

Sexual Harassment At Workplace – An Empirical Study To Understand Through The Lenses Of Working Women Of Guwahati, Assam, India

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Abstract: *Sexual harassment at workplace is neither new nor rare, yet it is not reported or even talked about enough. Most working women face sexual harassment at workplace in some form or the other. It is there, yet never acknowledged. Actually, it is an extension of the patriarchal violence, at home and in society, at large, but it is not enough. At the basic level, it is a show of male dominance and the inherent inability to deal with women at par with men. Patriarchy reigns control by ensuring that women do not have equal access to available resources in the society and that they have restricted mobility and reduced efficiency, leading low or poor employability. Since the whole edifice of the economy rests on the society, economic empowerment can never be a meaningful reality without rooting out existing gender inequalities situated in the social structure. Sexual harassment is one of the chief ways that men resist gender equality in the workplace. It creates a hostile environment for working women. In India, the legal directive for addressing issues of sexual harassment came from Supreme Court verdict in the Vishakha vs. State of Rajasthan in 1997. The Supreme Court stated that every instance of sexual harassment is a violation of Fundamental Right. Guwahati, the capital of Assam and the main entry-point to the whole North-East India plays a dominant role in the economy of the whole region. The job opportunities, both in the public and private spheres are ever-expanding. So, in order to understand and analyze the extent of sexual harassment at workplace and the effect of Vishakha Guidelines in Assam, in general and Guwahati, in particular the present study has been conducted.*

Keywords — *Patriarchy, Gender disparity, Economic independence, Sexual harassment.*

I. Introduction

Sexual harassment at workplace is neither new nor rare, yet it is not reported or even talked about enough. Most working women face sexual harassment at workplace in some form or the other. It is there, yet never acknowledged. The silence around sexual harassment only helps to accentuate the problem. Sexual harassment is not easy to define. It should not be seen as an isolated issue. Actually, it is an extension of the patriarchal violence, at home and in society, at large, but it is not enough. At the basic level, it is a show of male dominance and the inherent inability to deal with women at par with men. Gender disparity, as a living reality, is perhaps the most endured social aberration across times. Such a systemic subjugation runs deep in the annals of patriarchal societies cutting across spatial and temporal dimensions and differing only in degree based on religion, class, clan, cultures and customs. Patriarchy reigns control by ensuring that women do not have equal access to available resources in the society and that they have restricted mobility and reduced efficiency, leading low or poor employability. Women themselves are rigorously socialized to accept this unequal arrangement unquestioningly, work uncomplainingly, bearing it all silently in their stride. Though there is no dearth of studies on sexual harassment at workplace at the international level, but in case of India, very few studies have been conducted. We, the women of India have achieved economic independence much more later our country achieved political independence from colonial ruler. Women have made them visible in the economic activities recently. The social and cultural values and attitudes prevalent in the society pull down women. However, it is the mindsets and self-images of women that continue to stand between them and a satisfying life, rich with achievement and self-realization. Most women grow up in homes where they are indoctrinated about the limitations and frailties of women, about the accepted place for the women in social order. Growing up as a girl-child, day in and day out, she gets the strong message to encourage her affiliative needs and not her achievement needs—making her a dutiful wife, an obedient daughter-in-law, and a caring mother. Therefore, it was not easy for them to break the so-called “glass ceiling”. Automatically, it took time for them to realize sexual harassment at workplace. In case of Assam, no systematic and comprehensive has been conducted on the sexual harassment at workplace. Therefore, if a study is conducted to understand the views of working women regarding the sexual harassment at workplace, it would go a long way to help the policy-makers and academicians to determine the future course of actions. With this purpose the following study has been conducted.

II. Research Methodology

In order to develop this paper, both the primary and the secondary sources have been consulted. The secondary sources include books, journals, reports, internet sites has been consulted. The detailed interview schedule for the women comprises the primary sources. The statistical methods like per centage, average etc. have been used.

