



**SITUATION ANALYSIS-WORKPLACE
HARASSMENT:
SEXUAL OR OTHERWISE**

**A CURTAIN RAISER
ON
THE FINDINGS OF THE SAMPLE
SURVEY
ON
SEXUAL HARASSMENT AT
WORKPLACE
IN
Patna, BIHAR**



Prepared by:

EQUITY FOUNDATION

(A forum for women & child)

Assisted by:

Gender Knowledge Center

Magadh Mahila College

Patna University



PURPOSE OF THE PRESENT STUDY

- A subject of national concern.
- Take up the issue of sexual harassment at the workplace more broadly as it constitutes frequent violation of human rights;
- Lack of information on the magnitude of the problem;
- An attempt to bring about clarity of perceptions;

PURPOSE OF THE PRESENT STUDY



- We observed that the guidelines issued by the Supreme Court in its landmark judgment in the case of Vishakha vs. State of Rajasthan 1997 (6) SSC 241 were not being implemented adequately, whether in institutions of the public sector or in those of the private sectors;
- We found a certain amount of ambiguity with regard to the exact role of the complaints committee;
- Finally, are women employees in Bihar aware of their rights?



METHODOLOGY

Identified various sectors –

ORGANISED

- ✂ Medicine (medical professionals, interns, nurses, medical students, lady-doctors, nursing homes)
- ✂ Judiciary
- ✂ Government
- ✂ Media
- ✂ Academics (students, faculty)
- ✂ NGOs



METHODOLOGY

- Interactive sessions with almost all the respondents except a few.



DESIGN

A sample survey schedule was designed:

The 7 page survey schedule contained 15-18 questions-

1. which posed a series of demographic, work experience and sexual harassment perception questions to the respondents. Their knowledge of the existence and relevance of sexual harassment committee was also tested;
2. the respondents were asked their sex and year of work.

		Yes	Sometimes	No	Don't Know
a.	Subtle pressure for sexual activity				
b.	Sexually directed remarks about clothing, body, sexual activities				
c.	Demands for sexual favors with implied or actual threat or bribe				
d.	Physical assault				
e.	Staring, excessive eye contact				
f.	Frequent comments on personal appearance or flattery				
g.	Touching				
h.	Persistent emphasis on sexuality				
i.	Unwanted sexual advances				
j.	Other _____				

4. Are you aware that your school has a mistreatment policy?

- a. Police (Central/State)**
- b. Administration (State/Central)**
- c. Income Tax (State/Central)**
- d. Health service (State/Central)**
- e. Judicial Service**
- f. Engineering Service**
- g. Banks (Private/Govt.)**
- h. Other-**



DESIGN


A list of types and examples of behaviour that might be perceived as sexual harassment was given to the respondents;

The respondents were asked to report anonymously whether they had-

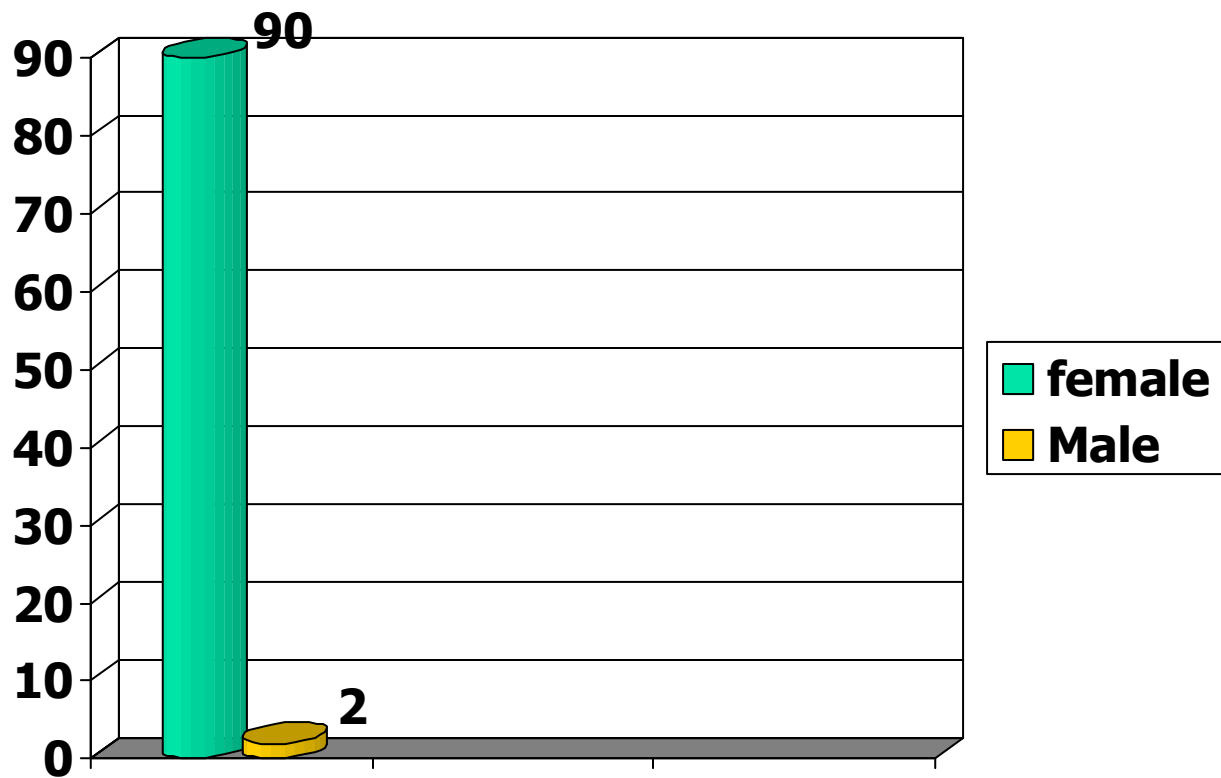
- # encountered sexual harassment during their training or work;
- # the magnitude of harassment;
- # The impact;

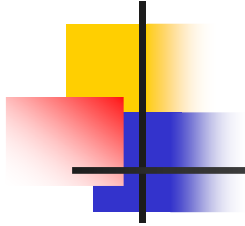


DESIGN

- # did they felt like reporting to the competent authority;
 - # the factors that influenced their decision.
-  Collated findings from the collected data as well used the outcome of the several face to face interaction with the respondents.

