

Workplace Safety and Dignity for Women in Assam

A Research Report



Department of Women's Studies
Gauhati University



North East Network

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and



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Foreword

This study by Gauhati University and the North East Network has been long in the making, hampered by certain obstacles, including certainly the lack of substantive data. This is because the subject is relatively new in many parts of India like the North East. While issues of violence against women entered the domain of feminist discourse in the 1980s, data collection or studies on women-related issues such as sexual harassment of women at the workplace continue to be scant.

Having said that, we hope this research brings in some consciousness about the issue amongst organisations, institutions and informal workspaces, and gradually leads them to adopt a more proactive role in dealing with the problem. Considering the fact that seven districts were visited for interviews, we feel the study highlights certain concerns felt by the respondents which need attention. A key finding is the need for the state to play a proactive role in establishing Internal Committees in workplaces all over Assam. There is little possibility of positive change unless there is political willingness to implement the crucial Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, passed in 2013.

DR MONISHA BEHAL
CEO, North East Network

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List of Abbreviations

IC/ICC	Internal Committee/Internal Complaints Committee
IEC	Information, Education and Communication
LC/LCC	Local Committee/Local Complaints Committee
SH Act	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
SHWWP	Sexual harassment of women at the workplace
SWD	Social Welfare Department

1

Introduction

Sexual harassment of women at the workplace (SHWWP) is a global concern. The problem cuts across cultures, nations and industries, and there is no employment sector that is exempt from it, as indicated by statistics and studies from all around the world. While sexual harassment against men may also occur at workplaces, it is more systemic against women. It affects the women disproportionately due to their gendered positions in society and the adverse gender power hierarchies within workplace cultures.

Survivors of sexual harassment (SH) face various challenges to their health and career. Typically, harassers create hostile work environments in which the sexually harassed person feels intimidated which consequently damages her productivity. In addition, situations of 'quid pro quo' SH may arise in which a person of authority offers or hints at favours in return for sexual favours from an employee. Sexually coloured actions and behaviours at the workplace could be direct, indirect, verbal, non-verbal, physical, through electronic or social media, etc. and can have severe consequences on the victim. Apart from workplace stresses, survivors of SH may face health consequences including depression and self-doubt (Friborg et al., 2017), post-traumatic

stress disorders, sleep deprivation, physical aches and pains, disease, disability, suicidal behaviour and death.

The issue has been long shrouded in silence due to taboo, lack of channels of recourse, the systemic nature of SH against women at workplaces and, crucially, the impunity enjoyed by perpetrators in such circumstances. It is an extremely difficult issue to tackle as long as deep power structures perpetuate gender inequalities.

It is only in recent times that sexual harassment of women at the workplace has begun to receive the serious attention it deserves. Globally, recent developments such as the worldwide outrage against SH roused by the #MeToo movement and others have exposed its insidious and complex nature, and indicated that concerted efforts are needed to address the issue. The global movement against SH in recent times has challenged the impunity enjoyed by perpetrators of SH across the world. Several powerful institutions including the United Nations are under scrutiny to end gender inequality and deliver justice and human rights for survivors of SH.

In India, SHWWP was not recognised as a public issue until the infamous incident of N. Radhabai and her continued struggle for justice from 1973 to 1995.¹ While SH began to be regarded as a legal issue from this time, legal sanction was still not available. Another widely known case of SH of a grassroots social worker, Bhanwari Devi,² in 1992 brought into force the Supreme Court of India's Vishakha Guidelines. The Vishakha Guidelines upheld the equality provisions in the Indian Constitution and international human rights obligations, especially the principle of non-discrimination in employment under the UN Convention on Elimination of all Forms of Discrimination

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- 1 N. Radhabai was the Assistant Director of the Social Welfare Department of the Union Territory of Pondicherry. In 1973 when she raised the issue of the misdemeanours of the Minister for Social Welfare in the Government of Pondicherry, D. Ramachandran, he and his accomplices attempted to molest her. Radhabai moved the Madras High Court but lost the case and was dismissed from her post. On the orders of the Supreme Court an inquiry was held in 1994 but the inquiry acquitted the accused. Eventually, in 1995, the Supreme Court reversed the acquittal and ordered that N. Radhabai be paid monetary compensation with effect from the date of her termination.
 - 2 Bhanwari Devi, an Indian Dalit grassroots social worker (*sathin*) employed as part of the Women's Development Project (WDP) in Bhatari, Rajasthan, was gang-raped in 1992 when she tried to prevent a child marriage.

against Women (CEDAW).³ However, the Vishakha Guidelines were not followed by employers in the country. So in the absence of any specific law on sexual harassment at the workplace, survivors who came forward to report cases faced tortuous legal battles.

It was only in April 2013 that the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (henceforth referred to as the SH Act) was passed. Recognising SHWWP as a serious offence, the Act is a comprehensive civil law that focuses on its prevention, prohibition and redress (see Annexure: SH Act). It has laid down various provisions for employers and employees that are mandatory for all workplaces. Under the Act, all workplaces are mandated to set up Local Complaints Committees (now known as Local Committees) or Internal Complaints Committees (now known as Internal Committees) with effect from May 2016,⁴ to assist all aggrieved women in the workspace. The Indian law on SHWWP has been specifically created in recognition of the gendered nature of sexual harassment at the workplace and the adverse and long-lasting impact it has on women.

Data on the incidence of SHWWP has been a critical issue. The National Crime Records Bureau of India has data on the topic but only since 2015. Similarly, the National Commission for Women's data on SHWWP is also limited (Ramanathan et al., 2005). In one of their surveys on workplace sexual harassment, the Centre for Transforming India, New Delhi (2010) documented that nearly 88% of women in India working in the IT sector witness or experience some form of sexual harassment. Similarly, studies on SH at the workplace in the organised sector have shown trends of increasing

3 CEDAW General Recommendation no. 19, 1992:

'17. Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

18. Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.'

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf

4 <http://www.kractivist.org/amendment-to-the-sexual-harassment-of-women-at-workplace-prevention-prohibition-and-redressal-act-2013/>

incidents accompanied by a prolonged wait for justice. A 2017 article in the *Business Standard* reported that as many as 70% of the women do not report sexual harassment at the workplace because of the fear of consequences, according to a survey conducted by the Indian Bar Association.⁵ The same article reported that data from the National Crime Records Bureau (2014-15) reveals that during 2014-2015, cases of sexual harassment within office premises in the country increased from 57 to 119.

A report by the Federation of Indian Chambers of Commerce and Industry (FICCI) highlighted that 31% of the institutions in India were not compliant with the SH Act.⁶ Multinational companies stood at 25% compliance in terms of the constitution of Internal Committees. According to the report, 40% of the respondents were yet to train their Internal Committee members. The Indian-origin companies fared even more poorly, with 47% of the respondents saying that Internal Committee members were yet to be trained.

There is minimal academic data available on the prevalence of SHWWP in Assam. Reporting of SH also remains low as women fear stigmatisation, loss of livelihood opportunities or the harassment recurring in an intensified form (Hazarika and Basu, 2014).

This study seeks to make a beginning in obtaining a picture of SHWWP in Assam. It is a collaborative effort between the Department of Women's Studies (DWS), Gauhati University, Assam, and North East Network, Assam. The collaboration is a step forward in conflating women's advocacy with women-centric research in the state. The study builds on NEN's long-standing work on women's rights in the region and DWS's attempts to challenge the conventional systems of knowledge and create gender sensitive knowledge systems. It highlights the power dynamics between the employers and employees, and the dynamics between male and female colleagues, to understand their outlook regarding SHWWP. Another crucial aspect of this study is to find out the status of the monitoring mechanisms of sexual harassment in workplaces. The existence or non-existence of such gender sensitive mechanisms would throw light on working women's access to justice and the effectiveness of the state's role in ensuring safety and dignity for women in the workplace.

5 Manisha Chachra, 'Despite law, 70% working women don't report workplace sexual harassment, employers show poor compliance', *Business Standard*, 4 March 2017.

6 'Sexual harassment of women employees at workplace: Uncertainty still prevalent among companies', FICCI-EY report, 27 November 2015.

1.1 Statement of the Problem

There have been limited studies on sexual harassment of women at the workplace in Assam, and those with a gender perspective are even rarer. The limited and scattered information available through NGO and media reports on SHWWP fails to give a clear picture of the ground realities that hinder women from effectively benefitting from the mechanisms and the monitoring policy of the governmental bodies. This study aims to bridge the knowledge gap and to create baseline data that can be used as an advocacy tool by all concerned.

1.2 Objectives of the Study

This research delves into the nature and current scenario of SHWWP in Assam, analysed from both academic and activist angles using a feminist lens. The enactment of a law on sexual harassment in India is a historic achievement and the result of a long struggle by women's rights activists. The study focuses on the impact of the SH Act, analysing how far the remedies provided by it are effectively discharged by enforcement agencies, and the access to remedies for SH survivors working in organised and unorganised sectors.

The objectives of the study are as follows:

1. To understand the nature and extent of sexual harassment of women at the workplace in the state, in organised and unorganised sectors, as perceived by employees and employers.
2. To assess the implementation of the Sexual Harassment of Women at Workplace Act, 2013, in the state and to identify major barriers to effective implementation of the Act.

