


**UNDERSTANDING SEXUAL HARASSMENT
AT WORKPLACE
ON THE OCCASION OF
INTERNATIONAL WOMEN'S DAY 2015**

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Noida
5th March 2015**

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International Women's Day - pages from history.....

- **1908** - 15,000 women marched through New York City demanding shorter hours, better pay and voting rights
 - **1909** - The first National Woman's Day (NWD) was observed across the United States on 28 February
 - **1910** - International Conference of Working Women was held in Copenhagen where there was a unanimous approval for celebrating International Women's Day
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International Women's Day - pages from history.....contd.

1913- On the eve of World War I campaigning for peace, Russian women observed their first International Women's Day on the last Sunday in February 1913

1914 - International Women's Day was shifted to 8th March



Why do we celebrate International Women's Day?


- To recognise the fact that securing peace and social progress, human rights and fundamental freedom require the active participation, equality and development of women

So, lets all get together.....

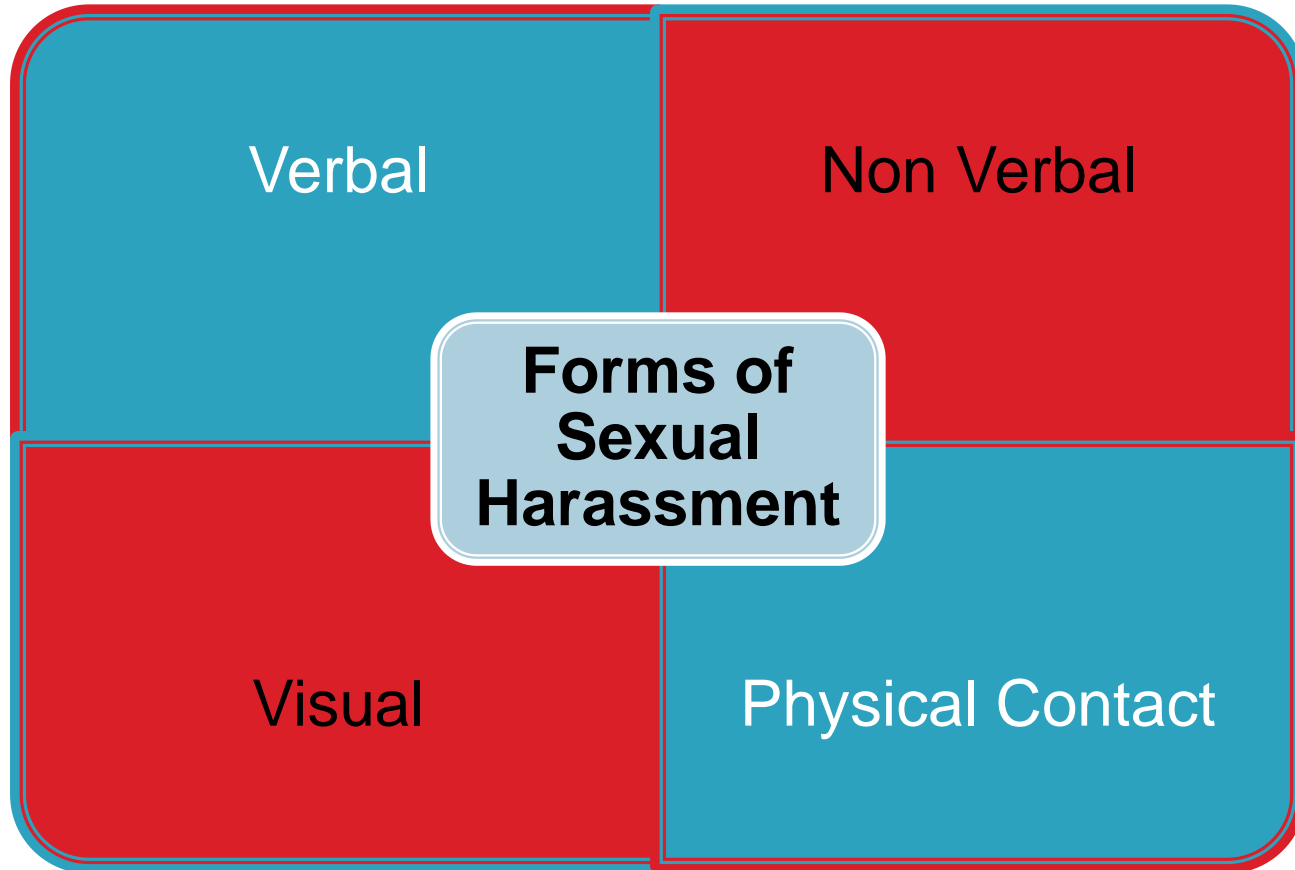
..... And do our bit to ensure that the future for women and girls is bright, equal, safe and rewarding in all spheres of life