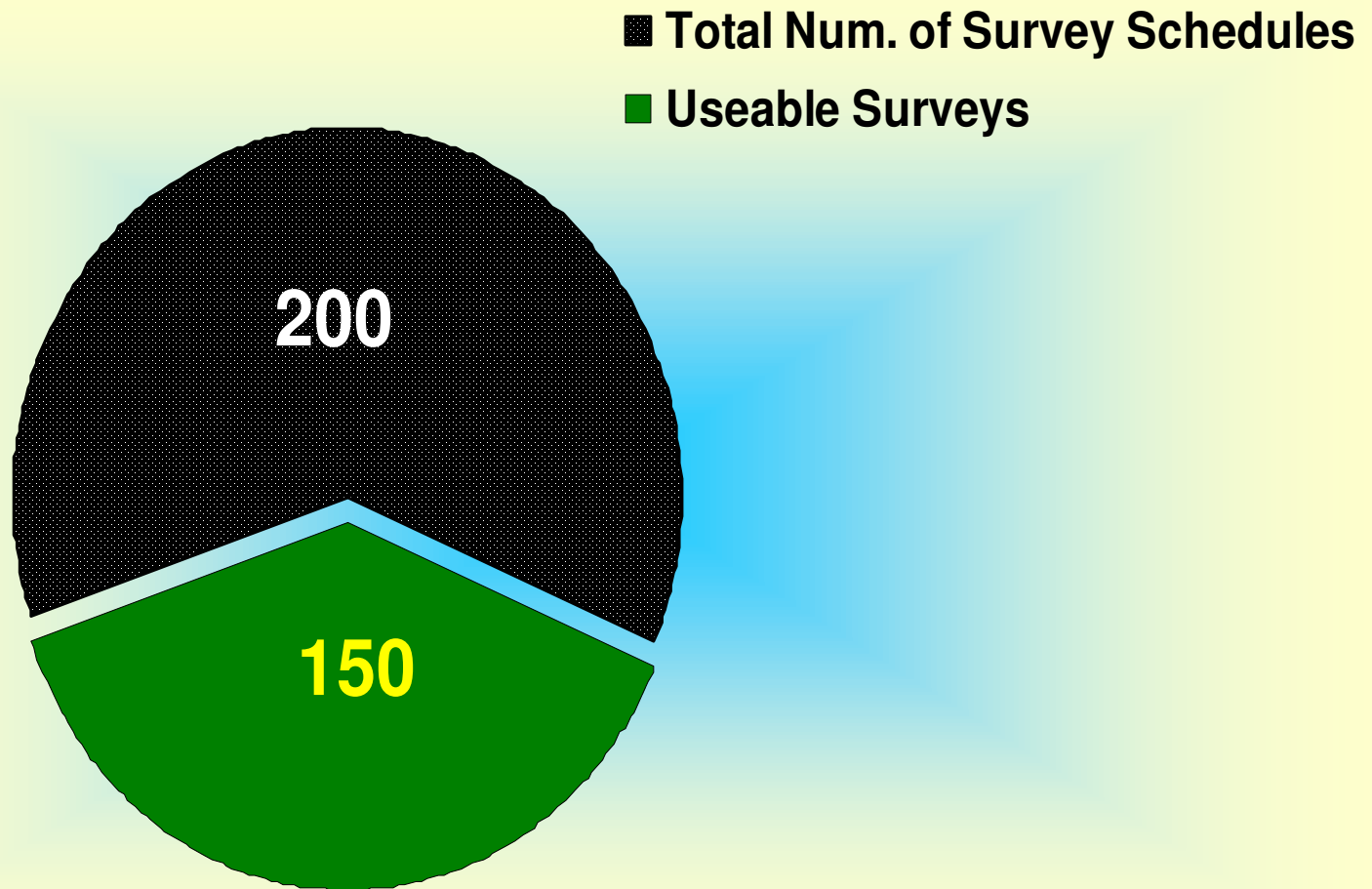
PARTICIPANTS



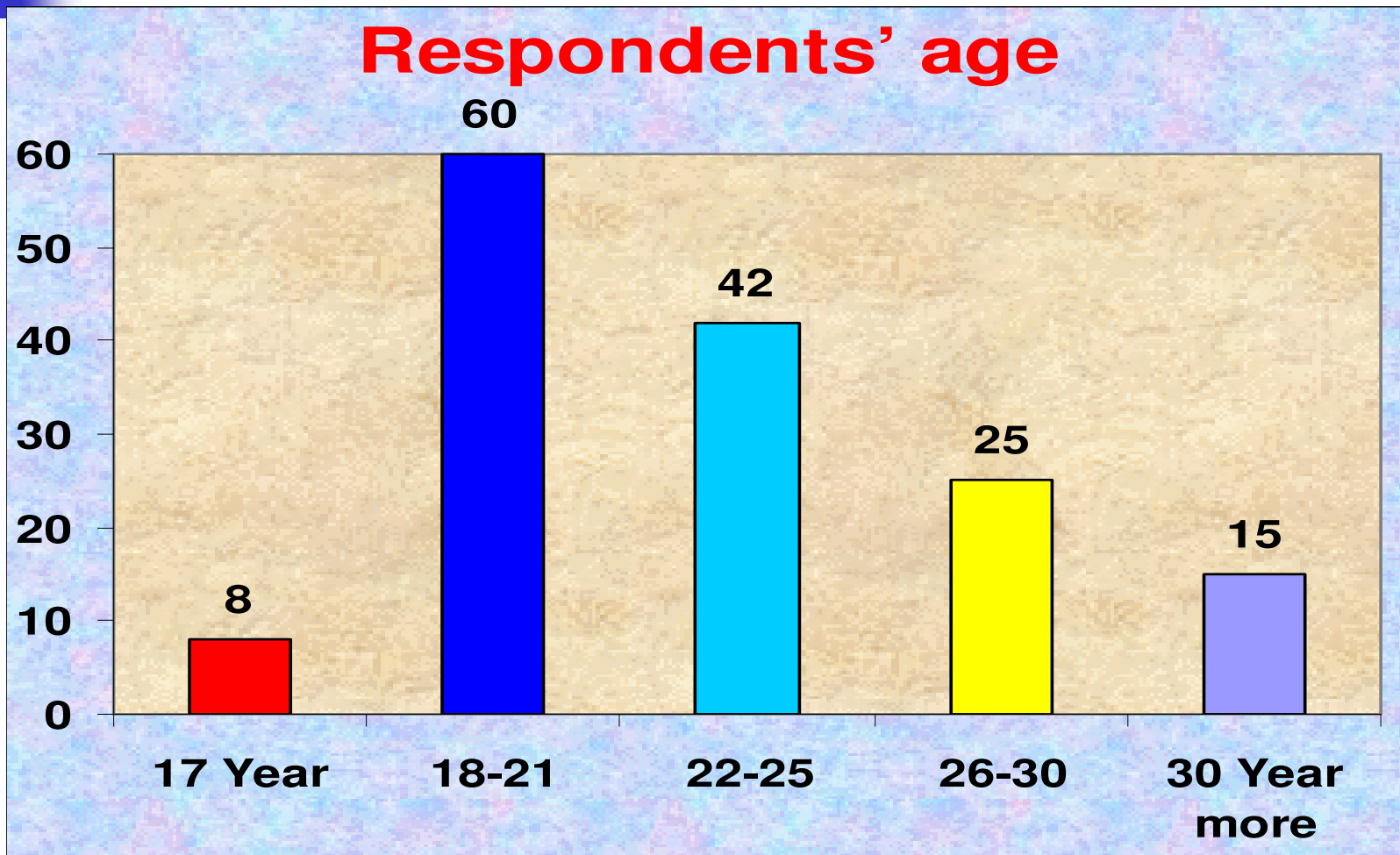


SECTOR WISE SURVEY

(A) MEDICAL



Q-1 Respondents were asked to mention their age

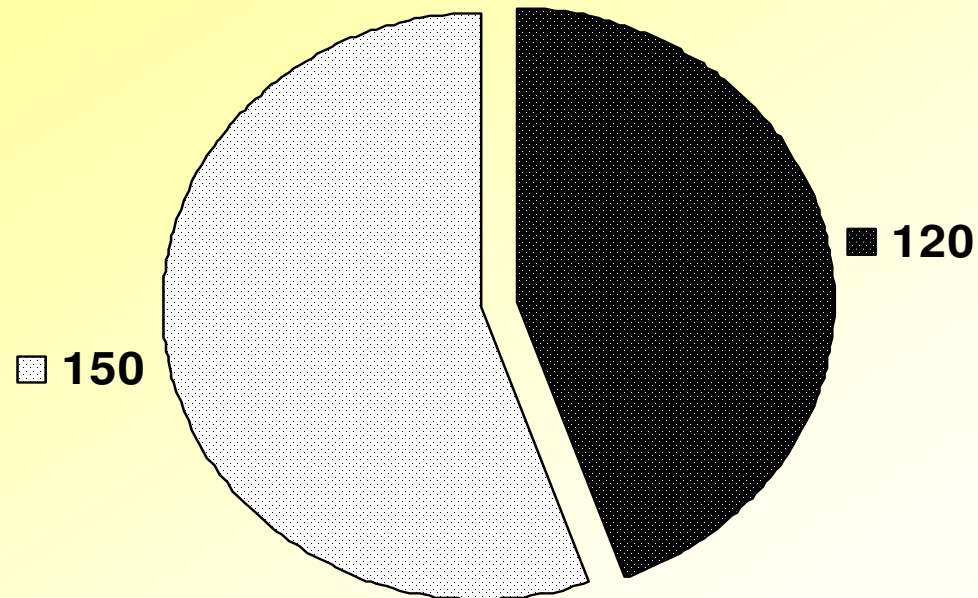




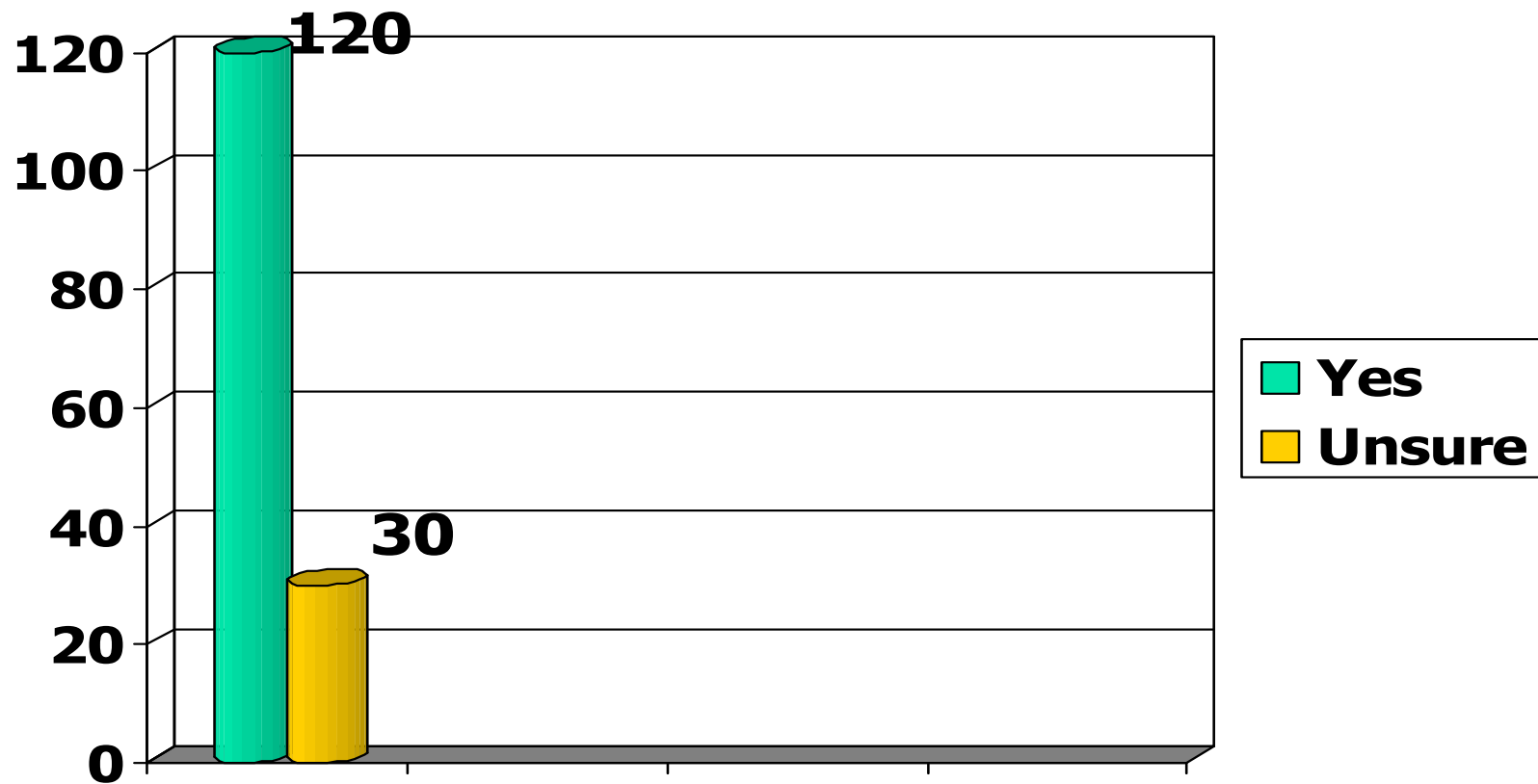
FINDING:

An overwhelming majority of the respondents have indicated they were between 18 to 30 years of age.

Q-2: Does sexual harassment occur in medical profession?

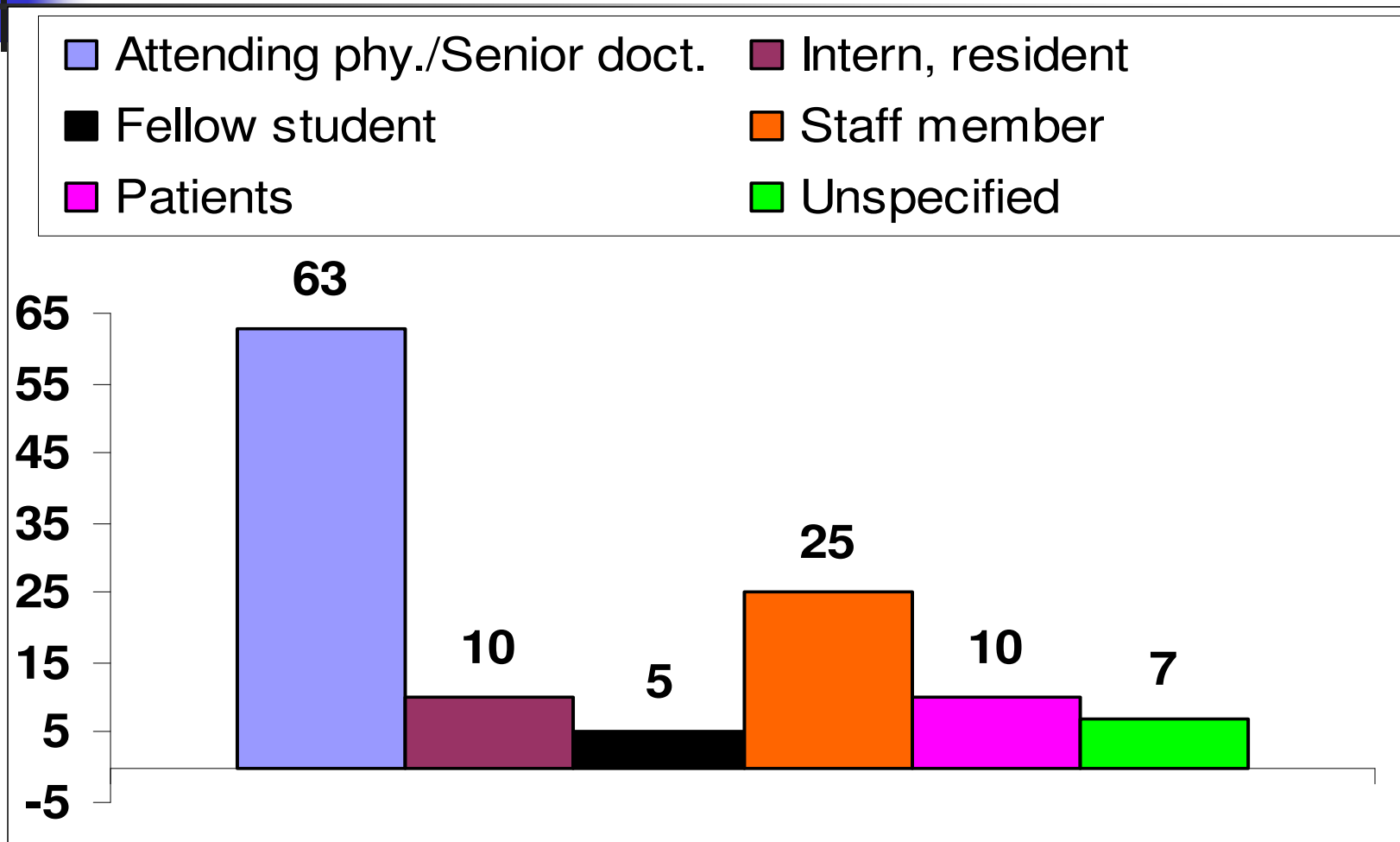


Q-3 Sexually harassed at work?



80% of the female respondents felt sexually harassed.