1.3 Study Area and Significance

Traditionally an agrarian society, Assam is a multi-cultural, -linguistic, -religious and -ethnic state of the North East Region of India (NER). There has been a general perception within and outside NER that the status of women here is comparatively better than elsewhere in India. However, such myths have been busted by the statistics on women's status in Assam in recent decades. The *State of Indian Women: Report 2001-02* released by the Union Ministry of Human Resource Development revealed that the crime rate

against women in Assam is higher than the all-India average.⁷ As per the data of the National Crime Records Bureau (NCRB), Assam recorded the second highest crime rate against women in India in 2016.⁸ Among the states, crimes against women were reported to be the highest in Delhi (160.4 crimes against a population of one lakh), followed by Assam (131.3 crimes). The Assam government has also revealed that about 29,223 incidents of violence against women were reported from various parts of the state in the past two years (2016-17).⁹

If we look at other indicators – such as wages for women in all occupational fields and industries, mobility, literacy, maternal mortality rate, and representation of women in different wings of state machinery – there are vast inequalities between men and women in Assam. In the current 126-member legislative assembly, there are only eight elected women members (6.35%).¹⁰ An unpublished survey by NEN done in 2017 found that in organised sectors like the tea industry, where women constitute more than 50% of the workforce, they suffer from multiple layers of discrimination within the exploitative power structures of the industry. Sexual harassment of women is reported to be rampant in the tea estates of Assam.

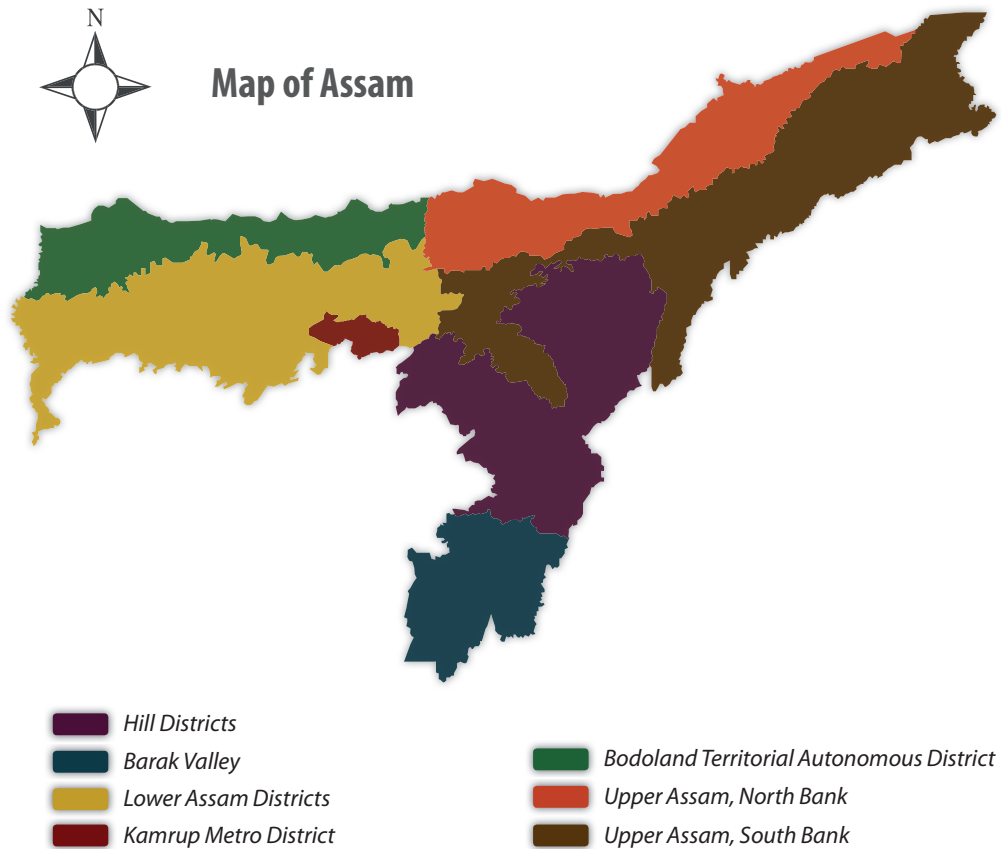
Certain parts of Assam have been witnessing rapid urbanisation as well as migration of rural people to urban areas for better employment opportunities and living standards. The state's urban population is still comparatively low at 14.10% against a rural population of 85.90% (Census 2011). The urban population is concentrated in a few urban centres of the state, of which the larger share is agglomerated in Guwahati. With the increase in work opportunities in urban spaces and increased mobility and status of women, they are now in a position to avail opportunities of economic engagements and jobs that were previously not available. With the increase in women participating in the workforce, sexual harassment of women in workspaces has become increasingly prevalent in the state (Dey, 2013).

7 <https://www.ukessays.com/essays/sociology/the-status-of-women-in-assam-sociology-essay.php>

8 <http://ncrb.gov.in/StatPublications/CII/CII2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf>

9 <https://timesofindia.indiatimes.com/india/over-29k-cases-of-crime-against-women-in-assam-in-2-years-govt/articleshow/62985428.cms>

10 <https://thenewsmill.com/womens-participation-assam-politics-needs-upward-thrust>



To ensure appropriate representation of the different communities in Assam, i.e. religious, linguistic and ethnic groups, economic classes and regional characteristics, the state was divided into seven zones – Kamrup; Upper Assam, North Bank; Upper Assam, South Bank; Lower Assam; Bodoland Territorial Area Districts (BTAD); Barak Valley; Hill Districts – for the purposes of the study; the quantitative sample of women interviewed was purposive to reflect this diversity.

From within these zones, seven urban centres were chosen as study areas, and different workplaces (central, state, private) were chosen; the employers and employees selected for the study were mostly from different offices.

Of the total women interviewed, 55% were from urban areas, 22.1% from semi-urban regions and 22.4% from rural areas of Assam. However, at the time of the interviews all were working in urban setups. The employees included graduates, post-graduates, professional degree holders and people

who were non-literate. Employees who were graduates accounted for 29.6% and postgraduates for 17.7% of the total respondents. Non-literates (9.7%), high school (9.7%) and higher secondary (8.8%) graduates together formed the other large group. Professional degree holders were 4.1% and those with technical education were 1.7% of the total sample size. Only a small section of the employees were found to fall in the professional category.¹¹

Of the women interviewed, 28.5% were not married and 37.6% were married. Widowed, separated, divorced and other categories of women constituted the remaining numbers.

¹¹ Professionals include teachers, doctors, professors, engineers, architects, lawyers, chartered accountants and bankers.

2

Methodology

The study uses data collected from both primary and secondary sources. Secondary data was mainly used to collect broader information regarding the issue of SHWWP from across the country. Secondary data was gathered from newspaper reports, cases reported to the Assam State Commission for Women, and local research papers from NER on sexual harassment of working women. The research is principally based on primary data, comprising interviews with employers and employees. Focused Group Discussions (FGDs) and interviews were conducted with both employers and employees of different organisations. Fieldwork was conducted during 2017–2018.

2.1 Workplaces

Seven study areas – Guwahati, Barpeta, Kokrajhar, Tezpur, Dibrugarh, Diphu and Silchar – were chosen and workplaces from each study area were identified for respondents to be interviewed. The study uses the broad definition of ‘workplace’ given in the SH Act (see Annexure: SH Act). The SH Act extends to all workplaces, whether government sector, private organisation or private

homes, in the organised or unorganised sectors. The study attempted to cover a wide range of categories of workplaces and organisations, including offices under the central and state governments, private organisations like media channels, newspapers, non-profit organisations and banks. However, due to the non-availability of information about unorganised sector workplaces, we identified unorganised workplaces ourselves (households where women worked as maids, brick kilns, etc.) to be studied under that category.

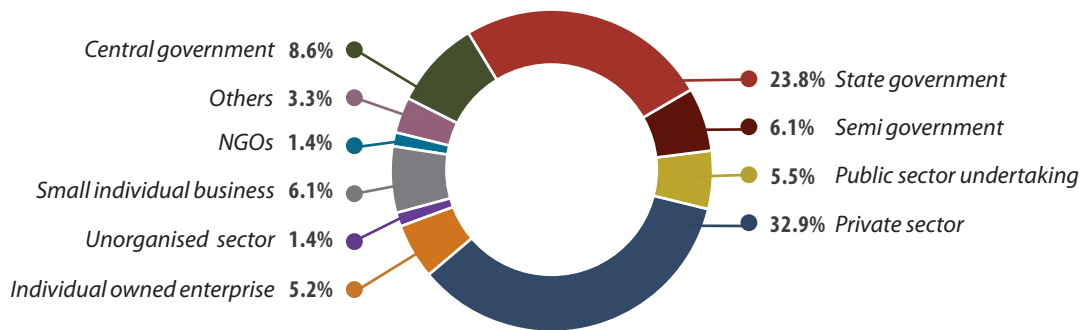


Figure 2.1: Types of workplaces

Figure 2.1 shows the different categories of workplaces included in this research. The private sector and government offices formed the bulk of the workplaces included in the study. Field investigators faced some difficulty in getting permission to interview people in other categories. Efforts were made to involve female respondents such as street vendors, domestic workers and construction workers from the unorganised sector in the study. Independent entrepreneurs, consultants and researchers who are permanent employees of different organisations were also included in the respondents' group.

2.2 Respondents

The employees were purposively identified for interviews from across the organised and unorganised sectors. Given the sensitive nature of the issue, purposive sampling was followed to conduct the interviews with the employers too. A sample size of 130 employers was selected for the study, which later expanded to 213 (see below).

Two interview schedules were prepared, for employees and employers respectively. The questions for the employers had a special emphasis on

understanding their awareness of the SH Act. The questionnaire for the employers was divided into three sections to document the background of the employers, their awareness of the issue and legal remedies, and compliance by the employer and types of complaints recorded. The questions for the employees were divided into the five sections: information about their personal details, understanding of the issue, awareness of the SH Act and its mechanism, types of sexual harassment faced or reported, and suggestions they wanted to offer to address the issue.

Women employees between the ages of 18 to 70 years were the participants of the study. A total of 429 women in the age group of 18–70 were identified, of which 0.1% of women of each identified urban area of the sample area was the sample size. This also included participants of five FGDs that were conducted with the respondents in the Guwahati zone for further sensitisation on SHWWP. Around 20–30 workplaces from each of the seven urban areas were identified for employers' perspectives on SHWWP.