The women all over the world, irrespective of developed and developing countries, have not only been marginalized, but had suffered most cruel behavior. Since the time immemorial, the domination of patriarchy did not allow women to live freely according to their choice. They were denied their rightful position in the society. They were silent sufferers. The biological differences gradually became gender differences in the social process. The status of women in a society is the true index of its cultural, social, religious & spiritual levels. The problem regarding the status of women has merged as a fundamental crisis of human development, sex and other inequalities inherent in the traditional social structures, based on caste, community and class, have a very significant influence on the status of women in different spheres. The image of Indian women is deeply rooted in the social situation, myths, legends, religion and culture. Women are not treated equal to men by the society. They are always discriminated against men in all spheres of activities of life – in social, political, economical and cultural activities. Men dominate them and women are given only an inferior position both within and outside the house. Biological determinism has one of the most important legitimizing mechanisms of women oppression over the centuries. There is nothing natural about the sexual division of labour. The fact that men and women perform different kinds of work both within the family and outside has little to do with biology and more to do with ideological assumptions. The institutions, social and cultural values etc. ensure the subordination of women.

Since the whole edifice of the economy rests on the society, economic empowerment can never be a meaningful reality without rooting out existing gender inequalities situated in the social structure. International Labour Organization, one of the specialized agencies of the United Nations Organization has always been in the forefront to highlight the issue of sexual harassment through the adoption of the Discrimination (Employment and Occupation) Convention, 1958. This organization is the only international body to have adopted an instrument containing protection against sexual harassment.

A number of countries like United States of America, United Kingdom, Japan, Australia and several European countries have laws that prohibit sexual harassment at workplace. Although India does not have any specific law to protect individuals from sexual harassment at workplace, individuals enjoy certain Fundamental Rights under Part-III of Indian Constitution, which negate sexual harassment at workplace. Sexual harassment infringes the Fundamental Right of a woman to gender equality under Article 14 (Right to Equality) and her Right to Life and live with dignity under Article-21 (Right to Protection of Life and Personal Liberty). It also violates her Freedom of Speech and Expression under Article-19 of the Indian Constitution. Right to work with Dignity and Right to Protection from sexual harassment are recognized as Universal Human Rights by the International Conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). These rights are indivisible and interdependent. The Government of India has ratified CEDAW.

Gender is a power relation – the power of male over female. Freud once wrote that the two great tasks of all human beings are “to work and to live”. It is certainly true that people, irrespective men or women, have always worked – to satisfy their basic material needs for food, clothing and shelter, to provide for children and loved ones, to participate in community life, as well as to satisfy more culturally and historically specific desires to leave a mark on the world and to move up the social ladder. Economic empowerment helps women to live with dignity and self-respect. Workplace equality requires significant ideological and structural changes. Sexual harassment is one of the chief ways that men resist gender equality in the workplace. It creates a hostile environment for working women. The dice is heavily loaded against women. In India, the legal directive for addressing issues of sexual harassment came from Supreme Court verdict in the Vishakha vs. State of Rajasthan in 1997. The Supreme Court stated that every instance of sexual harassment is a violation of Fundamental Right. It not only recognized sexual harassment as illegal behavior, but also set the rules for its prevention and redressal. It is mentally harassing to a woman to fight such cases.

The judgement of the Supreme Court in Vishakha case is popularly known as the Vishakha Guidelines. The Vishakha Guidelines augured well for the status of women in India. Finally there was legal recognition of the hostility women face in the workplace, a hostility that all too often results sexual harassment. According to the Supreme Court, sexual harassment includes any unwelcome physical contact or advances; demands or requests for sexual favours; sexually – colored remarks; displays of pornography; other unwelcome physical, verbal or non verbal conduct of a sexual nature. In this judgement, it has been stressed that the presence of the ‘unwelcome’ element, in word or action, of a sexual nature. As the nature of sexual harassment is subjective, the ‘unwelcome’ component is very important in this regard. The judgment created mandatory sexual harassment prevention guidelines for the workplace, applicable all over India. All employers or responsible heads of

institutions must institute certain rules of conduct and take preventive measures to stop sexual harassment in the workplace. The guidelines direct employers to set up complaints committees within the organization, through which women can make their complaints heard. The complaint committee should consist of half of women as its members. It would be headed by a woman. To act impartially, this committee should have third party representation from Non-Governmental Organizations.