Q-4 Professional status of the harassers



Q-5: Respondents' perception of sexual harassment:

★ Most Frequently	Suggestive looks
★ Sometimes	Attempted rape
	Racial discrimination
	Sexual remarks
★ Frequently	Suggestive gestures
	Pressure for dates
	Brushing
	Touching
★ Never	Rape



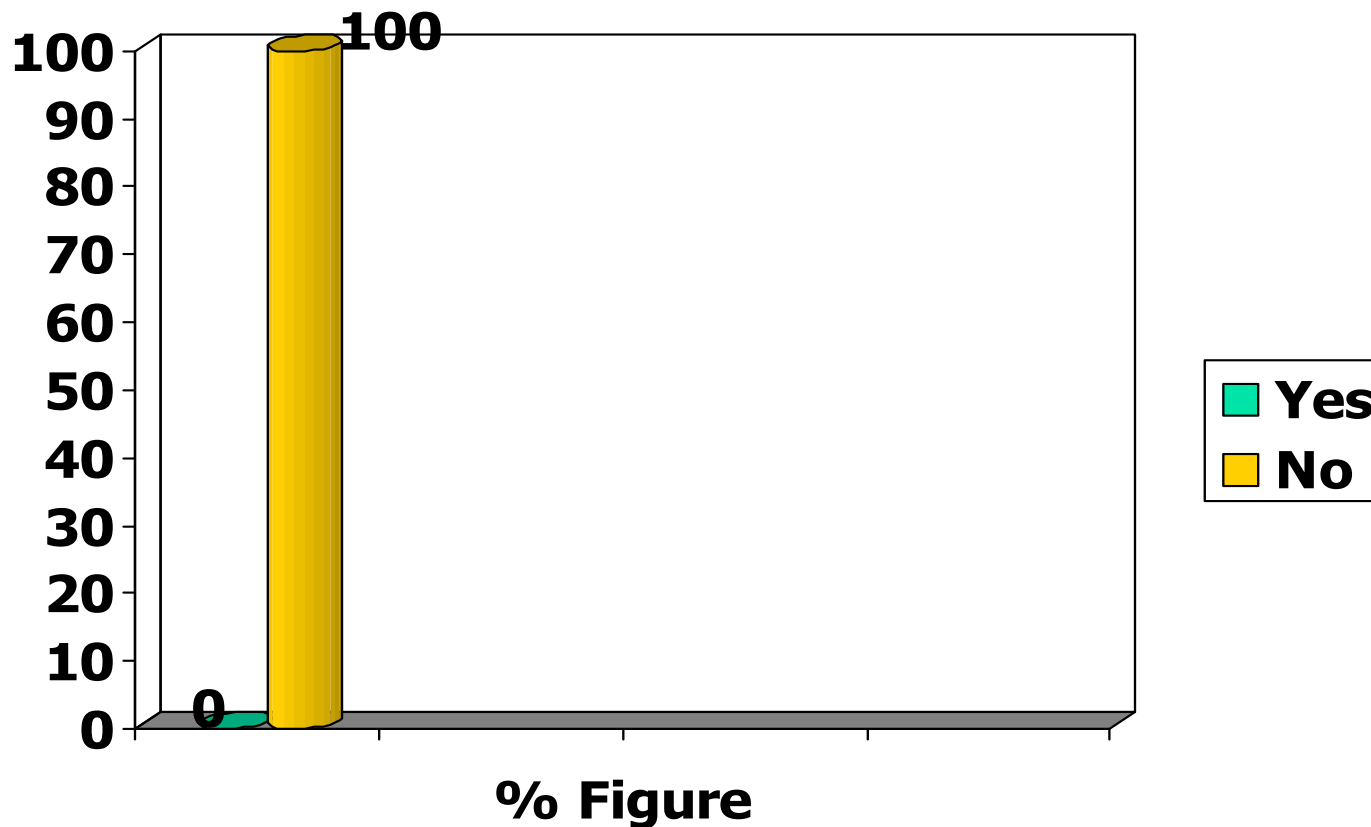
Q-6 Impact:

- ☞ Sexual harassment had interfered with their ability to work and it made them uncomfortable;
- ☞ Lack of confidence;
- ☞ Reluctance to accept the sexual advances left their evaluation/recommendation letter incomplete;
- ☞ Too much aggression;

 **80% in the medical profession reported to be sexually harassed at work. Nurses were found to be the most harassed ones.**

Q-7 Unawareness about the existence of the sexual harassment committee in their organisation?

■ Sexual harassment committee:





Q-8 Why don't victims speak?

They fear:

- 👉 Loss of job;
- 👉 Feeling of victimisation;
- 👉 Being labeled a troublemaker;
- 👉 Many believe that sexual harassment is an accepted part of their organisation's culture & tolerated in workplace;
- 👉 Not being believed.

According to the medical authority:

The medical profession has had young employees and they never faced any of the issues related to sexual harassment mentioned in the finding. Medical profession is the most pious profession!

'In the last 43 years of my career as a doctor, I haven't heard of any case of sexual harassment. In medical colleges boys & girls dissect bodies & work on male & female organs without hesitation'!- Said a Doctor



(B) ON CAMPUS

 Participants were:

- Intermediate,
- Graduate,
- PG;
- Research students;
- Vocational studies.

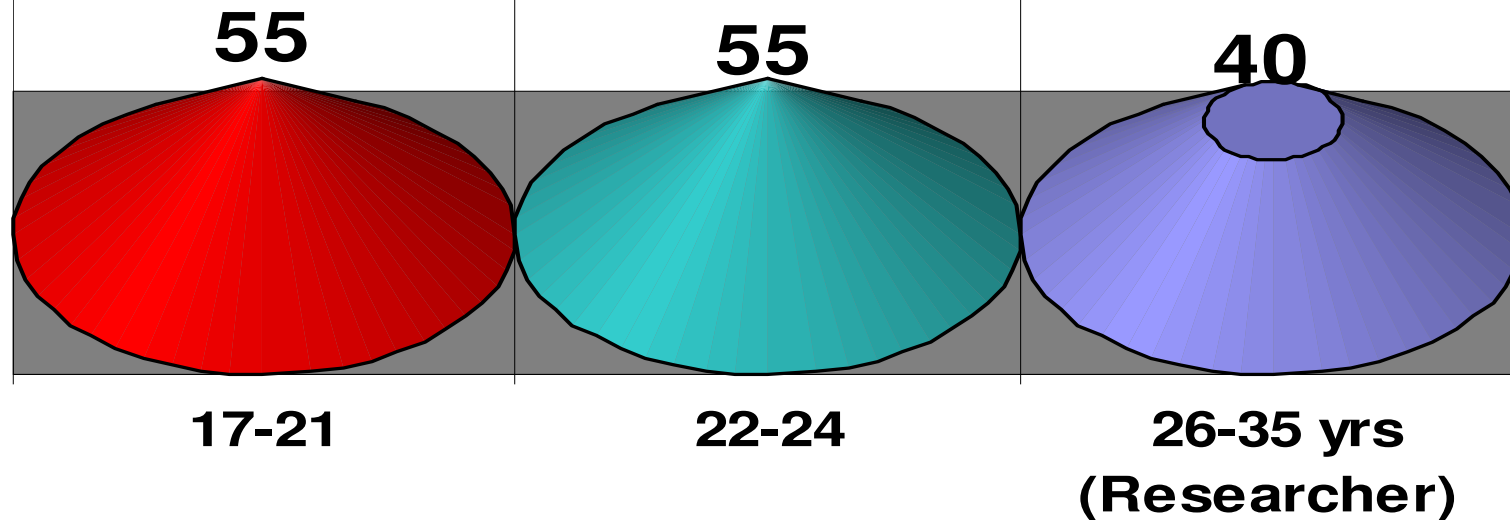
 Nearly **150 survey Schedules** were distributed;

 All the students contacted agreed to participate, yielding a response rate of almost **100%**.

Q-1 Respondents were asked to mention their age:

Average age

Majority of the respondents indicated their age between 17 to 24.



Q-2 Students' Perceptions of harassment



Eve teasing;
Brushing;
Touching;
Neglect;
Hostile;
Harassment on
caste line.

at work...



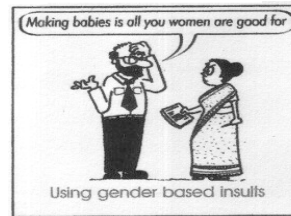
Making sexual advances or demanding sexual favours



Displaying pornographic material at the workplace



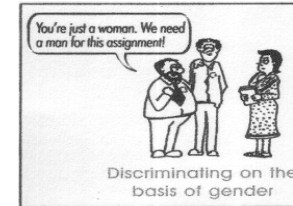
Threatening adverse consequences on raising objections or resisting advances



Using gender based insults

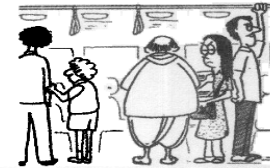


Cracking jokes which cause awkwardness or embarrassment

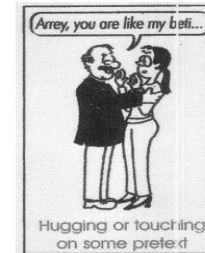


Discriminating on the basis of gender

or anywhere else



Standing too close and trying to touch or feel



Hugging or touching on some pretext



Molestation



Singing embarrassing film songs



Making obscene gestures or using indecent language

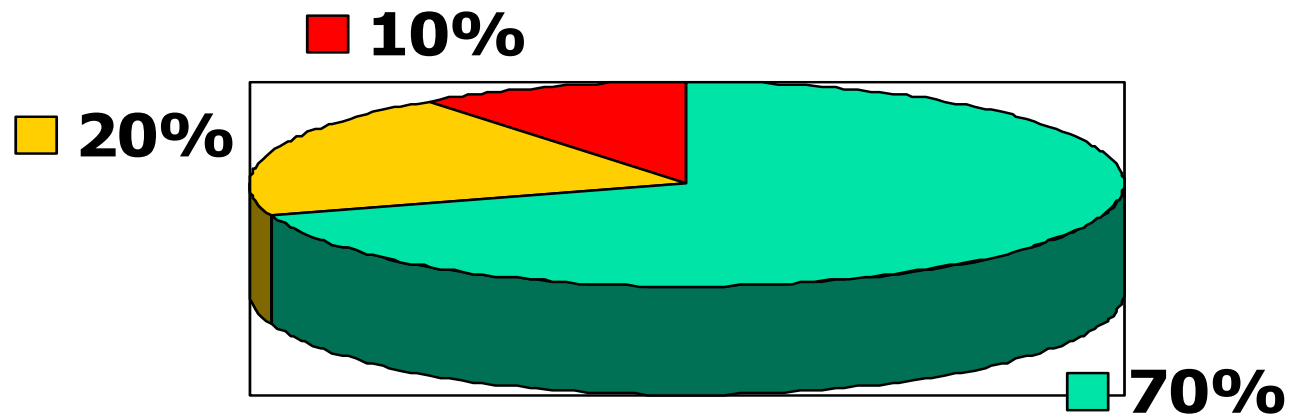


Trying to touch women on the road

Q-3 Does sexual harassment occur on campus?

(Total No. of Student 175)

Yes Unsure No





FINDING:

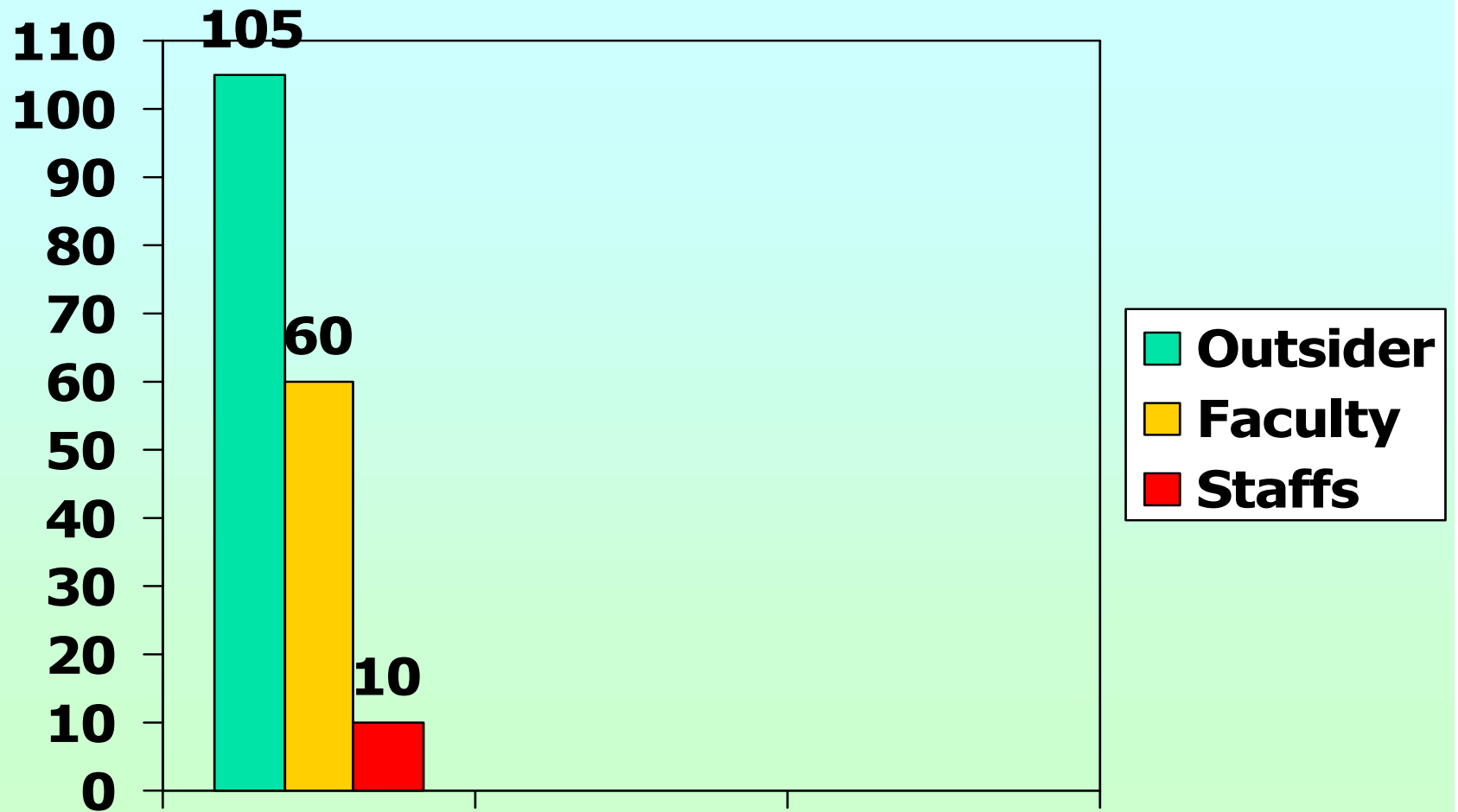
70% Students felt mistreatment/harassment occurred on campus;