All interviews were conducted with both open and close-ended questions for both employers and employees. Owing to the challenges in identifying the sample, the sample sizes increased to 364 for the employees and 213 for the employers. The following table shows the sample sizes of employees for each urban area.

Table 2.1: Employees Interviewed

Zone	Sample Area	Sample Size
Kamrup	Guwahati	214
Hill Districts	Diphu	18
Barak Valley	Silchar	52
Upper Assam, South Bank	Tezpur	17
Upper Assam, North Bank	Dibrugarh	40
Bodoland Territorial Autonomous District	Kokrajhar	10
Lower Assam, South Bank	Barpeta	13
Total employees interviewed from all seven zones		364

2.3 Interviews and FGDs

Structured interviews were conducted with 577 respondents that included 364 women employees and 213 employers. The employees and employers

were identified from both the organised and the unorganised sectors. Both purposive sampling and convenience sampling techniques were applied for the study. The interview schedules were developed within a feminist framework that took into consideration the gender dimensions of the workplace as well as the multiple and interlinked forms of violence against women. The distinct feature of this research study is that it aims to bring out women's experiences and perceptions about sexual harassment in the workplace.

In addition to interviews, FGDs were conducted for this study. Five FGDs were carried out with 5–7 participants in each group. The respondents for the FGDs were selected by virtue of their professional background. A total of 29 participants, consisting of groups of students (5), lawyers (5), government employees (6), domestic workers (7) and media professionals (6) took part in the FGDs. A comfort level was visible in the FGDs with the group members sharing their opinions more openly. This tool helped to better evaluate the issue by bridging the gaps that appeared during the interviews.

2.4 Challenges of the Study

Due to the sensitivity of the topic covered, many women employees did not feel comfortable sharing their experiences. Given the low levels of awareness of the issue, and its legal remedies, among the interviewees, and more so, the issue being very complex and sensitive, the responses were unclear and sometimes contradictory as well as vague. Women did not realise or understand that many verbal, physical or other acts amounted to sexual harassment at the workplace. Additionally there was non-reporting of incidents of SHWWP triggered by fear of stigma, loss of livelihood and intensification of abuse on the woman and her collaterals such as family/colleagues/friends. So far as employers were concerned, there was an attitude of denial of the phenomena of both overt harassment and subtle harassment. Also, fearing it would stigmatise their organisation, the employers wished to block such things from appearing on official records. Eliciting informed responses about SHWWP was thus a challenge for the research team.

Further, the unavailability of information about unorganised workplaces required the research team to develop a list of such workplaces. There were also situations where the field investigators were not given permission to conduct interviews, which led to an unequal representation of workplaces.

Safety of the workplace turned out to be a subjective issue for most of the respondents. Many of the employees confused it with their employer's educational and societal background and status in society. They referred to safety in terms of the infrastructure of their office premises (physical facilities related to safety measures) or social security benefits and other such aspects. They often diverted the discussion from workplace harassment to street harassment. It clearly shows their lack of awareness about different forms of sexual harassment in relation to their workplaces. Lack of awareness and notions of taboo and honour dominated the interview process. These acted as obstacles for the researchers in obtaining accurate information on the subject.

3

Findings of the Study

The study reveals a deplorable situation so far as the safety and dignity of working women in Assam are concerned. Striking features include a discernible lack of awareness of and/or interest in the issue of SH and the SH Act, unavailable or ineffective complaints mechanisms for SH in workplaces, reluctance to submit or accept complaints on the part of employees and employers respectively, for various reasons, and tolerance and normalisation of SHWWP.

The study found that undisputed male privilege in the workspace was one of the reasons for sexual harassment occurring in offices with impunity. It exposed the rampant presence of 'quid pro quo' in the workplaces of Assam. The strong presence of quid pro quo situations in the workspaces reflects the dominance of a hierarchical male privilege which supersedes the provisions provided by the SH Act. Taking advantage of the societal pressures of 'earning well', 'having a good career', 'job insecurity', many men in senior positions of power and authority exploit junior female colleagues in ways that have sexual connotations.

We discuss the findings from both sets of respondents – employers and employees – in detail below.

3.1 Awareness of the SH Act

For the SH Act to be effective, it is essential for employers and employees to be aware of the basic elements of the Act. Hence, questions about the employers and employees' levels of awareness about the Act were included in the interview. The responses are summarised below.

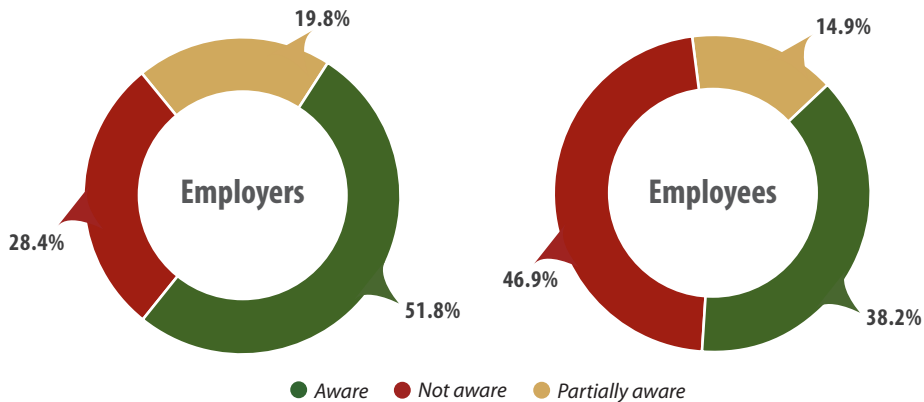


Figure 3.1: Awareness of SH Act among employers and employees

While 51.8% of the employers said that they knew about the Act, only 38.1% of employees were aware of it (Figure 3.1). The Act mandates the employers to make their employees aware about its provisions. However, the study found that most of the employees came to know of the Act through their own efforts to learn about their rights. Of the 38.2% of employees who were aware of the Act, only one-third learnt about it from the policies at their respective workplaces, while the remaining gained this knowledge through newspapers, colleagues, the internet or television.

The 19.8% employers and 14.9% employees who claimed to be partially aware of the SH Act merely knew the name of the Act and no other detail. They mostly came to know the name of the Act due to the positions of authority they held in their respective workplaces, which allowed them access to information about the policies.

Our study process was designed in such a way that it would inform and empower the respondents about the issue and the legal remedies. During the course of the interaction, it was revealed that most respondents felt they knew very little about the Act. On the request of both the employers and employees, the interview team provided them with information on SH Act and shared

information, education and communication (IEC) material developed by NEN in English and Assamese.

3.2 Existence of Complaints Mechanisms

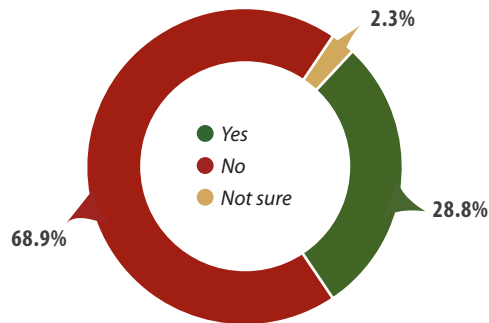


Figure 3.2: Existence of complaints mechanisms at workplaces

This study also found that most of the employers and employees were not knowledgeable about the complaints mechanism in their workplace. In fact, it was found that 68.9% of the offices do not have a complaints mechanism to address SHWWP (Figure 3.2). In the absence of a complaints mechanism, employers do not get to know if there is occurrence of SHWWP or take required action. It also means that there is no space for aggrieved women to complain and seek redress at their workplace.

3.3 Types of Complaints Mechanisms

The complaints mechanisms at various workplaces are known by different names, such as Internal Committee or Internal Complaints Committee (IC/ICC), women's cell, district women cell, anti-sexual harassment cell, prevention of sexual harassment (POSH) committee, grievance cell, teachers' unit or women's forum, women's cell, *mahila ayog* committee, social work group, among others. Interestingly, some workplaces did not have a formal structured complaints mechanism as per the provisions of the SH Act but only a complaints box. In some workplaces, employees were asked to make direct complaints to the managers, officers and even NGOs. The Act clearly mandates that all workplaces must have an Internal Committee in place. Trials by any other mechanism other than the IC remain null and void.

The FGDs revealed diverse viewpoints on the topic. A 50-year-old employee

reported, 'Earlier we used to have a women's cell but now it is inactive and hence, we complain to the Managing Director.' At many workplaces, the IC did not have any name. One of the respondents (employer) told the interviewer: 'We have several harassment prevention committees, but they have no title or names.'

In the cases where there were complaint mechanisms, the employees felt the committee members were not gender sensitive and therefore, they find it difficult to approach the committee. There have been instances where the women who faced SHWWP were subjected to moral policing by the respective committees. There were also cases where women were asked to withdraw the complaints. A respondent shared an instance of molestation in the workplace in which the aggrieved woman was asked to withdraw the complaint. A letter of apology was eventually tendered. However, the case was not officially registered and hence, it did not achieve the desired justice for the woman.