The Vishakha judgment was historical and landmark judgment. Before this judgment, the workplaces and employers did not have any accountability towards their women employees. But it remains the only guidelines. The ground realities remain the same. Few efforts were made to enact the law. Very few complaint committees were set up, service rules were not amended, and the judgement was flouted both by public and private employers. Though the Supreme Court directed various professional bodies such as the Bar Council of India, University Grants Commission, Chartered Accounts Association, Medical Council of India etc. to take various steps regarding the implementation of Vishakha Guidelines, very few have been done in this regard. In a subsequent Supreme Court Judgement (Apparel Export Promotion Council vs. Chopra), definition of sexual harassment was expanded and it was held that “any action or gesture which, whether directly or by implication, aims or has the tendency to outrage the modesty of female employee, must fall under the general concept of the definition of sexual harassment”. “Broadly put any act that has a sexual overtone and causes discomfort amounts to sexual harassment.

Another important step against the sexual harassment at workplace is the Protection of Women against Sexual Harassment at Workplace; 2010. It lays down the definition of sexual harassment at workplace and seeks mechanisms to redress the grievances. It provides for the constitution of an “Internal Complaints Committee” at the workplace and a “Local Complaints Committee” at the district and block level. It also held that the Complaints Committees would enjoy the powers of civil courts for gathering evidences. A ‘District Officer’ would be responsible for facilitating and monitoring the activities under the Act.

III. The Present Study

As Guwahati is the entry largest city of whole North East States, the market of Guwahati is ever-increasing. The job opportunity in Guwahati is much higher than any city of the North East India. The ever-increasing population of this city proves the migration of people from surrounding cities as well as states. For this reason, Guwahati has been chosen as the field of study. While conducting this study; I have visited several offices both of public sector and private sector. With my very little surprise, I found that in none of the offices “Internal Complaints Committee” is working. In some offices the Committee is working in name only. In order to understand and analyze the extent of sexual harassment at workplace and the effect of Vishakha Guidelines in Assam, 100 working women in and around Guwahati city have been interviewed. The respondents have been chosen on random basis.

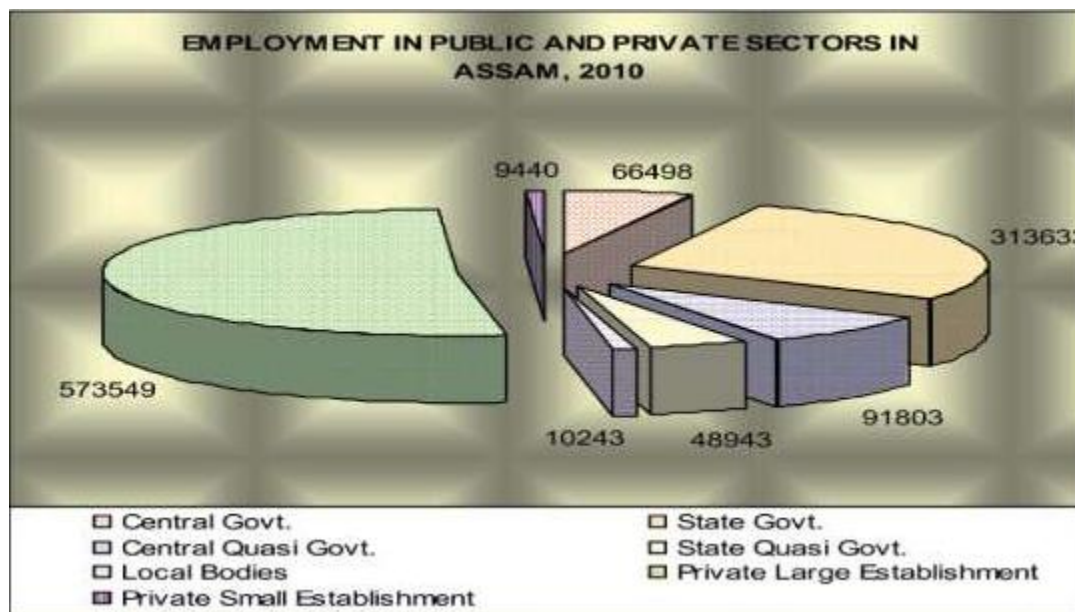


CHART NO—1

According to Chart No.—1, total employment in the public and private sector establishments under Employment Market Information Programme 2010 was 11.14 lakhs. In all the sectors women employment was 32.9 percent of the total employment.