20% were unsure;

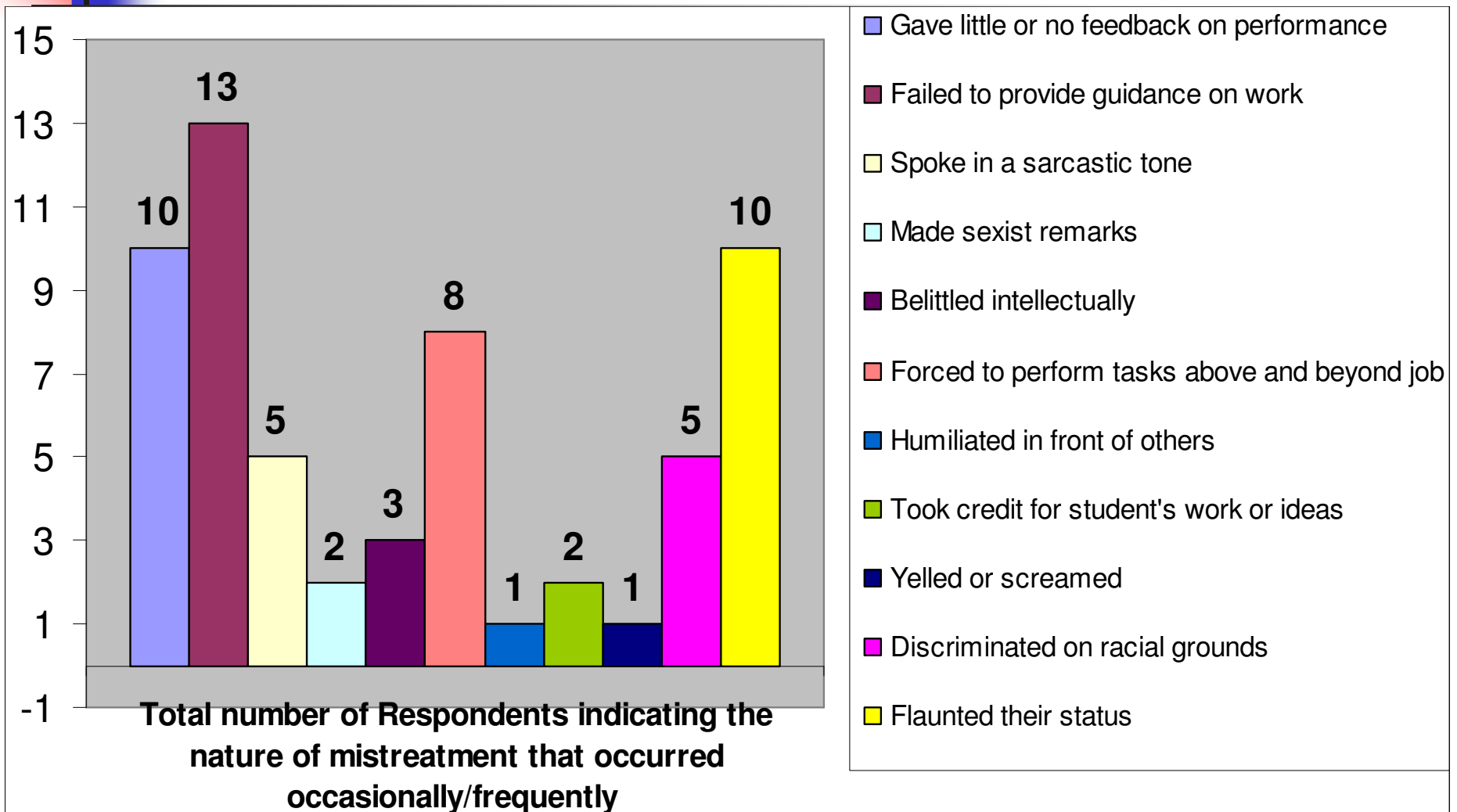
10% said 'NO'.

70% students felt harassed.

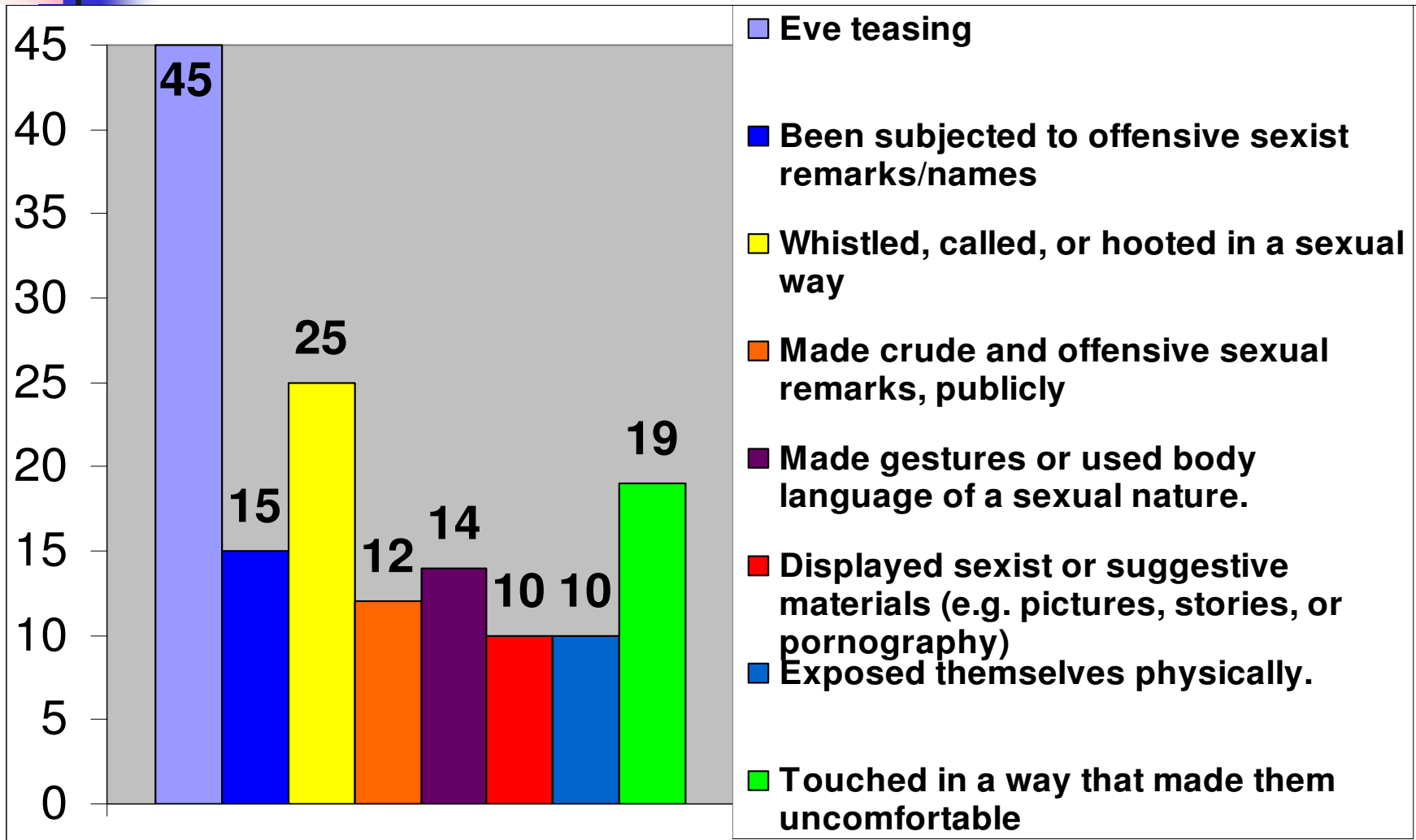
Q-4 Professional status of the harassers



Q-5: Nature of Negative interactions with Faculty (60 out of 175)










Q-6: Harassment by Outsiders (105 out of 175):





Q-7 Impact



-  Ignored;
-  Accept that it is a part of being a student;
-  Blamed oneself for what happened;
-  Talked to friends very rarely;
-  Felt depressed;
-  Stopped attending class;
-  Loss of confidence and Delay in completion of the thesis.

Q-8 Why don't victims speak out?

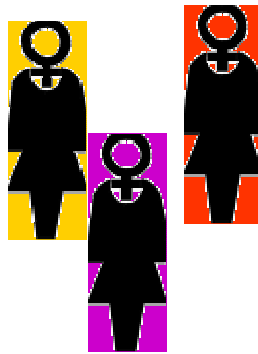


- Being seen as over sensitive;
- Not being believed;
- Feeling of victimisation;
- Fear of receiving lower evaluations or grades;
- Fear of being denied opportunities for training or rewards;
- Fear of society.

Q-9 Awareness about the existence of the sexual harassment committee in their Campus?

Total unawareness of the respondents about the complaint's committee and it's current procedure for reporting sexual harassment!

Many mistook the Organisation doing the survey for Sexual Harassment Committee!