3.4 Display of Information about SH

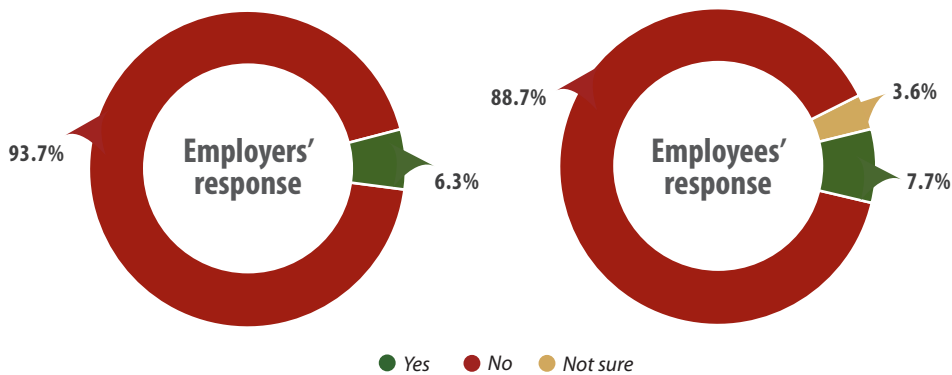


Figure 3.3: Display of information about SH

According to the SH Act, information regarding the penal consequences of sexual harassment must be prominently displayed at the workplace. The information about what constitutes workplace sexual harassment is important. Employers must widely publicise the different kinds of offensive behaviour that constitute SHWWP, penal provisions and composition of the Internal Committee.

More than 90% of the workplaces included in the study did not display this information for employees or visitors (Figure 3.3). Out of the 6.3% employers

who displayed the information, half of them used posters. Official websites and workplace entrances were also used to display the information. However, the interviews with employees suggested that all categories of workers may not have access to the information on websites due to the digital divide.

A whopping 88.7% of the employees under this study said that the information about employers' policy about sexual harassment and the Act is not displayed anywhere in their office spaces. Among the employees, 7.7% had knowledge of the Act through the general notice board or display boards near the entry gate. The study found that while it is the legal responsibility of the district officers and employers to effectively communicate information regarding the provisions of the SH Act, they hardly fulfil it.

3.5 Frequency of Meetings/Trainings/Workshops on SH

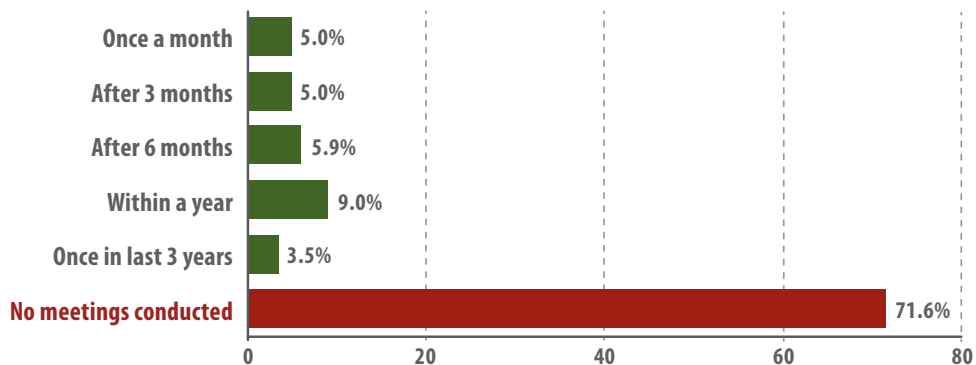


Figure 3.4: Frequency of meetings/training/workshops on SH

Figure 3.4 reflects the proportion of workplaces conducting trainings, workshops and meetings on sexual harassment. The study shows that in 71.6% cases no meetings were conducted while in 9% of the cases, meetings were held only once a year. It also reveals that employers have made minimal efforts to sensitise the employees. It was observed that an incident and/or pressure from civil society prompted some workplaces to conduct trainings and meetings.

3.6 Employers' Perceptions and Actions Regarding SHWWP

The following findings are based on interviews with 213 employers from both public and private sectors. We obtained their opinions and perspectives on a range of issues, details of which are given below.

3.6.1 Prevalence of SHWWP as perceived by employers

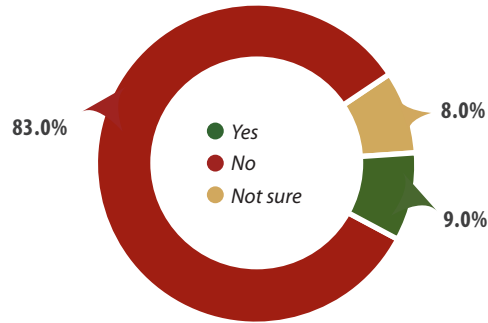


Figure 3.5: Prevalence of SHWWP according to employers

This study reveals varied understanding of employers about SHWWP. Their responses include denial of the existence of SH itself and views that are linked to sexual morality, societal honour and prestige. The study found that only 9% of the employers agreed that women may be facing any form of sexual harassment in their workplaces, while an astounding 83% of employers stated that their workspaces were free from any form of sexual harassment (Figure 3.5).

The majority of the employers appeared to be overprotective about the reputation and 'honour' of their establishments; they were in general unable to be objective about the issue. While they were reluctant to even admit that sexual harassment of women may have occurred at their establishments, several employers, curiously enough, believe that women face 'these types of harassment' in 'other places and by others'. About 8% employers were uncertain about the issue; they suspected that sexual harassment did occur but did not fully grasp what could constitute SHWWP.

3.6.2 Measures adopted by employers

The study found that an overwhelming 71% of the workplaces did not adopt any measures as per the SH Act. Only 14.9% of the employers adopted certain preventive measures such as providing infrastructural facilities like transport for all staff, having the work premises adequately lit, having a watchman to guard the workplace, etc. (Figure 3.6). And only a meagre 2.9% of all the employers had Internal Committees. This number clearly shows that even though 51.8% employers were aware of the SH Act as seen in Figure 3.1 above,

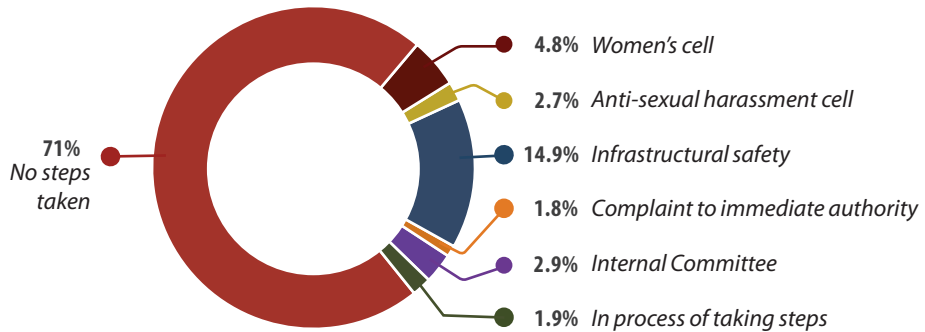


Figure 3.6: Measures adopted by employers to prevent SHWWP

the mandatory provisions of the SH Act – such as constituting an Internal Committee – were not followed.

3.6.2.1 Dissemination of information by employers about complaints mechanisms

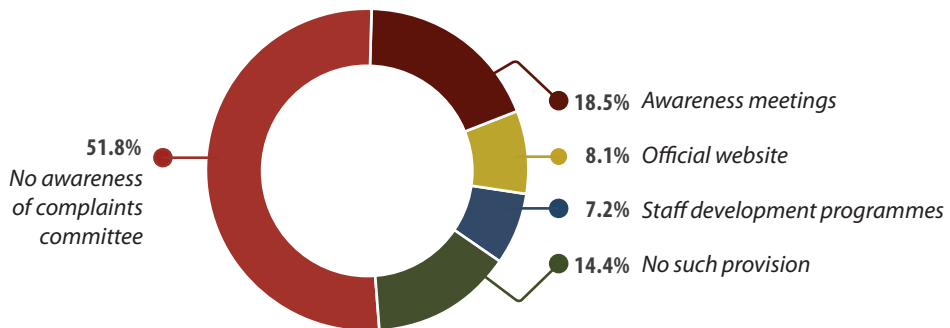


Figure 3.7: Modes of dissemination of knowledge about complaints mechanisms

According to the SH Act, every employer shall organise workshops and awareness programmes at regular intervals for sensitising the employees about the provisions of the Act. There should also be orientation programmes for the IC members. However, in 51.8% cases, respondents said that they had no idea about existence of any complaints mechanisms or committee. They would justify this by saying they have not received any notification from the government about it (which is an excuse as once a law is passed citizens are bound to abide by it). Another 14.4% reported that there was no provision at all for this purpose. In the few cases employers had organised awareness

programmes, the employees received information about complaints mechanisms or this led to the establishment of such mechanisms.

The study found that even many government departments did not consider it necessary to form any IC for sexual harassment because they had not received any reports of SHWHP. In some cases, they did not know about the IC. Of those which had ICs, information was not displayed properly. There were also employers who felt that a separate committee or policy for dealing with SHWHP was not essential. According to them, these matters could be efficiently handled by the HR department of the organisation or themselves as employers. They believed that service rules or the employee code of conduct were sufficient to address such issues.

3.6.2.2 Composition of Internal Committees

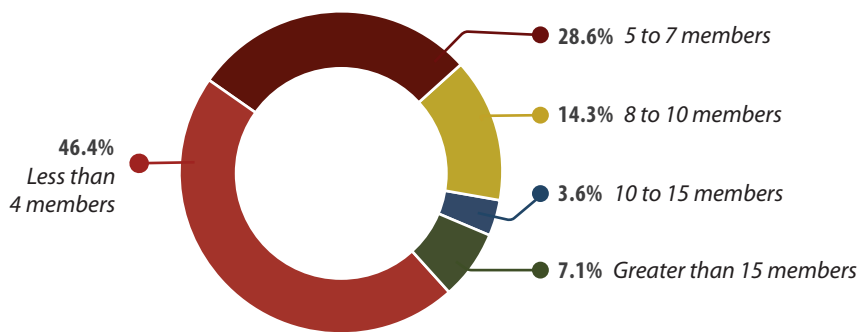


Figure 3.8: Number of IC members

According to the SH Act, an IC should have at least seven members. However, the study found that as per employers' responses, most ICs had less than seven members. Of these, 46.4% had less than four members, while 28.6% had five to seven members (Figure 3.8).

