

Creating a Safe Workplace for Women



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eWIT (empowering women in IT) works with the vision of “ Increasing the share and sustainability of women in All levels in IT/ITES organizations. We, at eWIT address all the things that would make women comfortable at work. The topic of creating a Safe workplace for women is something which we give a larger attention and as President of eWIT let me elaborate on how Government of India has come out with a law – and what it means to all of us in a layman terms.

According to a survey conducted by Indian National Bar Association in 2016 where 6047 participants both male and female responded, there were 45 victims included. Most of the respondents were from sectors like IT, media, education, legal, medical and agriculture from cities like Delhi, Mumbai, Bengaluru, Kolkata, Hyderabad, Lucknow and other areas and the findings were:

- 38% faced sexual harassment in the workplace
- 69% of victims didn't complain to the management fearing repercussions/ retaliation
- 65% of respondents felt that their companies does follow the process prescribed under Sexual harassment of women in Workplace Act
- 50% of the victims left their jobs after the case was closed

(<http://www.firstpost.com/india/sexual-harassment-at-workplace-69-victims-did-not-complain-to-management-says-survey-3189524.html>)

The LAW

The Year 2013 is a watermark year for the working women in India as both the Houses of Parliament enacted *The Sexual Harassment of Women At workplace (Prevention, Prohibition and Redressal) Act* which defines, codifies what needs to be done by all employers to make sure that women safety is ensured when they are employed. This statute superseded the *Vishakha Guidelines* introduced by the Supreme Court of India in 1997.

Let's see how, what and how this is implemented in our workplaces.

The Genesis

Prior to 1997, the lawful recourse available for any person who has been facing sexual harassment was to file a complaint under Section 354 of IPC 1860 that deals with the 'criminal assault of women to outrage women's modesty', & Section 509 that punishes an individual/individuals for using a 'word, gesture or act intended to insult the modesty of a woman. The example for this is: **Rupan Deol Bajaj**, a senior IAS officer, was the first woman to take a case of sexual harassment to the court in India under the Sec 354 and Section 509 in 1988. Her harasser was “Supercop” ex DGP of Punjab, the Padma Shri awardee **KPS Gill** who had come near her and put up a finger on her face ordering her to come along. When she refused to do so and started walking away, Mr Gill slapped on her posterior while all the guests at the dinner party were shocked while she was traumatized. She says she realized that the only way of leading a respectable life was to fight against the violation of dignity. Through the Supreme court, she won the case in 2005 after 17 years since the offence took place.

During the 90s, Rajasthan state government employee **Bhanwari Devi** who tried to prevent child marriage as part of her duties as a worker of the Women Development Program was raped by the landlords of the community to teach a lesson to "a lowly woman from a poor and potter community". The rape survivor did not get justice from Rajasthan High Court and the rapists were allowed to go free. This enraged a women's rights group called Vishaka that filed a public interest litigation in the Supreme Court of India. This case brought to the attention of the Supreme Court of India, "the absence of domestic

law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places."

What constitutes Sexual harassment

The whole basis of the law is the term “**Unwelcome**” behavior from an individual woman’s perspective - sexual behavior of direct or implied nature such as:

- Physical contact & advances
- Request for sexual favors
- Sexually colored remarks
- Showing pornography &
- unwelcome physical, verbal or non-verbal sexual conduct

The law provides a civil remedy which helps the victims at the workplace to get a speedy redressal without having to go in for police/court etc. However, if there is a criminality involved then the matter goes to police and then on to the court etc. Here the employer is duty bound to help the woman employee to file the criminal case.

There are two kinds of workplace harassment

- Hostile Work environment
 - Creating an intimidating work environment & humiliating treatment that affect health/safety of woman
 - A pervasive sexual harassment that makes the work environment 'hostile'
 - The sexist remarks, display of pornography or sexist/obscene graffiti, physical contact/brushing against women create *hostile work environment*
- Quid Pro Quo environment
 - Implied/explicit promise of preferential treatment in job
 - threat of detrimental nature & threat to job
 - sexual favors or advances in exchange for benefits
 - Using a sexually explicit behavior or speech as a condition for providing employment
 - Any retaliatory action such as dismissal, demotion, difficult work conditions on refusal to comply with a 'request'

Now let’s go on to define what constitutes a workplace – it not only means the regular office, but as you can see from below it covers all the places where a woman is present necessitated by her employment also.