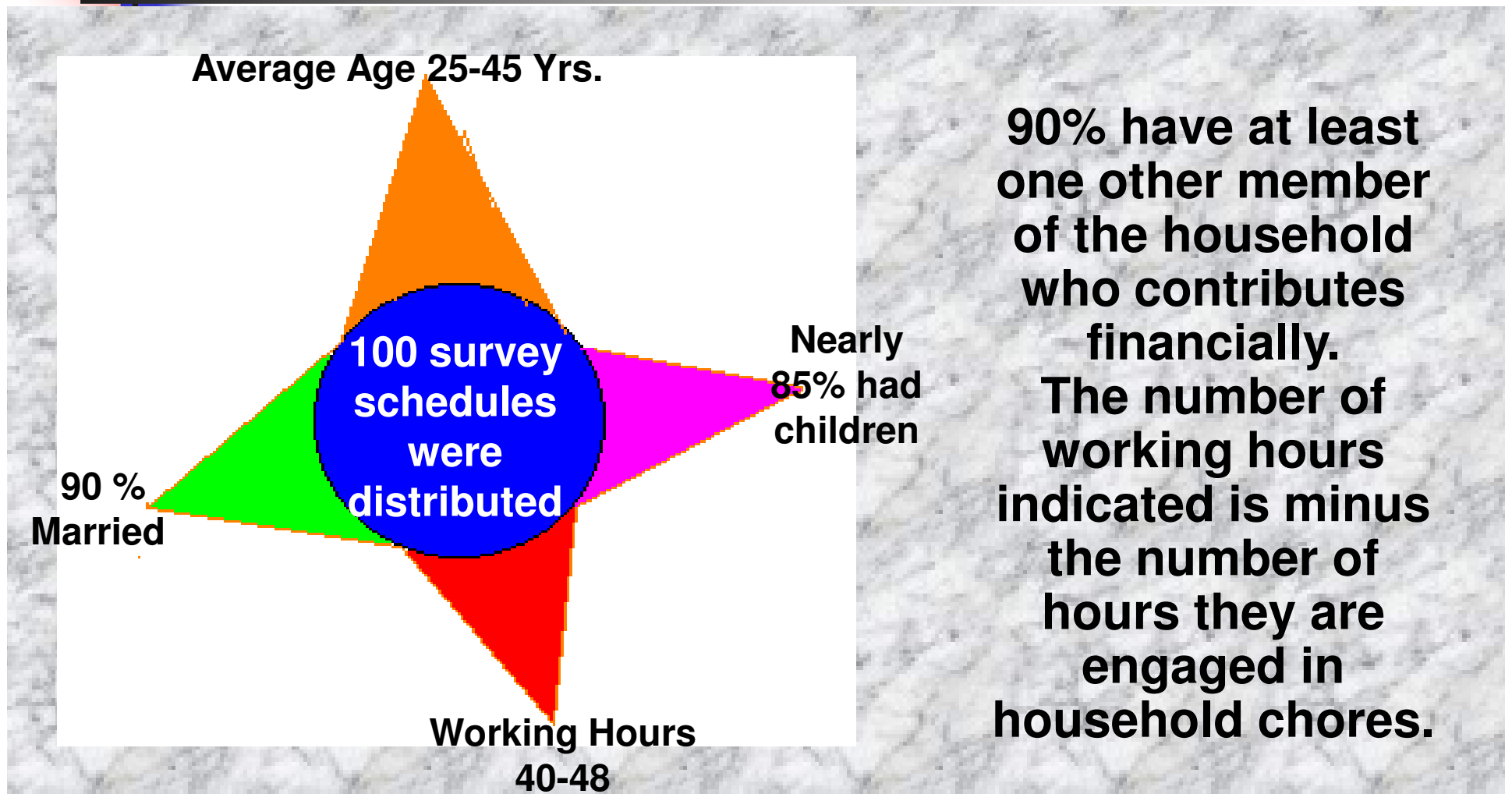


(C) GOVERNMENT EMPLOYEES

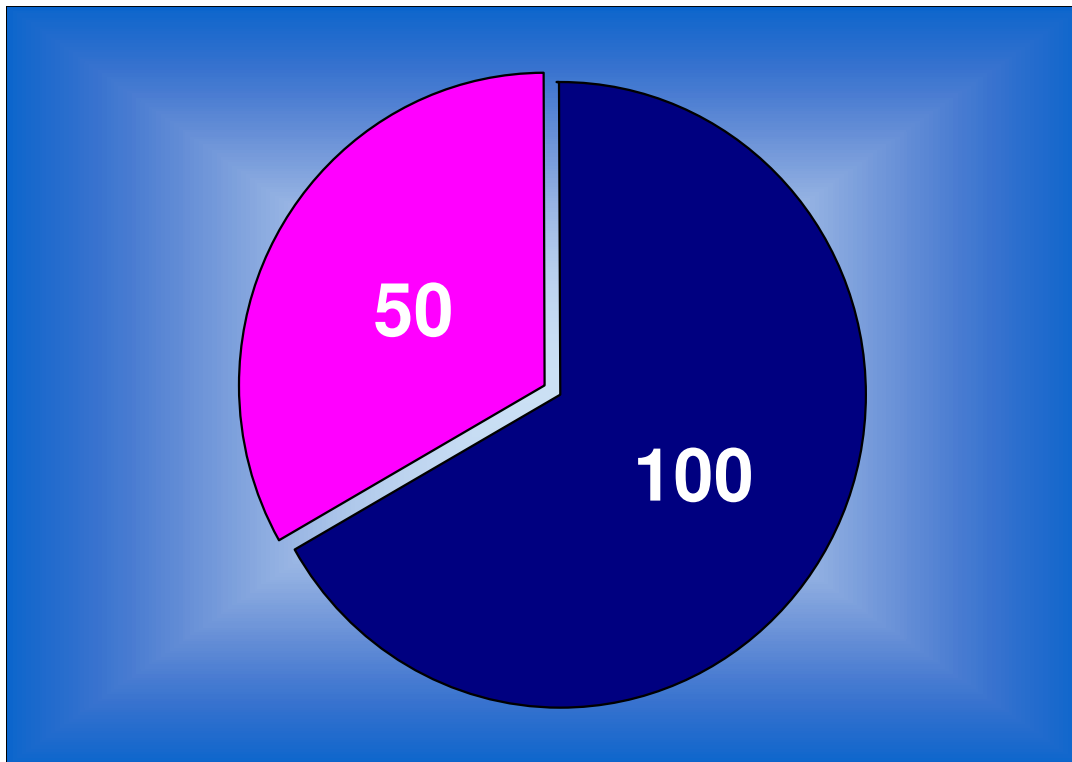
Category:

- Participants from various departments of government were asked to respond to the schedules;
- Nearly 100 survey schedules were distributed;
- The schedules were distributed among administrative & junior levels;
- All the employees contacted agreed to participate;
- Limited or almost nil participation of top level

Q-1: Respondents Profile

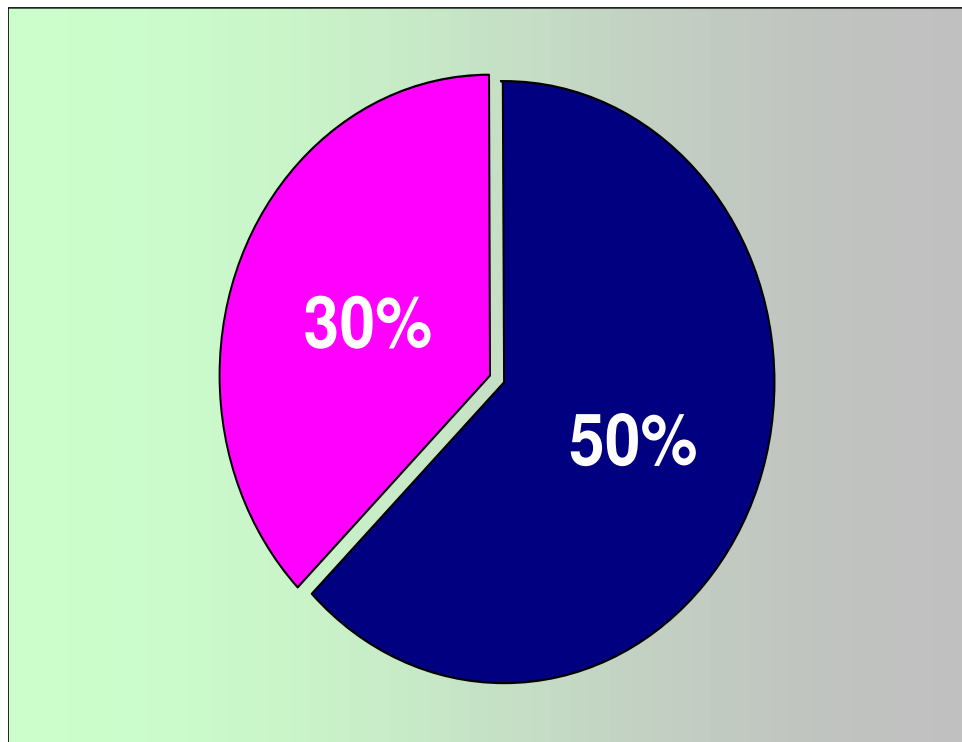


Q-2: Sexual harassment at their workplace: Is it a problem?



50% of women in the workforce report having experienced harassment at sometime in the workplace. They have either personally experienced it or know women who have.

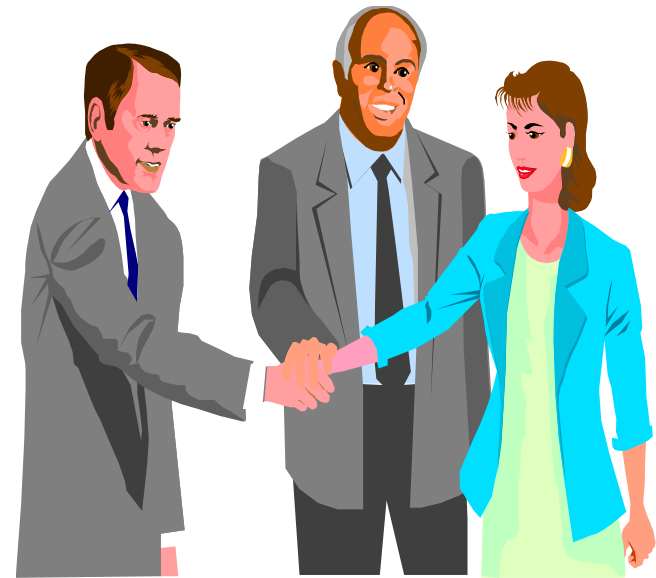
Out of 50% respondents-



App.. 30% recognise that sexual harassment is an unwanted behaviour, but know little else about it; They assume that only aggressive sexual violence constitutes sexual harassment.

Q-3: Professional status of the harassers?

- Boss (male/female);
- Colleague;
- Junior level staff.





Q-4: Respondents' perception of sexual harassment?

- 👁️ Discrimination in leave, promotions, work distribution and working hours;
- 👁️ Verbal assault;
- 👁️ Staring;
- 👁️ Display or transmission of sexually suggestive electronic content;
- 👁️ Any unnecessary, unwanted physical contact such as touching, rubbing ;
- 👁️ Racial discrimination.



Q-5:Impact:

- Sexual harassment had interfered with their ability to work;
- Lack of confidence;
- Too much aggression;
- Felt stressed.

Q-6: Awareness about the existence of the sexual harassment committee in their organisation?:

No knowledge about the existence of the Sexual Harassment Committee.





Q-7: Why don't victims speak out?

They fear:

- Victimisation;
- Being labeled a troublemaker;
- Being seen as over sensitive;
- Many believe that sexual harassment is an accepted part of their organisation's culture & tolerated in workplace;
- Not being believed;
- Found women in authority above gender and insensitive towards the problems of subordinate women employees.

Q-8: Immediate Barriers:

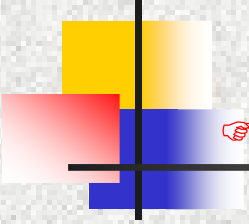
- ✗ No separate toilets for women employees;
- ✗ No onsite day care facilities [crèche];
- ✗ No women-friendly work habits;
- ✗ No proper maternity benefit.



Q-9: Respondents' knowledge of legislation to prohibit Sexual harassment?

The Vishakha Judgement, 1997!
Vishakha? They ask. What's that? They are not isolated in their ignorance. Most of India's other sectors are clueless.

Feedback from the authority:

- 
- ➔ Risk taking ability of women perceived to be lower;**
 - ➔ Women need to aspire higher;**
 - ➔ Resentment especially in accommodating on transfers;**
 - ➔ Organisations do not want to have separate policies for women since they feel it may be discriminating;**
 - ➔ Many of the Organisations had women employees and hence did not face any issue related to sexual harassment**



(D): Faculty members



The findings are based on the interactive session with the faculty. Sample survey schedules are yet to be completed:

While some women faculty derived great satisfaction from the kind of work they did, the others have had more critical views and negative experiences in numerous ways.

Key Findings:



- ✗ Criticisms of the demand of job;
- ✗ Women faculty are less optimistic in terms of their potential for obtaining leadership positions and for advancement;
- ✗ Women faculty in particular are quite unhappy with the amount of time they have available to spend outside work;
- ✗ There is no uniformity in the procedure for maternity leave;
- ✗ There is no natural leave for the women faculty;
- ✗ Women faculty are specially displeased with the level of information and the clarity of the procedures related to their careers.

Key Findings: Views on the work environment-



- # While many women faculty see unfair limits on their participation in the University: sizeable pluralities of women believe they are asked to serve on less important committees, left out of decision making, and are given assignments as tokens, A Few, by contrast, heartily disagree with all these views;
- # Few believe there is a glass ceiling for women in their own departments;



Key Findings: Sex Discrimination



- # The university receives weak marks by its women faculty on a climate free of sex discrimination;
- # Few believe that university does a good job in addressing perceived discrimination and responding to matters related to sexual harassment

Key Findings: Knowledge about sexual harassment committee-

Very few members of the faculty are aware of the existence of sexual harassment committee in their university;

☹️ Total unawareness about the landmark Vishakha Judgement 1997 of Supreme Court.