The Act makes it mandatory for all the ICs to have a female Presiding Officer, who is selected from amongst the employees and is employed at a senior level. The study found that while approximately three-fourth of the Presiding Officers of the committees were women, one-fourth of them were men. This shows a blatant disregard for the mandatory provisions of the Act on the part of those employers. Some employers indicated that there was no clarity regarding the structure of the committee, and hence they appointed male Presiding Officers.

3.6.2.3 Functions of Internal Committees

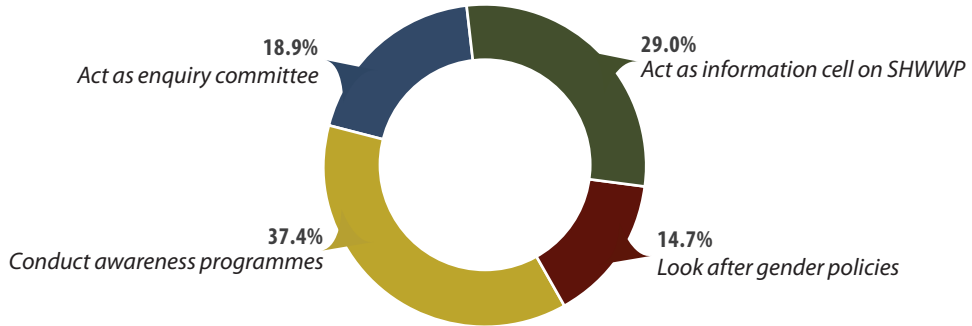


Figure 3.9: Functions of ICs

Providing information to aggrieved women and guiding them at each stage of their case till justice is delivered is one of the most empowering functions of the IC. However, the study shows that according to the responses from the employers, only 37.4% of the functions of the ICs consist of awareness/sensitisation programmes and only 29% act as an information cell on SHWWP for all the staff (Figure 3.9).

3.6.2.4 Mode of lodging complaints with the Internal Committees

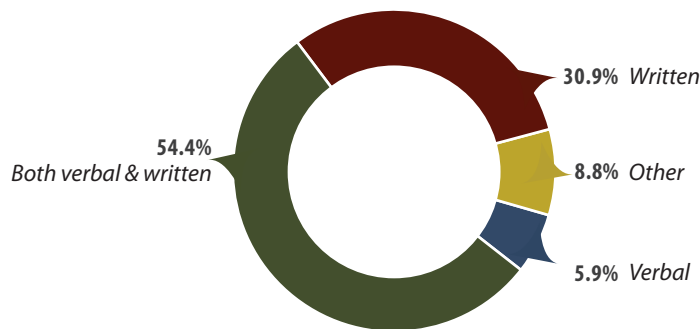


Figure 3.10: Mode of lodging complaints with the ICs

It was found that many of the workplaces do not follow the guidelines as laid down in the Act. The SH Act states that any aggrieved woman may make a written complaint about sexual harassment at the workplace to the Internal or Local Committee. Where such complaints cannot be made in writing, the

Presiding Officer or any member of the Internal or Local Committee shall render all reasonable assistance to the woman for making the complaint in writing. Figure 3.10 shows that as per findings from employers, in the few workplaces that had ICs, approximately 30.9% of the complaints were lodged in written form, while 54.4% complaints were made verbally and were written out by IC members.

3.6.2.5 SHWWP complaints received

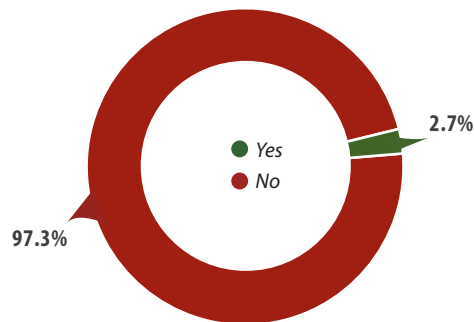


Figure 3.11: Receipt of complaints of SHWWP by employers

The study revealed that an overwhelming 97.3% of employers did not receive any complaints from women employees on any kind of SHWWP (Figure 3.11). A major reason for this is the non-existence of a complaints committee with which the employees could file a complaint, apart from fear or lack of awareness on the part of employees. Some employers also do not want any official record of such complaints, fearing it would stigmatise their organisation; therefore they discourage aggrieved women who are willing to report their complaints from doing so.

3.7 Employees' Perspectives and Experiences of SHWWP

Here we consolidate the information on the views and experiences of the women employees relating to sexual harassment at the workplace.

3.7.1 Awareness of SHWWP among employees

To realistically assess the nature and extent of SHWWP, it is essential to analyse awareness of sexual harassment at the workplace from the standpoint of the women workers or employees. It is important to understand their concept of

sexual harassment – the actions they see as constituting SHWWP. When asked about SHWWP, most of the interviewed employees echoed the perceptions of the employers.

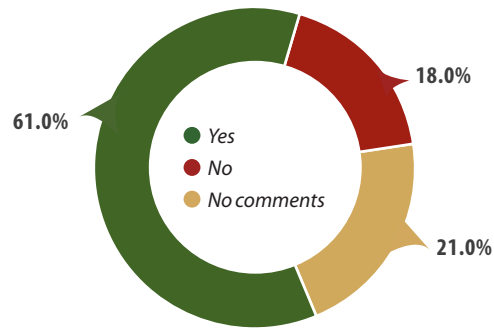


Figure 3.12: Knowledge of SHWWP among employees

When probed about their awareness of various forms of sexual harassment women may face at their workplaces, only 61% of women employees said they knew about these forms (Figure 3.12). Among the interviewees, 18% expressed their ignorance about the issue and 21% offered no comments on it. The majority who said that they knew about SHWWP were not clear what could constitute the same. It was difficult for them to distinguish between harassment in general and harassment which had sexual connotations.

The FGDs revealed certain crucial aspects. It emerged that the issue of SHWWP has been normalised by women employees. Women who were part of the study said that they did not encounter direct acts of sexual harassment, but they spoke of certain normalised behaviours, which they initially did not realise could amount to SHWWP. These include subtle acts such as comments on personal lives, jokes, abuses, unwanted staring, etc. This reflects that women have normalised sexual harassment as a casual, everyday occurrence. Most of them consider only extreme forms of violence such as rape and molestation as sexual harassment.

The FGDs revealed a lack of awareness amongst employees about the issue of SHWWP and its various forms. In an FGD with domestic workers, employees could identify certain forms of employers' behaviour as offensive, but for them, it was difficult to distinguish between sexual harassment and other forms of aggressive behaviour. Therefore, 78% of the women felt that their workplaces are safe as they could not understand what constituted

SHWWP. During an FGD one professional shared that a senior male colleague once told her, ‘*Toi mur logot kaam kor aru moi tuk popular kori dim*’ (Work with me and I will make you popular). While she found this comment offensive, she did not consider it to be sexually coloured.

Decoding Myths during the FGDs

‘During the FGDs, I understood that in spite of women being accomplished professionals, they are not in a position to raise their voice against SHWWP. Remaining in the good books of the supervisor appeared to be the priority for them. So far as the SH Act is concerned, employees could hardly comprehend its nuances. Instead, they emphasised corrective measures such as having helplines, a stronger women police force and anti-corruption policies in the workplace.’

– From the notes of an FGD facilitator

The research team found that the majority of the employees interviewed lacked awareness about different forms of sexual harassment at the workplace and related safety mechanisms. As we have seen, some identified their safety with the infrastructural facilities in their workplace such as transport facilities, toilets for women, and adequate lighting and security guards. Those from the government sector identified security with the pension scheme, social security benefits and other such aspects. Initially, the majority of the respondents confused SHWWP with harassment of women in public places. Many correlated safety of their workplace to their employers’ social status and educational qualifications. In their opinion, the employer’s reputation is linked to their workplace safety.

As a result of their general lack of understanding about SHWWP, more than three-fourth (78%) of the respondents initially felt that their workplaces were safe. However, during subsequent queries and FGDs these perceptions changed. Many narrated examples of sexual harassment at their workplaces.

The employees reported casual and disrespectful reactions of their co-workers towards their personal choices, such as dressing style, make-up, etc. However, they avoided retaliation because it might affect their career growth. Women feel that they have no choice but to tolerate unwelcome and unwanted statements about their bodies, appearance and so on, for fear of stigma, hindrances to their career, and further harassment and hostility.

Observing the gestures and body language during the FGDs, the field investigators felt that the employees were not comfortable talking about their experiences of SHWWP. Even in all-women groups, some considered it taboo to talk about their experiences and incidents of sexual harassment. One woman opined, *'If a woman is an extrovert, she is subjected to character assassination.'* Some feared that raising their voice against SHWWP may result in losing their jobs and their standing in society. Some participants held stereotypical ideas about women. A young woman professional said, *'Women's mental capacity is weak and hence, they do not know how to respond to such situations.'*

But some of them did raise issues. A college student said, *'We women have conveniently got used to not raising our voices and not saying anything against injustices. We need to develop our solidarity and sisterhood in order to fight the injustices we are subjected to.'* There was unanimous agreement on the lack of solidarity about the issue amongst colleagues, both male and female.

As the above passages show, there is ignorance and a general lack of awareness about SHWWP among the employees. Such low levels of awareness made it challenging for the study to assess the nature of sexual harassment that women face at their workplaces.