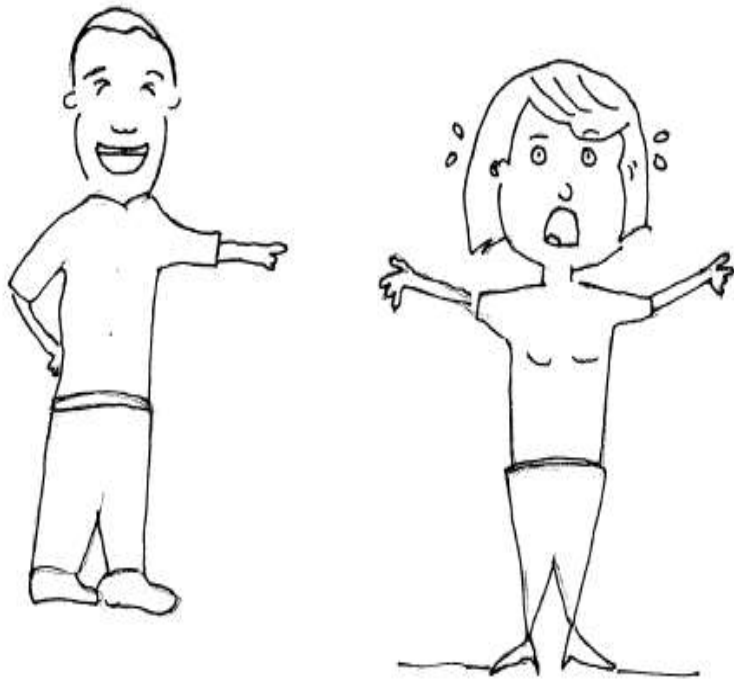
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

- In India, the Vishakha Guidelines of 1997 were the first ever legal action that provided a broad framework to prevent and address cases of sexual harassment of women within the workplace.
 - Vishakha Guidelines were enforced after the gang rape of Bhanwari Devi in 1992
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What is Sexual Harassment?

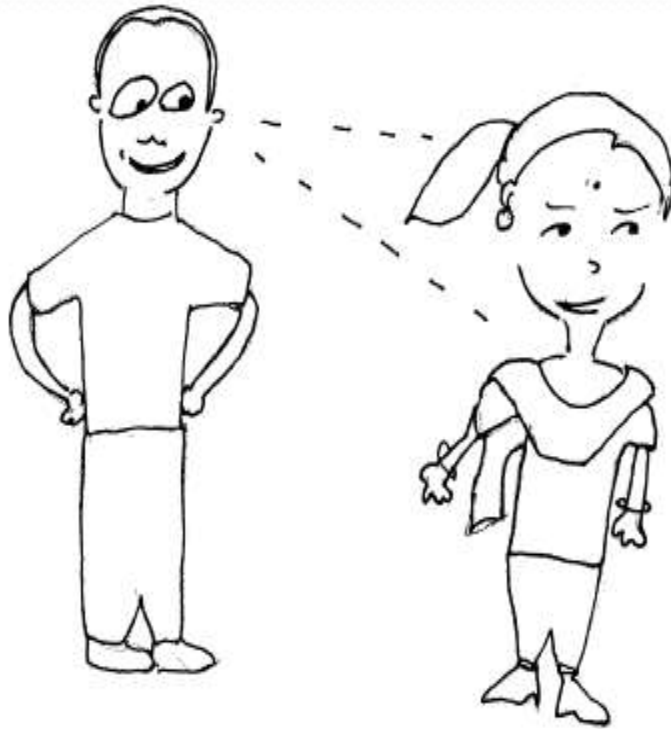


1. Verbal Form



- Derogatory comments of a sexual nature or based on gender
- Sexually implicit jokes or teasing
- Comments about clothing, personal behaviour, or a person's body
- Requesting sexual favours
- Pressure for dates