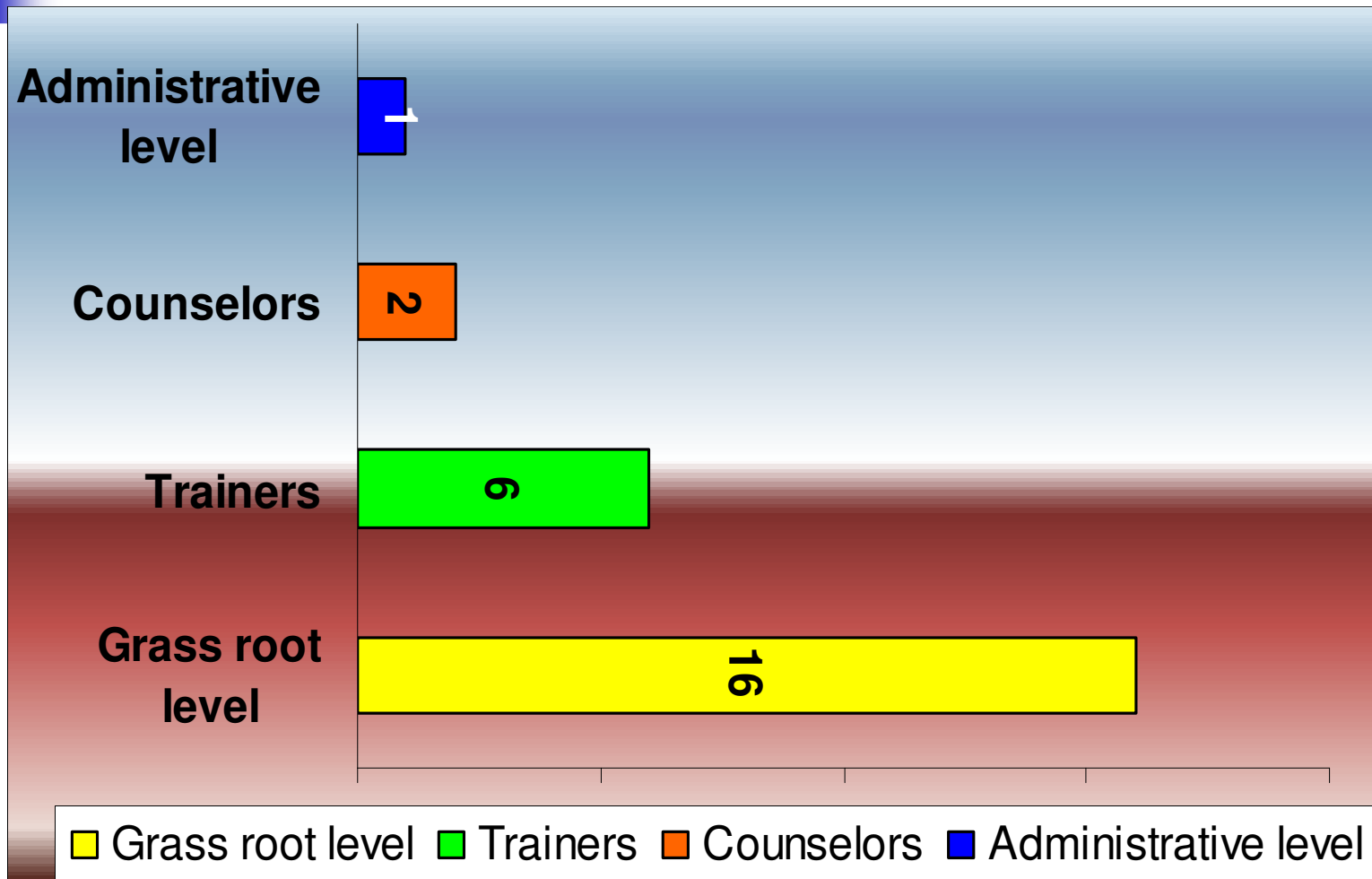




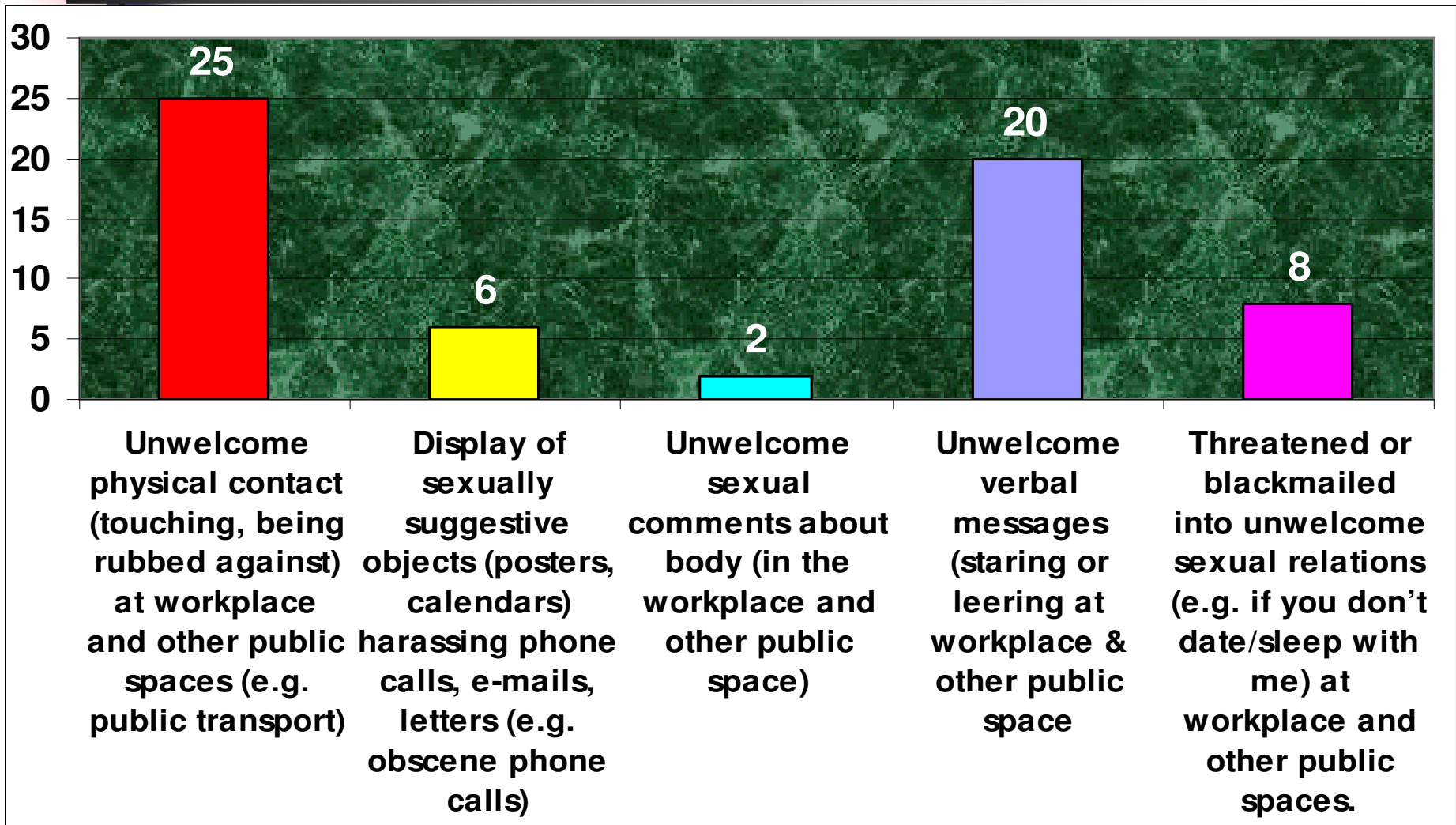
SECTOR E: NGOs- Profile:

- 🕯 The survey schedules were distributed to approximately 25 respondents working in the NGO. The response to the detailed 7 page schedule had varied & useful information.
- Age between 22-45
- 60 % Unmarried

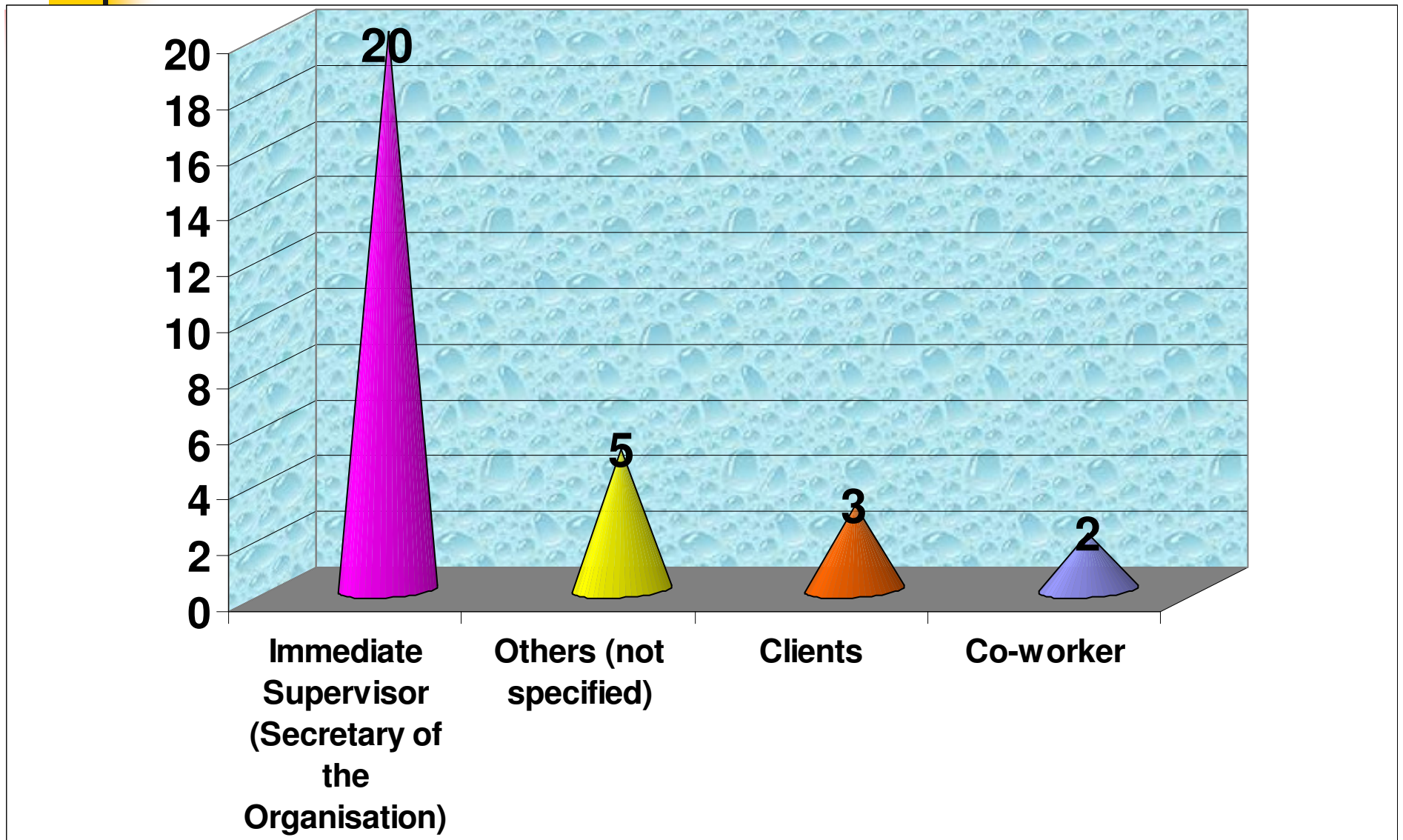
Q-1: Employment



Q-2: Perceptions of Sexual Harassment



Q-3: Professional status of the harassers

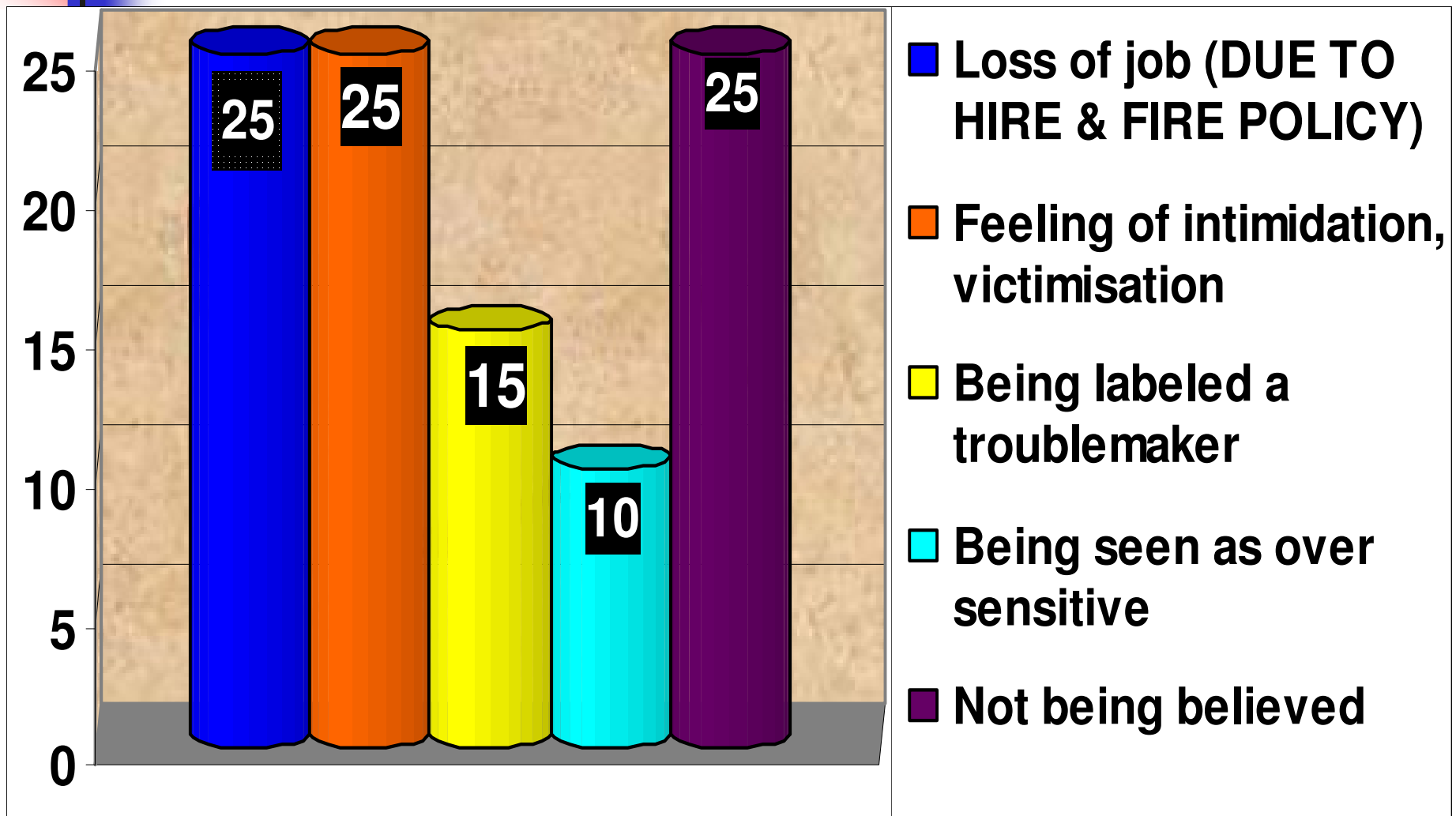




Q-4:Impact

- Created an offensive/ hostile work environment;
- Threatened personal security;
- Threatened employment opportunities;
- Change of job;
- Tried to avoid certain areas within the workplace;
- Felt stressed (fatigue/headaches).