3.7.2 Employees' perception of occurrence of SHWWP

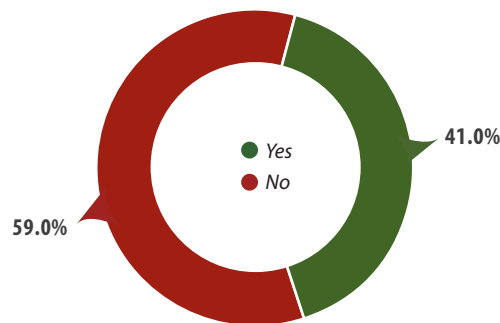


Figure 3.13: Occurrence of SHWWP as per employees

After discussing the meaning of SHWWP in FGDs, 41% of the employees admitted to encountering some forms of sexual harassment at their workplace (Figure 3.13). The remaining 59% said that they did not encounter direct acts of sexual harassment, but shared incidents of certain unwelcome or unwanted behaviours from male colleagues which were accepted as normal. Employees mentioned examples of subtle acts such as comments on personal lives, jokes, abuses and staring which they did not realise could amount to SHWWP. Some said that though they did not face any sexual harassment directly, they felt uncomfortable with some of their male colleagues.

Statistical analysis, field observations as well as FGDs indicated a major lack of understanding of SHWWP across the seven zones selected for the study, as we have seen. The FGDs revealed that SHWWP was, in fact, widely prevalent (in contrast to the opinion expressed by many employers in interviews that workplaces in Assam are free of SHWWP).

3.7.3 Forms of SHWWP experienced by employees



Figure 3.14: Forms of SHWWP experienced by employees

The SH Act defines sexual harassment as ‘any one or more of the following unwelcome acts or behaviour (whether directly or by implication), which include: physical contact and advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography, or any other unwelcome physical, verbal or non-verbal conduct of sexual nature’.

Only 1.41% in one-to-one interviews spoke of facing non-verbal sexual harassment and demands for sexual favours from men in the workplace. However, in the FGDs, a completely different picture emerged. Among the employees, 44.2% experienced unwanted physical contact and advances at the

workplace (Figure 3.14). Mental harassment was reported by 21.5%, which was connected to a hostile work environment or different forms of explicit sexual overtures. Another 29% faced verbal harassment such as sexually coloured remarks, while 5.3% reported other forms of harassment. The differences in the responses are probably due to the environment in which the interviews were conducted. In the FGDs, it was observed that many women were relatively comfortable talking about their experiences.

3.7.3.1 Physical contact and advances

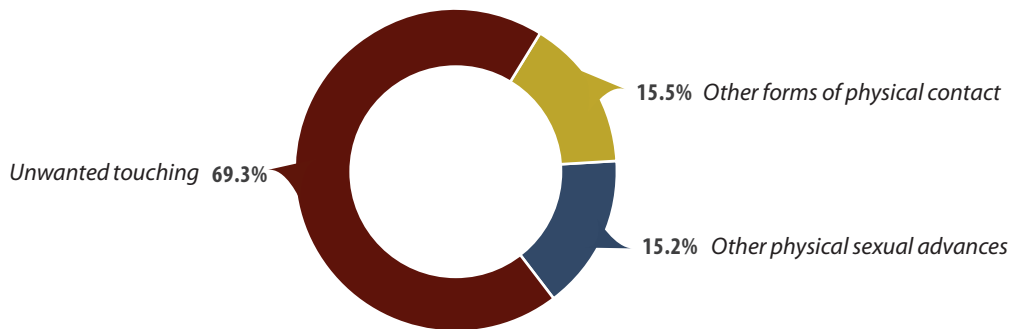


Figure 3.15: Types of physical contact and advances

Over 69% of the women who experienced physical forms of sexual harassment reported unwanted touching from their male colleagues (Figure 3.15). Another 15.2% revealed that they have experienced other forms of sexual advances such as deliberate brushing, grabbing, even sexual assaults, attempts to molest, cornering, etc. During the FGDs, many cases of quid pro quo scenarios were revealed.

3.7.3.2 Mental abuse

In addition to physical abuse, working women also go through various forms of mental abuses. Figure 3.16 shows various forms of mental abuses women employees faced at their workplace. Our study found that in 35.7% of the cases of verbal abuse, sexually coloured remarks were made by male colleagues. A total of 32.7% employees reported that their male colleagues would sing obscene songs or make indecent gestures towards them. Women are called 'seductive' when they come well dressed to workplace. Often male colleagues (and sometimes even female colleagues) speculate about their source of

income (to be able to buy such clothes), which amounts to indirect character assassination of a woman. The respondents felt that such behaviour created an unfriendly or hostile work environment and negatively impacted their job performance.

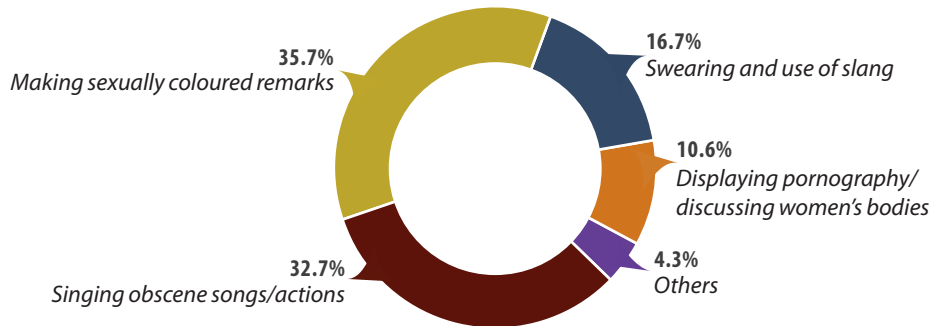


Figure 3.16: Types of mental abuse

A professional woman reported gender division of work at her workplace, where women who tried to transgress the gendered boundaries of work were shamed. Lewd comments and sexually coloured remarks are addressed to women who are assertive and outgoing. The women who question male dominated practices and spaces are often portrayed as women of 'loose morals'. One of the more vocal respondents reported: *'I heard rumours that I am a very promiscuous girl, always loafing around with handsome men.'* Women who do not conform to the image of a 'good girl' – docile and submissive – are often labelled aggressive and/or promiscuous.

3.7.3.3 Verbal abuse

In addition to mental harassment that has sexual connotations, many women face verbal abuse at their workplaces. 67% of the respondents who faced verbal abuses reported that these were in the form of jokes (Figure 3.17). Jokes may seem fun and harmless to many of their male colleagues, but a joke that is repetitively made about a woman can be hurtful and affect her confidence. These are unwelcome acts when a colleague is targeted because of her gender and when there is no consent or voluntary participation from her. Sexually coloured jokes and comments contribute to a hostile work environment. In addition, 23% of the female employees experienced sexually coloured comments in common areas such as office corridors. They found being called

certain names and whistling at their backs (or sometimes even in front of them) to be offensive behaviour that their male colleagues considered normal and harmless.

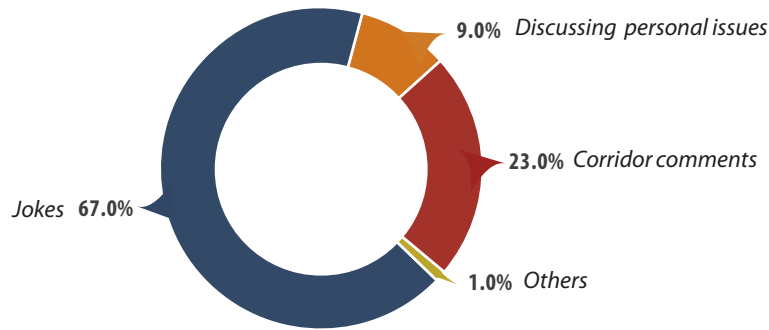


Figure 3.17: Types of verbal abuse

In an FGD conducted with students, one respondent observed, *'Males in the campus continuously hum songs at the sight of a girl or resort to name calling.'* They also reported that if they complained about such behaviour, they were not taken seriously by the authorities and their complaints were trivialised. Other experiences also include instances where social media was used to send a woman unwelcome messages on WhatsApp, etc.

3.7.3.4 Non-verbal sexual harassment

Non-verbal SHWWP examples from employees included staring, leering, elevator eyes, stroking private parts, whistling, breathing down one's neck, etc.

3.7.4 Attendance or knowledge of awareness training

Out of the total sample size of 364 women employees in this study, only 18.6% had attended any training, workshops or awareness programmes conducted or facilitated by their offices about complaints mechanisms for sexual harassment. 51.8% of them reported not having any knowledge about complaints mechanisms. 14.4% reported that there were no such provisions or communication/dissemination channels within their workplace to inform the employees about the SH Act and its provisions.

3.7.5 Coping mechanisms for women facing SHWWP

This study found that when women experience sexual harassment, they find it

difficult to share this with colleagues at their workplaces. To many, the workplace is not a safe enough environment or there is not enough trust to share one's experiences. Only 3.9% of the respondents felt able to share their experience of SH with their superior officers (Figure 3.18). Another 20.6% reported sharing these experiences with their colleagues, but this figure is low when compared with 43.3% of sharing with friends and 32.2% with family members. Thus, three-fourth of the women relied on their personal connections to share and deal with their experiences rather than their professional contacts.

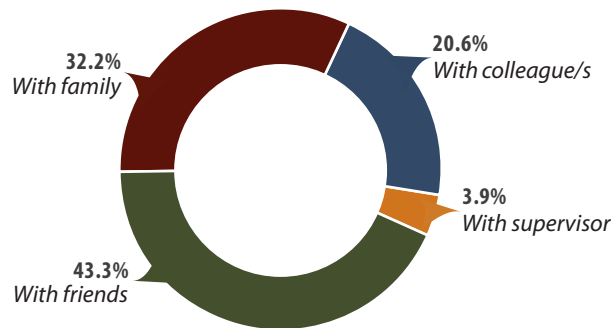


Figure 3.18: Sharing of incidents of sexual abuse with others

It came up frequently that the workplaces have not created conducive environments for women to freely and fearlessly share and report instances of violations. The lack of gender sensitisation programmes for staff and higher authorities has also been noted.

