment report was treated fairly by your superior/office, three respondents said 'yes', two of them said 'no' while four of them were 'not sure'.

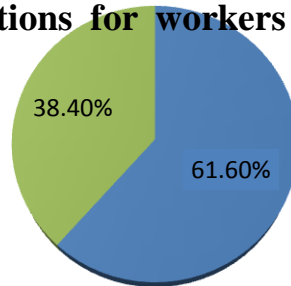
11 f) On being asked - were you treated in a negative manner by a colleague/supervisor at work after making a sexual harassment report, one of the respondent answered in the affirmative, three in the negative, while the remaining were not sure.

12) In response to the questions - Do you feel safe in your workplace now that this law is in place? Do you think there are enough legal protections for workers who have been sexually harassed? - 61.6 percent of them answered in the affirmative while 38.4 per cent were not so confident.(see fig 5.11)

Fig: 5.11

Views of respondents to the question:

Do you feel safe now that this law is in place? Are there enough legal protections for workers who have been...



13) What else do you think should be done to further improve the safety and security of women in the workplace? Any suggestions?

The suggestions put forward by the respondents include the following –

It is felt that implementing the Act is not an easy task. It requires a fine balance in the attitude towards the male and female employees in the office, so as to not jeopardize the healthy office atmosphere. Each individual case should be dealt with appropriately so that most strict punishment, in a swift manner, can be delivered by the committee looking after cases of sexual harassment in the workplace. Educating the employees (both male and female) about the Act so that they are familiar with the do's and don'ts required under the same. The Internal Complaints Committee should be urgently formed in all offices as required by the Act. A robust complaint cell delivering fast and fair decisions will be very helpful.

Sensitizing the male and female workforce, to conduct themselves appropriately in the workplace, is also required. Well designed office infrastructure can also help bring down the menace of sexual harassment in workplace. Installing CCTV cameras at vital locations, like the entry and exit points as well as in the common areas, can be of great help, both in bringing down the incidence of sexual harassment as well as in case of need, providing crucial evidence regarding the incident. Otherwise, cases of sexual harassment being sensitive in nature, it becomes very difficult to get evidence from the witnesses in these cases. Regular feedback system, maybe anonymous, from all the employees, regarding the situation in the office and the need of any improvement in this regard, can help assess the vulnerability of the workplace. Further, training can be provided to the female employees, to act and react rapidly, as well as to be strong and forthcoming, in case the situation so demands.

Some of the respondents suggested that among the members of the Internal Complaints Committee, 50% of members/ experts should not belong to the same office but should be taken from outside the office, in order to help make the investigation free from any bias or prejudice. This would also ensure that the committee members from outside do not carry any mental baggage in favour of or against either the complainant or the accused.

The male respondents in particular, were in favour of the Act, for the protection against sexual harassment, being gender neutral. They felt that although it is true that mostly women are the victims of sexual harassment in our society, it is not correct to assume that the male workers/ employees are beyond the problem of sexual harassment. In fact their situation is even worse as society is not even sympathetic to the male workers who fall victims to such situations. As a result a male victim of sexual harassment usually would not even speak up about his predicament. The men are mainly viewed as offenders rather than victims of this malaise. That may be the reason why this Act does not deal with sexual harassment faced by males. It has completely ignored the sexual harassment faced by the male workers in their work place. Sexual harassment faced by males often goes unnoticed. This happens more because of the social ridicule that men would face if they would report any case of sexual harassment being faced by them especially in a patriarchal society like ours. They instead, choose to suffer in silence. There are no reports of cases of sexual harassment faced by men at workplace. For this purpose, also, the head of the Internal Complaints Committee should not be gender specific, for the males too could be subjected to sexual harassment at workplace.

14) What do you think are the challenges faced by the organization in implementing the Act? How can these be overcome?

The challenges include formation of the Internal Complaints Committee as per the requirements under the Act. At times there are no senior level women officers available in an office. Even when they are available, they may not have the knowledge or aptitude to take up and adjudicate such matters. Also, establishing the veracity of the complaint of sexual harassment becomes very difficult. One cannot easily make out if the provisions of the Act are being misused in order to earn some undue advantage, or to bring down a superior even when he takes a genuine corrective action. Another challenge is in providing a time-bound enquiry of the complaint. Justice delayed is justice denied and the longer it takes to conclude the enquiry the less the chances of a fair decision because either one of the parties to the dispute retires or gets transferred or during this duration of the pendency of the enquiry some promotion or progression in the career may get affected. Besides one can also not forget the mental torture which the victim has to go through, apart from the unfortunate incidence of sexual harassment she has already undergone, in case the culmination of the enquiry takes longer than a reasonable time frame.