Q-5: Why don't victims speak out ?



Comment:



According to a respondent-

“The magnitude of the problem is very serious, but what can we do without the implementation of the legislation? If we resist we are told to compromise with the situation and learn to enjoy it as there is no law to protect us”.

Q-6: Respondents' knowledge of legislation to prohibit Sexual harassment (Vishakha Judgement 1997)?



An overwhelming number of respondents replied:
😊 **'YES'**.

Respondents' knowledge of the existence of Sexual harassment Committee in their Organisation?

The respondents answer: **'NO'**

The irony:

The staffs of a leading NGO in the state that claims to be the only one in the development sector to have introduced the Sexual Harassment Committee, reported that they had never heard of any such Committee existing in their Organisation!



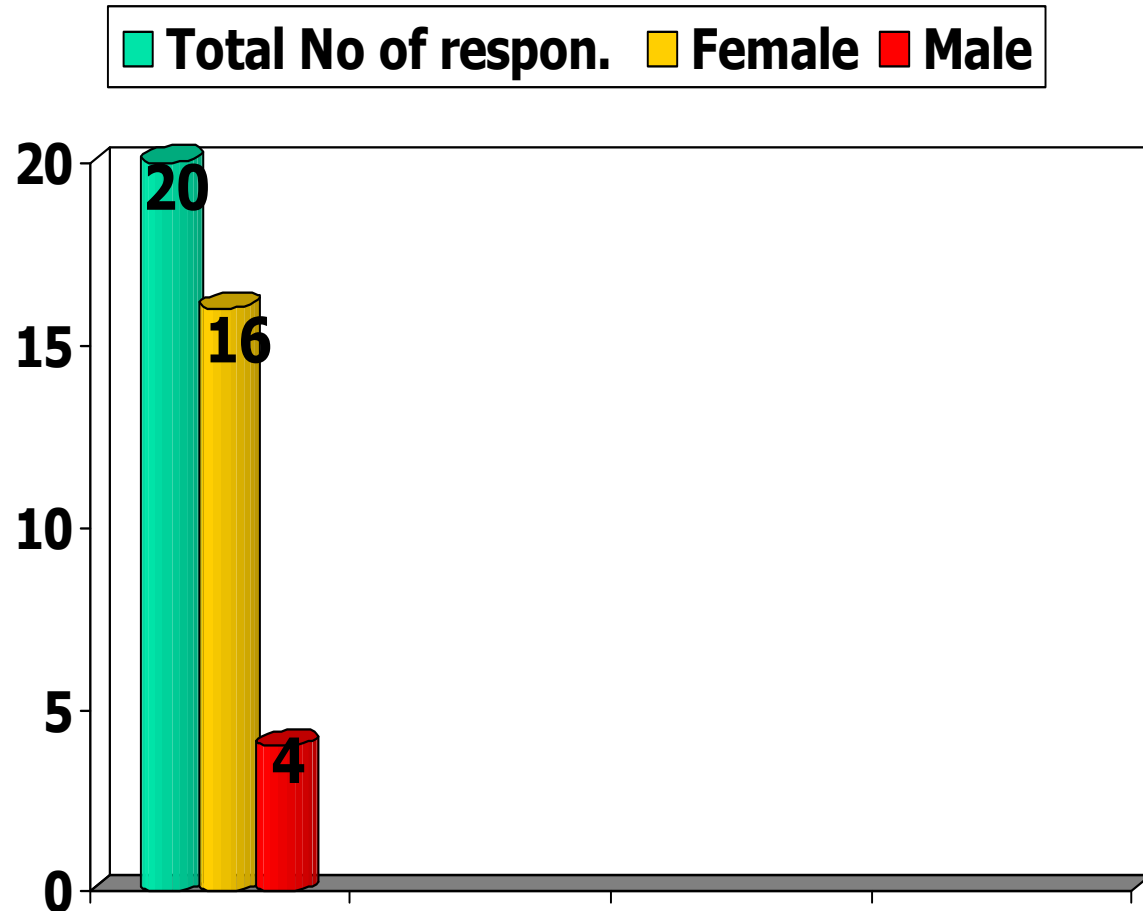
Q-7:Reasons for exit:

- 🔒 Excessive insecurity due to the management's policy to 'HIRE & FIRE'
- 🔒 Excessive travel;
- 🔒 No flexi time policy.

G- Judiciary



The survey schedule was distributed to approximately 20 respondents working in the High Court, out of which 4 were males.

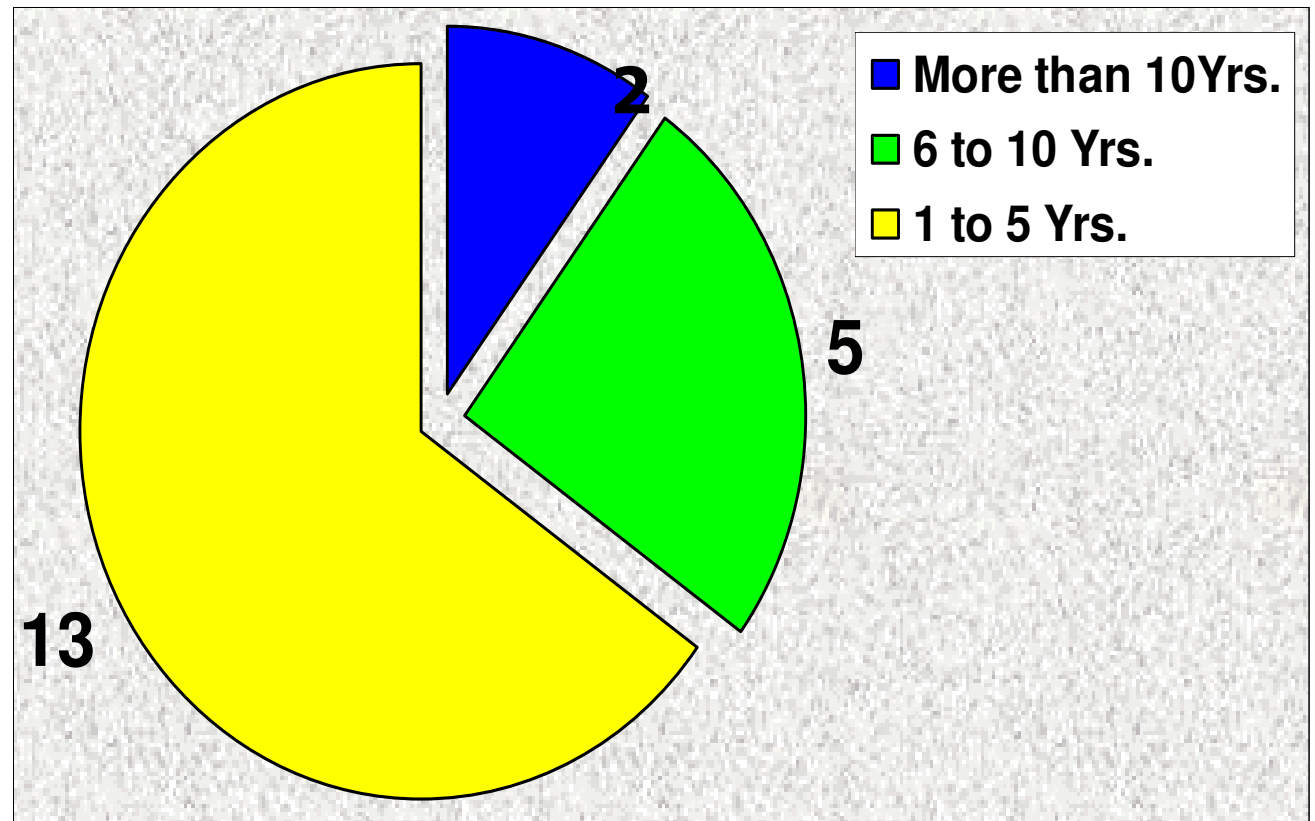


Q-1: Employment

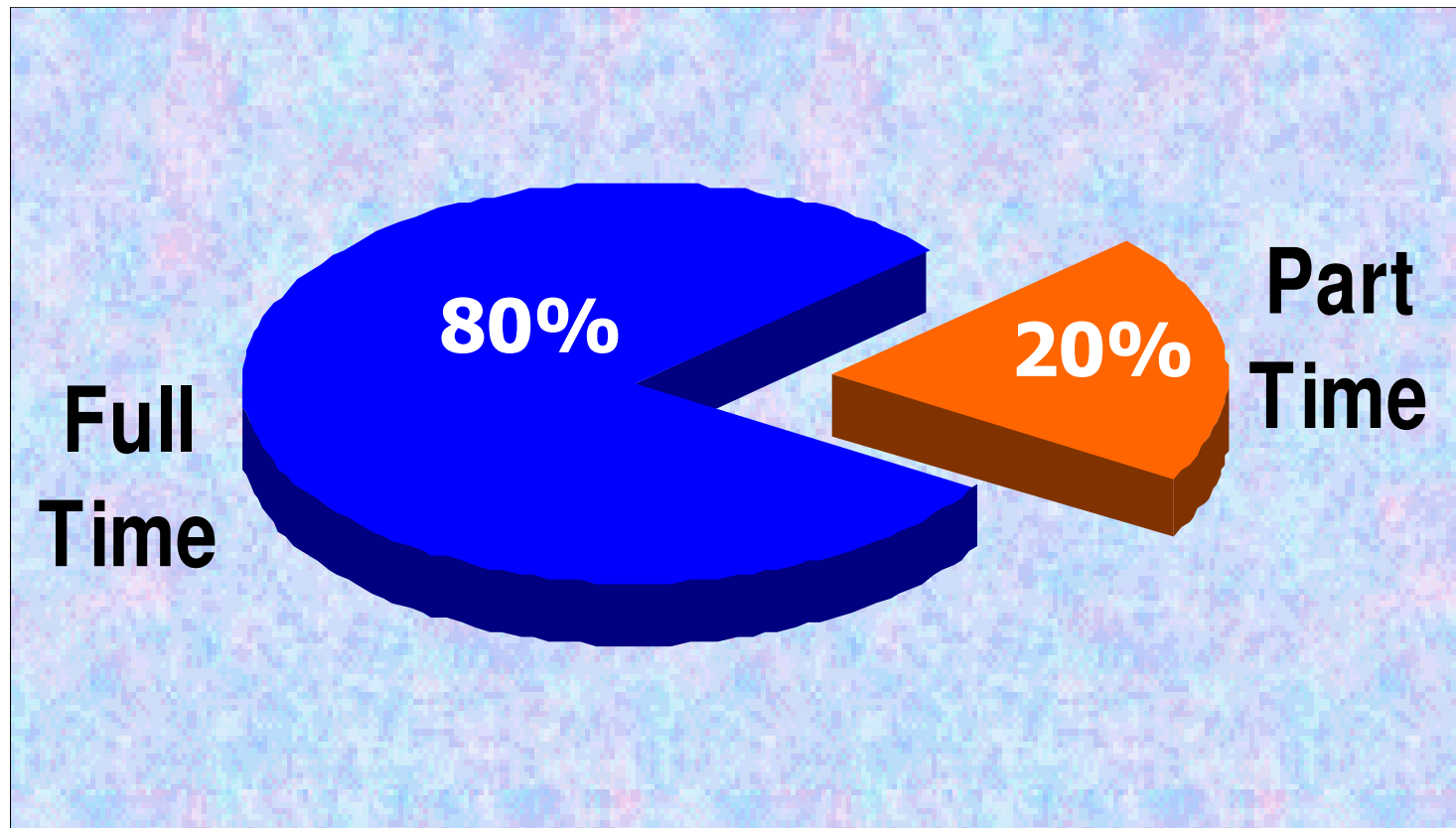


Number of Years spent in
the profession

- ➔ Advocate/Private Practitioner;
- ➔ Government Practitioner.