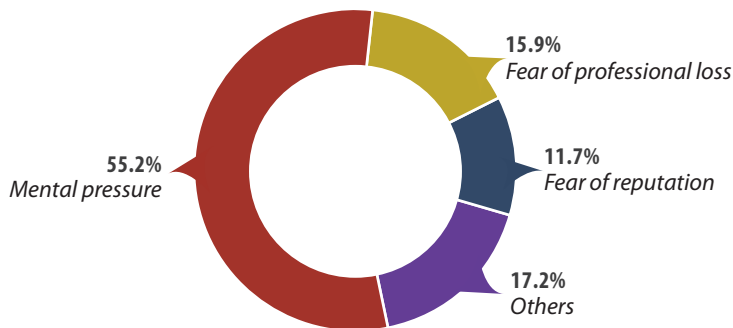


Figure 3.19: Reasons for not sharing incidents of SHWWP

Over 55.2% of the respondents who did not share incidents of sexual harassment at their workplace with their colleagues and supervisors, cited mental pressure as the major reason for this (Figure 3.19). The percentage of those who found it unsafe to share with colleagues due to fear of losing one's dignity was 11.7; another 15.9% were worried about losing their jobs or facing other forms of hostile work environments. Fear and stigma were the biggest barriers for women in reporting incidents. Name calling and jokes are already common phenomena at the workplace. They feared that speaking up about these may aggravate the already hostile situation at their workplace. They also fear other fallouts, should they report their cases.

3.7.6 Awareness and use of complaints mechanisms among employees

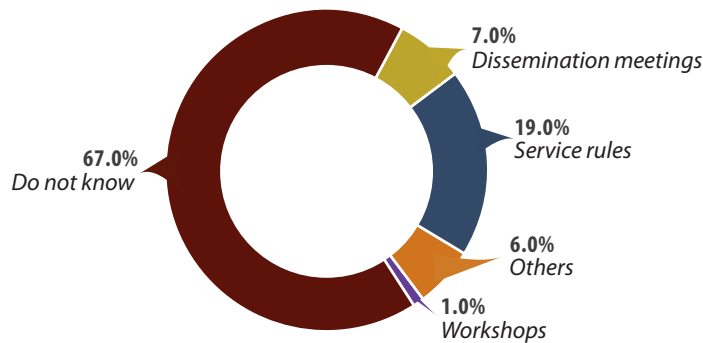


Figure 3.20: Knowledge of complaints mechanisms among employees

The study found that 67% employees did not know about the complaints mechanisms at their place of work, while only 19% of them had heard of them, through their office service rules (Figure 3.20). A small 8% had attended dissemination meetings or sensitisation workshops for this. This lack of information also indicates lacunae on the part of the employers in disseminating information regarding SHWWP and specific rights of female staff in a workplace. Workshops and training can be the foundations for information dissemination on complaints mechanisms as well as for women to feel safe and confident in their workplaces. In fact, it is the first step towards the prevention of SHWWP.

About 52% of the respondents who faced SHWWP were aware that they can complain about sexual harassment of women at the workplace (Figure 3.21). While this seems quite a big number, only 10% of them actually went on

to lodge their complaints with workplace authorities (Figure 3.21).

The reasons for this could be their lack of knowledge about the complaints mechanisms, absence of ICs or fear of stigma. An overwhelming 90% of them did not know about the procedures for officially lodging a complaint. From the FGDs it can be concluded that women think of lodging complaints only in the case of extreme sexual offences like molestation and rape. It was observed that as long as any 'extreme' form of harassment does not take place, the employer dismisses or trivialises it.

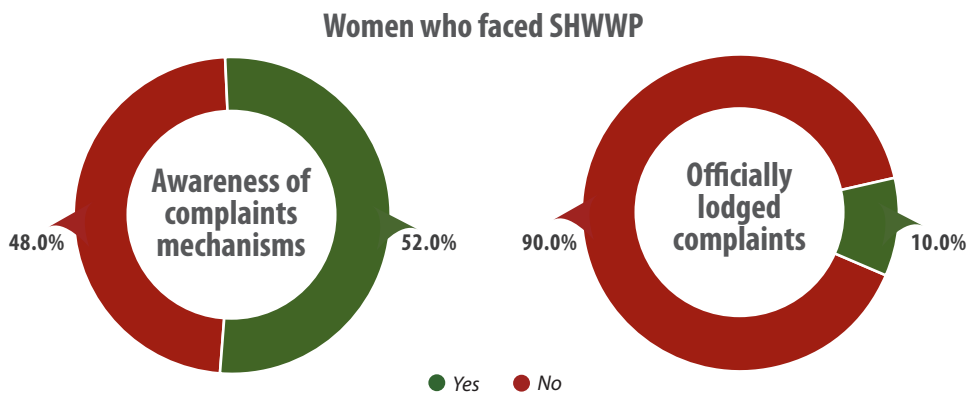


Figure 3.21: Awareness of complaints mechanisms vs officially lodged complaints

According to the employees, there are two reasons for not registering a case: the employer's desire to preserve the organisation's reputation and reluctance on the part of the employee because of the lengthy process of inquiry and fear of losing her job. Female employees do not like to report SH incidents fearing repercussions for the family or the job. Another probable cause identified by the study team is the general atmosphere of tolerance of SH as something normal and the respondents' consequent belief that their workplaces are free from sexual harassment, as long as sexual assaults and molestations do not occur.

Another thing noticed during the FGDs was that participants unanimously believed in the existing power hierarchy in the system and feel disempowered to complain. Moreover, they believed that perpetrators who have financial means can evade justice. This reflects that over the course of time, they have internalised the consequences of reporting, because of the existing patterns of biases in the society. One student observed, *'The nature of trials and especially the "victim blaming" makes the situation worse for the aggrieved women. Unless*

there is a sensitive and swift process of conducting trials, no Act can help or protect women.’ Employees across professions shared similar apprehensions regarding filing official complaints against their colleagues or bosses. One professional spoke of her and her women colleagues’ helplessness in talking about incidents of sexual harassment ‘because such issues are strongly guarded by the heads of our organisations. In addition, we are unable to complain of indecent acts because the heads are themselves the perpetrators most of the time.’

3.7.7 Assistance provided to file complaints

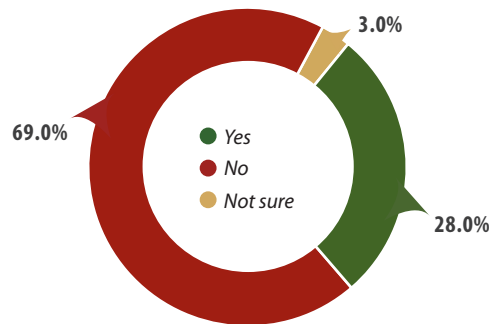


Figure 3.22: Assistance from authorities in filing complaints

An overwhelming 69% of the respondents reported that even if they wanted to file a complaint, the authorities did not assist them in doing so or the organisation did not have any provision for filing of complaints (Figure 3.22). This shows a blatant disregard of SH procedures by workplace authorities. There is a lack of sensitivity towards the issues women face at the workplace.

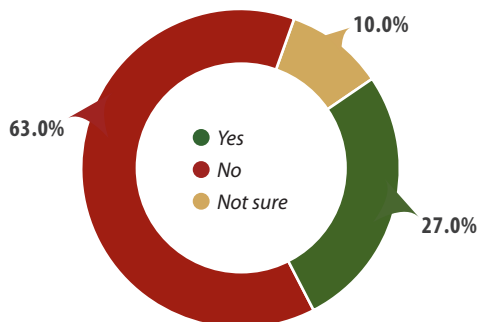


Figure 3.23: Inquiry conducted

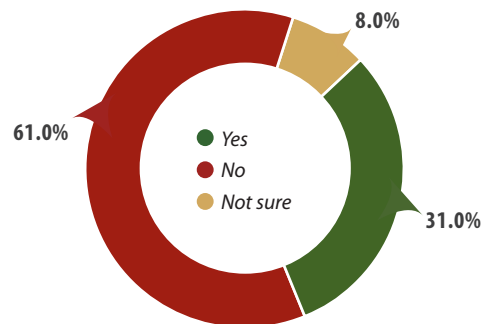


Figure 3.24: Inquiry report shared with the complainant

Despite women filing complaints, the inquiry conducted is minimal. Only 27% of the complaints were being inquired into (Figure 3.23) and in the cases where inquiries were conducted, only in 31% of cases was the inquiry report shared with the complainant (Figure 3.24). It was found that lack of information, lack of gender sensitivity and the power of the 'honour' paradigm prevent an employer from addressing SHWWP.

Women's experiences of SHWPP: Some testimonies

Young women professionals who were part of the study felt that they are objectified as sex objects in their workplaces. They spoke of quid pro quo situations where seniors or supervisors asked for sexual favours, though in subtle ways. For example, a young professional woman remarked that her senior would regularly tell her, *'I will get information for you. What will you give me in return?'*

Another female respondent apprenticing with a male senior shared her experience: *'He told me that he wants to offer me "love" and expected the same from me in return. He asked me to work with him and assured fame and status for me.'*

Another respondent said, *'My supervisor sent me messages during my internship period. He would make unwanted propositions and say that work and related popularity will follow if I consented to his moves.'*

In another instance, when a woman asked her boss for a salary raise, she was invited to a hotel room and was asked to discuss the matter over an alcoholic drink.

One employee, who had interned earlier, reported her experience: *'The boss used to call me to his room to help him with some work at the computer. He once felt up my body and even attempted to kiss me.'*

Such reports were not only limited to private workplaces. In the FGDs, the responses of women were unanimous with regard to a hostile work environment triggered by quid pro quo situations. Women felt that they had no choice but to put up with such situations if they wanted to retain their jobs. Sometimes some women had to take drastic steps such as leaving their jobs because of extreme mental and even physical abuse by their male colleagues. One of the respondents reported that at her workplace, unwanted touching by an esteemed senior made a woman colleague change her job.