The general lack of awareness among the employees, about this Act, is very disturbing. Hence, the requirement for regular and consistent awareness campaigns through emails, workshops and seminars to be organized to improve the awareness levels. This would not only empower the women so that they are able to face and

fight with strength, in case such a situation arises, but will also help the man avoid being caught in the wrong. Ours is mainly a male-dominated society, the need for gender sensitization has also been stressed upon, so that the situation of sexual harassment at workplace may not arise as far as possible. One respondent went ahead to say that at times, the department Heads are more concerned with and bothered about, the image of the department getting tarnished, rather than the reputation of the lady officer or her deep hurt. Surprisingly even senior lady officers, at times, do not support such cases. This shows that our society is not only male-dominated but also one in which the male mind-set is prevalent. There is a strong cultural barrier that needs to be overcome to address this issue and enable people to discuss this problem openly. Fear of social backlash as well as that of vindictive action by the accused, more so if he happens to be a superior, as well as the possibility of people in high position being able to circumvent the law are some of the challenges which the implementation of this Act is confronted with.

Generally, the respondents felt that the Act by its mere existence was helping in improving the workplace. There was a deterrent value to it. The men tried to behave properly and take all precautions not to be caught in the wrong, whereas the women felt safer and more comfortable with the knowledge that should anything go wrong in this regard, they have the mechanism to resort to, and seek redressal, which otherwise in the absence of the Act, would not have been

possible. However, the best would be if sociological change can be brought about in the mindset of men and women both, that we should respect each other as none is either superior or inferior to the other.

The responses received from the officers handling the administration in the four organizations included in the study, show that none of them had regular or consistent awareness programs pertaining to the Prevention of Sexual Harassment of Women (Prevention, Prohibition, and Redressal) Act, 2013. In fact, most of the respondents wanted that such awareness programs should be conducted in the office, particularly when there are new employees joining the office. Even otherwise for the older employees also, holding of such programs and workshops is required.

IIPA has constituted an Internal Complaints Committee, as mandated under the Act. The present committee has been in existence for the last three years. It has one male and two female members. However there has been no meeting of the committee so far. The number of cases reported during the last five years is 'nil'. Besides this, no awareness or training programmes are being organized at the institute. Under-reporting or non-reporting of cases may be among the challenges in handling the cases of sexual harassment.

The Central Licensing Authority (CLA), has an Internal Complaints Committee constituted under the Prevention of Sexual Harassment of Women

(Prevention, Prohibition, and Redressal) Act, 2013. The Committee has been in existence since the promulgation of the rules under the Act. It consists of three female and one male member. No case of sexual harassment has been reported (no complaints received) during the last five years and hence, no meetings have been held during the last few years. It was stated that there was a perception that if a woman employee complains, she may have to face social exclusion and stigma. This was pointed out as a possible challenge faced by the organization in implementing the Act. Another challenge was to verify the genuineness of the complaint and to establish that the complaint is not a motivated one. Another challenge can be to find evidence to prove the guilt of the accused. This is so because such incidents do not happen in the presence of other people. Also, people who may have information are often very reluctant to come forward. The suggestions put forth to overcome these afore-mentioned challenges include gender-sensitization, awareness programmes and engaging male and female employees in healthy interactions like sports and cultural programmes.

The Post-Graduate Institute of Medical Education and Research (Dr. Ram Manohar Lohia Hospital) has an Internal Complaints Committee constituted under the Prevention of Sexual Harassment of Women (Prevention, Prohibition, and Redressal) Act, 2013. This Committee has been in existence since the past three years. There are four male and two female members in the Committee. However

no case of sexual harassment in workplace has been reported in the last five years. The institute also does not organize any awareness programme regarding the provisions under the Prevention of Sexual Harassment of Women (Prevention, Prohibition, and Redressal) Act, 2013. However, what was identified as the main challenge confronting an organization in case of implementation of this Act, is that employees, both male and female, are not aware of this Act and its provisions.

The Headquarter of the Directorate General of Foreign Trade, has had the Internal Complaints Committee constituted under the Prevention of Sexual Harassment of Women (Prevention, Prohibition, and Redressal) Act, 2013, since 2014. Even prior to this a Complaints Committee for cases of Sexual Harassment had existed since 1998. The current Committee is composed of three female and one male member. The number of meetings held per annum was 'nil' as no case had been reported so far. Also, no awareness or training programme has been held in the Directorate so far, nor is any such programme planned for the future.