Q-2: Status



- **80% respondents were found to be involved in the full time position.**



Q-3: Perception of sexual harassment

- 👁️ Sexually directed remarks about clothing, body, sexual activities;
- 👁️ Demand for sexual favours with implied or actual threat or bribe;
- 👁️ Physical Assault;
- 👁️ Staring, excessive eye contact;
- 👁️ Frequent comments on personal appearance or flattery;
- 👁️ Touching;
- 👁️ Persistent emphasis on sexuality;
- 👁️ Male touching his body in a suggestive manner.



Q-:4 Personal experience of sexual harassment

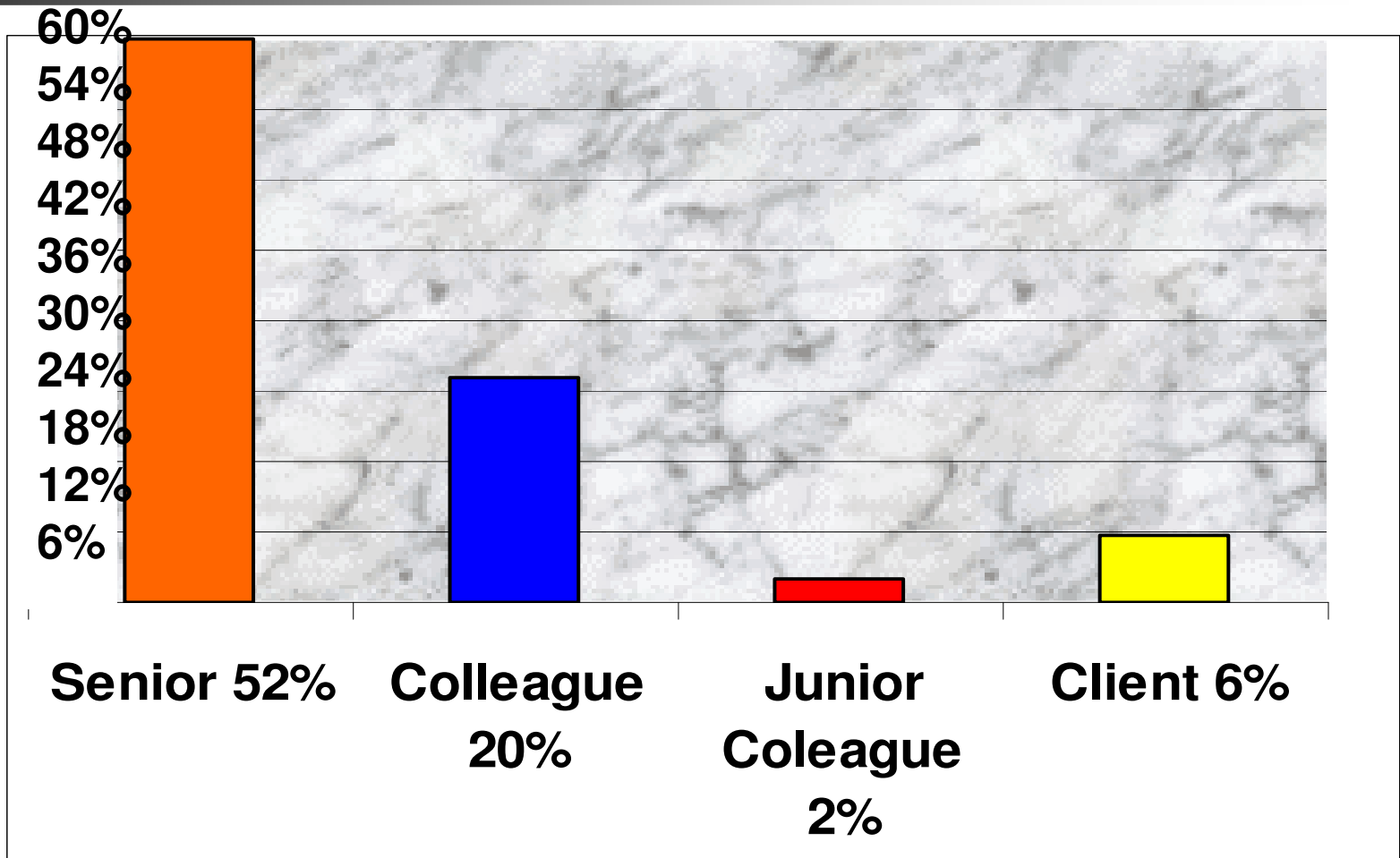
- ☞ Sexist language, humour or comments;
- ☞ Frequent comments on personal appearance or flattery;
- ☞ Eye contact or other body language;
- ☞ Physical contact;
- ☞ Sexually suggestive stories or jokes (**observed all the time either with the male colleagues or by males outside the workplace**);
- ☞ Sentences/comments which have a double meaning;
- ☞ Phone calls;

Q-4: Personal experience of sexual harassment

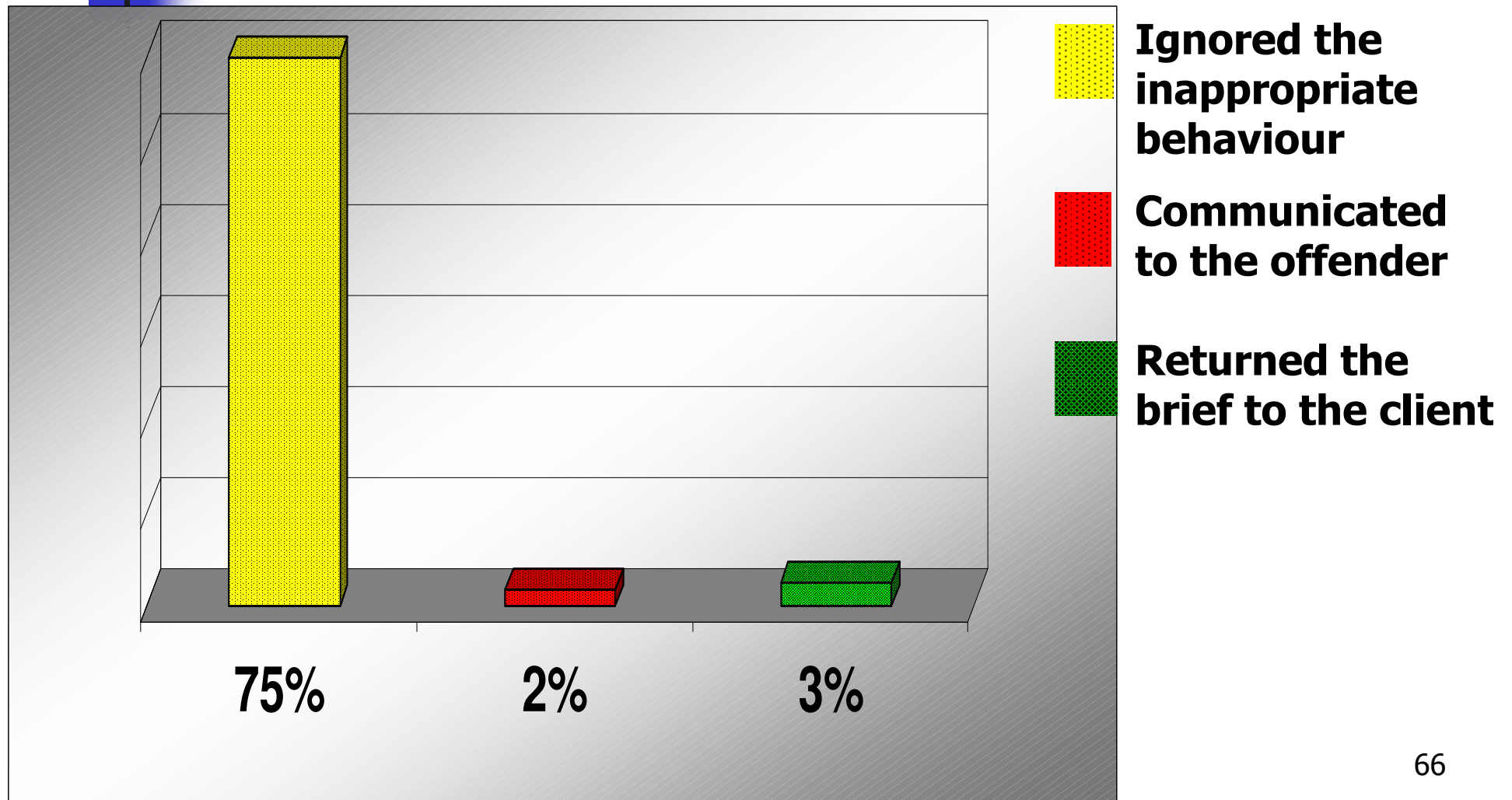
Other Types:

- ➡ Giving undue importance to sexually sensitive issues (e.g.- asking junior lady advocate to read out FIR pertaining to rape, prostitution etc);
- ➡ Discussing sexually sensitive cases publicly;
- ➡ Puffing cigarette smoke into a woman colleague's face;
- ➡ A male colleague touching his body in a suggestive manner;
- ➡ Sexually suggestive remarks while working on cases related to sexual offences;
- ➡ Senior engaging a reluctant junior in cases which are sexually sensitive;
- ➡ Gossip, discuss about other sex/talk about family issues.

Q-5: Professional status of harassers-



Q-6: Did the victims speak out?





Q-7: Reasons for silence

'Where and whom to approach? Senior male colleagues with good reputation are reluctant to help or intervene for, fear of reputation & the rest took advantage of the situation'.

The current climate at the workplace stops them from complaining-

- **Not at all supportive;**
- **Exploitative;**
- **Intimidating (fairly often).**



Immediate barrier:

- 'The tendency to gossip is so rampant among males that even good male seniors are reluctant to engage lady juniors. For, fear of reputation lady juniors are unable to work in senior's office during evenings'.



Additional comments:

“Though I have not personally had a very bitter experience but a few of my colleagues have. Male colleagues try to be unnecessarily familiar to their female colleagues and at time use innuendos and some of them even try to stand as close as possible to them. I even know one of my colleague’s senior making clear indication of sexual advancement”.

‘Anything is possible, may God save the women’.





Does the sexual harassment committee exist in the judiciary?

Ironically the answer was: **'NO'**. Many are not even aware of the term **'sexual harassment committee'**.

A few respondents reported that they were being harassed in their current job and some said that the trauma of harassment still continues.



Did you know?

-  **In India every 51 minutes, a woman is reported to be sexually harassed;**
-  **Every 26 minutes a woman is sexually molested.**

These statistics refer to the reported cases. If the unreported cases were to be added, it would probably be a question of seconds, not minutes.



Cases of sexual harassment in India:

- Rupan Deol Bajaj vs. K.P.S. Gill- A senior IAS officer, Rupan Bajaj was slapped on the posterior by the then Chief of Police In Punjab, Mr. K.P.S. Gill at a dinner party in July 1988;
- N. Radhabhai vs. D. Ramachandran- In 1973, when Radhabai, secretary to D. Ramachandran, the then State Social Welfare Minister protested against his abuse of girls in welfare institutions, he attempted to molest her; and followed by dismissing her;
- S.C. Bhatia- Professor in the Department of Adult & Continuing Education, Delhi University sexually harassed several women.



Cases of sexual harassment in India:

- Doordarshan Producer of Hyderabad Sailaja Suman took Director P. L. Chawla to court on charges of defamation, criminal intimidation and trying to outrage her modesty (1994);
- Nutan Sharma, a steno in the Union Ministry of Railways, charged R. P. Sharma, secretary to the chief operating manager, of molesting her;
- Pop Singer Alisha Chinai filed a defamation suit for sexual harassment against music director Anu Malik.

Existing Laws in India which can be used in cases of sexual harassment:

- Indian Penal Code (Section 209, IPC);
- Indian Penal Code (Section 354, IPC);
- Indian Penal Code (Section 509, IPC);
- Industrial Disputes Act (Rule 5 Schedule 5);
- Indecent Representation of Women (Prohibition) Act 1987;
- The Delhi Prohibition of Eve – Teasing Bill, 1994.
- Articles 14, 15, 19 (1) (g) and 21 of the Constitution guarantees gender equality, right to work with human dignity and are the safeguards against sexual harassment.



You make the first call:

- ✓ Shed your mentality of **TOLERANCE**;
- ✓ Expose the inevitable & unavoidable behaviour;
- ✓ Express strong resistance the first time it occurs. If you allow the action to take place without expressing strongest disapproval, the offender will assume that he has your consent;
- ✓ In case someone behaves with you in a manner that makes you feel uncomfortable, protest loudly & at once. Let others know;
- ✓ Keep safe distance from the offender;
- ✓ Register an FIR with the police;
- ✓ **STAY AWARE.**



SOURCES:

- ✓ **NCW**
- ✓ **Nursing Schools**
- ✓ **Secretariat Patna**
- ✓ **Local NGOS**
- ✓ **Judiciary**
- ✓ **Media-(Print & Electronic)**
- ✓ **Academic Institutions**