EMPLOYMENT OF WOMEN IN ORGANISED SECTOR							
In thousand nos.							
Year	Public Sector		Private Sector		Public & Private Sector		Percentage Share of Women in Organised sector
	Women	Total	Women	Total	Women	Total	
2003	77.4	528	241.1	551.1	318.5	1079.2	30
2004	77.3	525.1	255.6	572	332.9	1097.2	30
2005	81.5	524.5	268.4	605.2	350	1140	30.7
2006	81.8	519.7	299	599.7	380.7	1119.4	34
2007	84.9	527	310.8	640.5	395.7	1167.5	33.9
2008	85.6	527.3	266.5	554.6	352.1	1081.9	32.5
2009	87.3	531.7	273	571.7	360.3	1103.4	32.7
2010	87	531.1	279.7	583	366.7	1114.1	32.9

Source: Directorate of Employment & Craftsman Training, Assam.

TABLE-I

In the table no.—1, it can be observed that there is sharp increase of women employees in the organized sector since 2003. The percentage of women employees was highest in 2006.

VIEWS OF WORKING WOMEN OF GUWAHATI REGARDING THE SEXUAL HARASSMENT AT WORKPLACE.

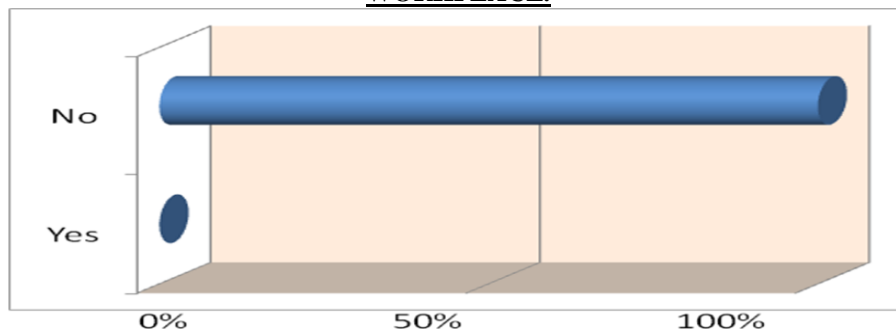


CHART-II

When women workers were enquired about the sexual harassment at their workplace, none of these held that they face sexual harassment at their workplace. Chart-II reveals the findings. All the women employees opined that they did not face any sexual harassment at their workplace. None of them discussed about sexual harassment.

Views Of Working Women Of Guwahati Regarding Their Equality With Male Counterpart.

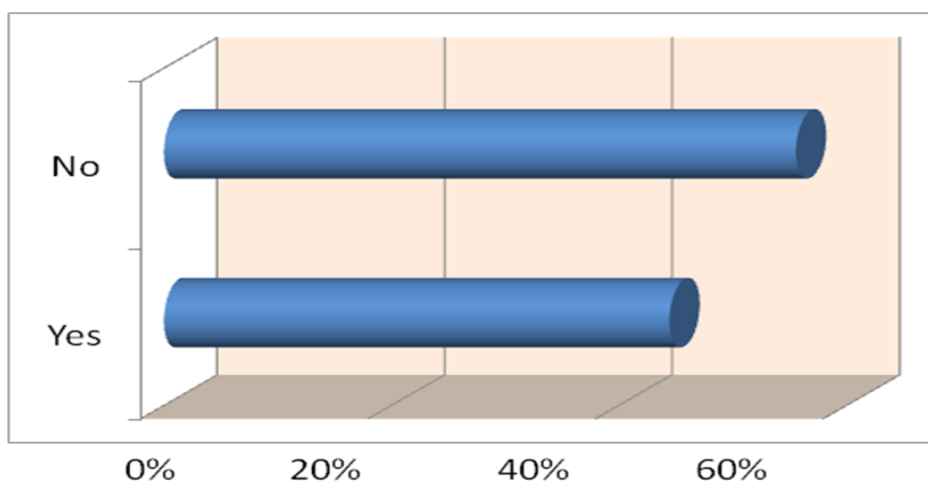


CHART-III

According to chart-III, 44.44% women workers think that they are treated at par with their male counterpart, while majority of women workers, i.e. 55.56% deny the claim. The cultural socialization in a patriarchal society is so deep that even the educated women find themselves powerless. Men make themselves visible, while women remain invisible.