- organizations, departments, institutions, office, branch unit etc. in the public/private sector, both organized and unorganized,
- hospitals, nursing homes, educational institutions, sports institutes, stadiums, sports complex,
- NGOs, trusts, cooperatives, societies , service providers
- any place visited by the employee in the course of employment including transportation as well as company guest houses or hotel stay during official travel, client place, etc.

We will now see who are all covered when we say woman employees

- Full time employee/ Temporary worker/ contract worker, daily wage employees, trainees, interns, including volunteers with or without remuneration Contractual worker, probationer trainee apprentice etc.
- Outsourced service personnel working in the establishment like house-keeping, security, etc
- Client representatives or vendor representatives in the office.

Responsibility of an Employer

- Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.
- The Internal Committee needs to deal with incidents of sexual harassment.

- The committee must be headed by a woman. Half of its members should be women & It should include a third-party representative from an NGO/an agency conversant with the subject. A member of the committee must have 5 years' experience in social service or be familiar with labor, service, civil or criminal law
 - The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.
 - The Complaints Committees have the powers of civil courts for gathering evidence.
 - The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant.
 - The inquiry process under the Act should be confidential and the Act lays down a penalty of Rs 5,000 on the person who has breached confidentiality.
 - The Act requires employers to conduct education and sensitization programs and develop policies against sexual harassment, among other obligations.
 - Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine of up to ₹ 50,000. Repeated violations may lead to higher penalties and cancellation of license or registration to conduct business.
 - The employer in the annual return should include the number of cases filed if any and their disposal under the Act.
 - Government can order an officer to inspect workplace and records related to sexual harassment in any organization.
- Employers need to create Awareness on preventive measures
 - Create and publish the Anti Harassment policy.
 - Prominently display the policy in as many places as possible for the employees to be aware of the policy.
 - Employers must disseminate sexual harassment prevention policy
 - organize workshops on the provisions of the law &
 - Conduct employees awareness programs at regular intervals for sensitizing all stakeholders about the procedures
 - Provide and publicize contact details of the members of the Internal complaints committee

In conclusion It is very essential that every organization's Internal Complaints Committee members to get acquainted with the various forms of harassment to ensure a quick and fair redressal of such grievances. Employers have a major responsibility of putting in place a preventive mechanism through awareness programs – both for ICC members and the employees in general. **eWIT, has been conducting various such** sensitization programs, training and education for corporates conducted in conjunction with IT Companies and has made valuable contributions to these efforts to make the workplace safer.

Social media is used to divide people: Tim Cook: Apple CEO Tim Cook has said the bigger issue is that the social media is used to divide people and spread fake news to manipulate them. During an interview, he said, the advertisements from foreign governments is 1% of the issue. His statement comes after it was found that social media companies were used to influence the last US elections.

Ford develops hat that wakes driver up with sound: American automaker Ford has developed a hat that senses a driver's head movements associated with sleepiness and wakes them up using sound, light, and vibration. Called SafeCap, it also features an inbuilt accelerometer and gyroscope that measure head movements while driving. Ford developed the hat in partnership with Brazil-based creative agency GTB.

AI could replace humans altogether: Stephen Hawking: British theoretical physicist Stephen Hawking has warned that artificial intelligence (AI) will soon reach a level where it will be a "new form of life that will outperform humans". The Cambridge University Professor said he fears someone could design an AI that improves and replicates itself, which "may replace humans altogether". Hawking, however, didn't specify a timeline for his predictions.

Born on October 31, 1926, Indian-American physicist Narinder Singh Kapany is regarded the father of fibre optics.. Kapany published an article in 1960, using the term 'fibre optics' for the first time.