2. Non Verbal Form



- Staring
- Sizing up a person's body (looking up and down)
- Derogatory gestures of a sexual nature
- Sexually suggestive looks
- Facial expressions of a sexual nature; winking, licking lips

3. Visual Form



- Presence of sexual visual material, such as posters, cartoons, drawings, calendars, pinups, pictures, computer programs
- Written material that is sexual in nature, such as notes or e-mail containing sexual comments
- Objects of a sexual nature

4. Physical Form



- Unwelcome touching : hugging; kissing; patting, stroking, grabbing; pinching; forced fondling or blocking someone's path with the purpose of making a sexual contact
- Standing too close to or brushing up against another person, leaning over, invading a person's space
- Stalking
- Rape or attempted rape

Types of Sexual Harassment

1. Quid Pro Quo

- When employment decisions or expectations are based on an employee's willingness to grant or deny sexual favours
- “This for that”

Types of Sexual Harassment


1. Quid Pro Quo

- When employment decisions or expectations are based on an employee's willingness to grant or deny sexual favours
- "This for that"

2. Hostile Environment

- Such conduct that interferes with an individual's work or creates an intimidating, hostile or offensive environment.

In Short.....

- Sexual Harassment is any sexually determined behaviour which is unwelcome by the recipient
 - It does not matter what the intent was. What matters is the impact!!!!
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What is Workplace?


- Home
- Transportation
- Parking lot
- Drive way
- Reception
- Lift
- Toilet
- Corridors
- Store room
- Personal table/
- Cabin/personal table of colleagues
- Meeting rooms
- Lunch room
- Other offices in the complex
- Offsite locations
Coffee shop in the mall
field/branch offices
- Office of service providers / partners
Photocopy room

The Workplace is.....

- Any government/private department, office and its branches;
- Hospitals or nursing homes;
- Any sports institute, stadium,
- Any transportation, dwelling place or a house provided by the employer

**ANY PLACE VISITED BY THE EMPLOYEE FOR WORK
AND WHERE THERE IS A WORKING RELATIONSHIP**

What is the Sexual Harassment at the Workplace?

- Submission to unwelcome sexual behaviour is made an implicit condition of an individual's employment
 - Submission to or rejection of such offers/behaviour affects employment opportunities
 - When such conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment
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The Employee is...

A person employed at a workplace for any work:

- on regular, temporary, ad hoc or daily wage basis
- either directly or through an agent, including a contractor, with or without the knowledge of the principal employer.
- This definition also includes those who receive remuneration or those who work on a voluntary basis irrespective of whether the terms of employment are expressed or implied.
- It includes a co-worker, a contract worker, probationer, trainee, apprentice or others who may be called by any other such name.

The Employee is... contd..

- The Act also specifically defines a domestic worker, in Section 2(e) as a woman who is:
 - ✓ Employed to do the household work in any household
 - ✓ For remuneration, whether in cash or kind
 - ✓ Either directly or through any agency
 - ✓ On a temporary, permanent, part-time or full time basis.
- But, this definition does not include any member of the family of the employer.

The Duties of an Employer are...

- Setting up of an Internal Complaints Committee (ICC)
- Provide a safe working environment at the workplace which shall include safety from third party (outsiders)
- Display penal consequences of sexual harassment
- Display information about the grievance handling mechanisms including about the ICC
- Organize workshops, orientation and awareness programmes for all staff and members of the ICC
- Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.

Highlight of Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act 2013

- Moving ahead from the Vishakha, the Act considers sexual harassment of all types of organised, unorganized, private sectors, including domestic help and agricultural workers
- It is mandatory for every organization with 10 or more employees to form an internal complaints committee
- Where there is no internal complaints committee the law has mandated the constitution of a Local Complaints Committee
- Organizations that fails to follow the guidelines, would be penalized with 50,000
- Repeatedly violation may lead to the cancellation of the licenses or registration of the business conducted

Challenges to prevention and redressal of Sexual Harassment of Women at Workplace

- Employers have a casual approach to setting up ICC
 - Environment not conducive to women reporting cases of SHW
 - Inadequate understanding of what constitutes sexual harassment and the workplace
 - Lack of awareness raising amongst informal sector
 - Lack of implementation of Act regarding constitution of LCC and its functioning
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