Views Of Working Women Of Guwahati Regarding Their Awareness About Vishakka Guidelines.

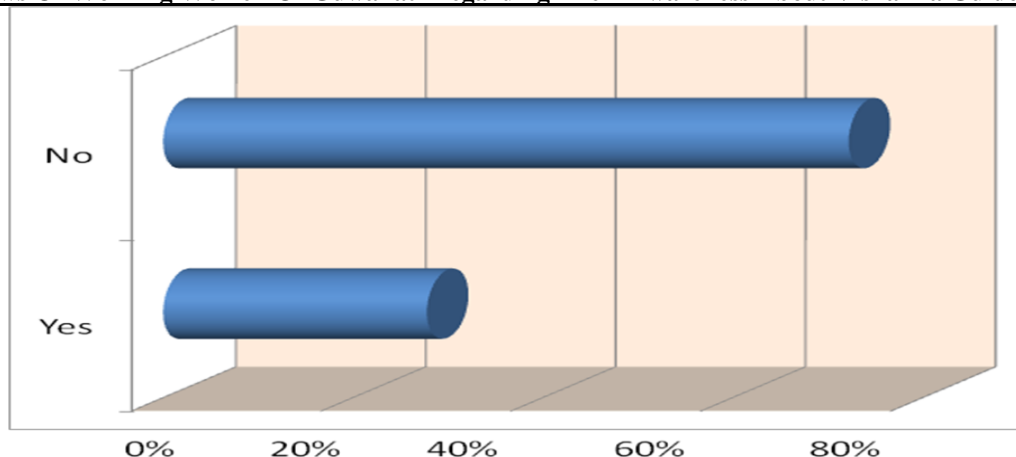


CHART-IV

Vishakha Guidelines are unique step to prevent sexual harassment at workplace. But the study shows that majority of women employees, i.e., 72.22% women workers are not aware Vishakha Guidelines. Only 27.78% women employees know about it. Therefore, economically independent women in this part of India lack awareness. They are not well-informed about the changes taking place around them. This has been shown in Chart No.—IV.

IV. Conclusion

So, if we compare the picture of Guwahati in that sense Assam with the whole India, it gives quite opposite views. The limitation of the study is that it is based on the views of women employees, whether public or private. The views of men employees have not been taken into consideration. While the women employees of all over India are raising voice against sexual harassment in workplace, their Assam counterpart fully deny the presence of sexual harassment at their workplace. It is not because women of this part of India are enjoying better position or status in comparison to other women of India. The rising incidences of dowry death, violence against women etc. do not support the high status of women in this part of India. Then, what may be the reason? It should be considered seriously – may be women employees lack awareness regarding the aspect of sexual harassment. They are not properly aware regarding the laws to protect them. The complaints committees on sexual harassment can play pro-active role only when women are enabled to take leadership positions, through capacity development programmes geared towards orientation on law and rights.

There should be greater public awareness and people should have greater participatory role in governance. Regarding sexual harassment, NGO's should play pro-active role and demand for judicial activism. Actually, patriarchal attitude and values are biggest challenges in the implementation of any law regarding women in our society. Combating these attitudes of men and women and personnel involved for the implementation of laws and systems are most crucial in the prevention of unwanted sexual behavior. The passing and promulgation of the Criminal Law (Amendment) Ordinance, 2013 on 3rd February, 2013 is a positive step towards the establishment of a violence-free society. It is an ordinance on sexual violence against women under which rape that leads to death of the victim can now attract death penalty. As the ordinance does not contain all the recommendations of the J. P. Verma Committee which was appointed by the Central Government, it is being protested by several women organizations. It reflects the gender- biased attitude of the society. Whatever may be, it is important to keep this in mind that the establishment of a gender-friendly society demands a long period of persistent effort, as the saying goes on, 'Rome was not built in one day'.

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