4

Conclusion

4.1 Non-compliance with SH Act

The SH Act mandates employers to set up complaints mechanisms and take proactive measures to prevent SH occurrences. The establishment of an Internal Committee and display of information about it are the first steps towards prevention of acts of sexual harassment of women at workplaces. Through this, an employer creates enabling conditions to make workplaces safe and dignified for women. Members of ICs must be aware of the gendered nature of sexual harassment at workplace and their impact on women if they are committed to rendering justice and preventing sexual harassment of women. But in most of the cases studied, employers were either not aware of the provisions of the SH Act or have taken the obligation to set up complaints mechanisms lightly. Even after the circulation of the SH Act by the government, many government departments did not form Internal Committees for prevention of sexual harassment because they have never received any reports of SHWWP. The same holds for other public sector and private offices; some of them knew that an Internal Committee needed to be formed but they did not take proactive measures to establish it. And in places where the complaints mechanisms are in place, they are not as per the provisions of the SH Act.

We found that the mandatory annual reports submitted by many employers to their respective headquarters were not in sync with the provisions outlined in the SH Act. These show that an employer's annual report seldom addresses the issue of SHWWP and the organisations hardly engage in any kind of activity on women's safety in the workplace.

Over 70% of the workplaces included in the study have not adopted any measures to prevent SHWWP. The study also reveals that 71.6% employers have made very few efforts to train and sensitise their staff on SH. As many as 52% of the employers included in the study were not aware of any complaints mechanisms in their workplace and only 29% employees knew about any such mechanisms in their workplace. The respondents who have heard about the SH Act demonstrated minimal knowledge about its purpose and usefulness for women. In many cases where complaints mechanisms existed, they did not function effectively.

Of the few workplaces that had ICs in place, most had less than the mandatory seven members on their committees. Forming an IC overnight when a case is reported, to tide over the situation, is another pattern noted during the study. Lack of gender sensitivity on the part of the committee members was reported by employees, rendering the system futile. Secondary data indicates that IC members are unaware, uninformed, and unable to comprehend and analyse reported cases. Many lack knowledge about the provisions of the Act, which spell out penalties for offenders and civil remedies for the complainants. The biased attitude towards the complainant woman is the first barrier and as a result offenders enjoy impunity. The IC members are more concerned with questions ranging from possibility of the complaint being false, moral policing such as scrutinising the attire and mannerisms of the victim, and upholding the 'sanctity' of the workplace, rather than assessing a complaint as a case of SH or rendering justice.

4.2 Under-reporting of SH Cases

The study revealed that 97.3% of employers have not received any complaints from women employees on any kind of SHWWP. Only 3.9% of the respondents shared their experience of sexual harassment with their superiors at work. More than 75% of them could share their experience only with family or friends. Lack of institutional arrangements and dissemination of information about the complaints procedure are major factors in this. A hostile environment in the workplace also plays a role. Importantly, women are dissuaded from seeking

redress at their workplace by the fear of stigma, loss of livelihood, retaliation (in the form of further abuse of the woman and her family, colleagues or friends), not being taken seriously and lengthy processes. Even the few who come forward are not assisted by the authorities to lodge a complaint. The study indicates that women come forward to lodge complaints mostly in cases of sexual offences like molestation or rape; other types of incidents may be dismissed or trivialised by employers. In general, a major factor in under-reporting of SH cases is the lack of awareness among women and employers about SHWWP, its various forms of occurrence and the SH Act.

Women are socialised to keep silent about incidents of sexual harassment to protect the so-called honour of family, workplace, employer and the aggrieved woman herself. Those who raise their voices are vilified and subjected to further harassment in the highly masculine work environments. One of the apprehensions in lodging complaints was the existing hierarchies both at the workplace and the justice system. The study found ample corroboration of prevailing notions of male entitlement at the workplaces and the impunity they enjoy.

4.3 Denial, Normalisation and Other Factors

The study suggests that the failure of many employers to set up a complaints mechanism for SHWWP is linked to their denial of sexual harassment in the workplace itself in general. In fact, both sets of respondents tended to distance themselves or their workplaces from the issue of SH. They projected the issue as 'a problem faced by others or something that happens at other places'. The majority of employers are thus in denial about sexual harassment in their workplaces or are far more concerned about the reputation of their establishment in getting embroiled in SH cases than in ensuring women are protected from such harassment. Consequently they have disregarded the statutory obligations under the SH Act. Many employers were of the view that there is no need for a separate committee or policy for dealing with sexual harassment cases. They believed that if and when SH cases arise, they can be dealt with under the regular HR rules, that service rules or the employee code of conduct are sufficient to address such issues. However, as per the SH Act such proceedings will remain null and void unless tried by a complaints committee envisioned by the Act.

The study reveals that there is a general level of tolerance and normalisation of sexual harassment of women in workplaces. Most of the employers and

employees interviewed had normalised behaviour amounting to sexual harassment, looking upon it as mundane and not requiring any attention or action. Instances such as comments on women's attire and personal lives and slang terms have been normalised even by aggrieved women. Women were not aware that some forms of such behaviour amount to sexual harassment at the workplace and they can object to this unwelcome behaviour.

The magnitude of the lack of awareness was such that after receiving an orientation on SHWWP by the research team, women employees who earlier believed that their workplaces were free of SH, changed their minds. More than 44% of the employees included in the study experienced unwanted physical contacts and advances at the workplace, 21.5% experienced mental harassment, 29% faced verbal harassment like sexually coloured remarks while 5.3% reported other forms of harassment.

A trend of both employers and employees dismissing SHWWP as a class issue was also noticed. This is one of the reasons for their strongly held belief that sexual harassment cannot occur in their own workplaces. For instance, one employer from a well-regarded organisation of Guwahati stated, *'Incidents of sexual harassment of women at workplace do not occur within the middle-class community. It largely happens within the lower-class community.'* Hence, many do not consider SH a major concern and from that evidently flows their logic for not conducting any training and workshops on the issue or putting complaints mechanisms in place.

4.4 Role of the State

The role of the state is pivotal in the prevention of SH and redress. It is the legal responsibility of the district officers and employers to effectively communicate information regarding the provisions of the Act, but the study reveals that these obligations are hardly fulfilled. The field team discovered that the government officials were either ignorant or showed a lackadaisical attitude towards the mandate of the Act. The nodal agency for the SH Act in the state, the Social Welfare Department (SWD), suffers from a lack of clarity about its own role as a monitoring mechanism. The nodal agency is also mandated to form Local Committees (LCs) at the district level but these are far from fully achieved in Assam. Hence, as the study shows, the monitoring mechanism in the state is in poor shape; the pendency of an inquiry is checked only when a written complaint is made by the aggrieved woman to the Internal or Local Committee.

The study, in fact, discovered that almost no employer or organisation was aware of the role of the SWD as a nodal agency for the implementation of the SH Act or the nodal officer mandated under the SH Act. Many employers were not even cognizant of the term 'nodal agency' for SH while others did not know that they should have an Internal Committee for SH complaints of female employees. Further probing revealed that the nodal agency was understood as their immediate supervisory authority within the workplace. The aim of the law created to provide justice to women remains defeated when institutional mechanisms are not in place. Lack of institutional mechanisms is one of the biggest hurdles towards achieving gender justice at the workplace.

4.5 Tackling the Issue

The women respondents in the study felt that establishing ICs, and organising workshops and training can be the foundations for women to feel safe and confident about their workplace and prevent SHWWP. Widespread gender awareness among employers is another essential. The attitudinal barrier to women in the workplace is one of the biggest hurdles in achieving gender justice in a workplace.

There must be strong political will to treat SHWWP on a priority basis. The problem needs to be addressed through a multipronged strategy in Assam. The strategies should include strengthening the nodal agency and other institutional mechanisms for redress, carrying out public advocacy to change gender norms that allow impunity to perpetrators, and creation of enabling conditions for women to come forward and seek justice without fear of any kind.

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Annexure 1

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

According to the SH Act:

‘sexual harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:

- {i) physical contact and advances; or*
- (il) a demand or request for sexual favours; or*
- (iii) making sexually coloured remarks; or*
- (iv) showing pornography; or*
- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.’*

The SH Act defines a ‘workplace’ as follows:

- i. any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority of a Government company or a corporation or a co-operative society;*
- ii. any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service;*
- iii. hospitals or nursing homes;*
- iv. any sports institute, stadium, sports complex or competition or games venue, whether residential or used for training, sports or other activities relating thereto;*
- v. any place visited by the employee arising out or during the course of employment including transportation by the employer undertaking such journey;*
- vi. a dwelling place or a house.’*

The Act defines the ‘unorganized sector’ in relation to a workplace as ‘*an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten*’.



Under the SH law, it is essential for government authorities and employers to create a workplace free of sexual harassment. It is the responsibility of the authorities to constitute complaints committees at every workplace and at the district level so that working women are provided with a mechanism to redress their complaints. Therefore, it is also the authority’s responsibility to disseminate the knowledge, information, existence and procedures of such mechanisms for women. According to the SH Act, the government may take measures to publicise the Act. The government may develop relevant information, education, communication and training materials, and organise awareness programmes to advance the understanding of the public provisions of this Act.

Every employer should display the penal consequences of sexual harassments at any conspicuous place in the workplace and constitute an Internal Committee (IC). Hence, employers should ensure a place where women can seek redress at any time. Employers should also ensure that information about sexual harassment, complaints and enquiries are taken into legal consideration if sexual harassment occurs at the workplace. Workplaces must also have anti-sexual harassment policies in place to address sexual harassment of women.



According to the SH Act, every office and organisation with more than 10 employees must constitute an IC. At the district level, the District Officer shall constitute Local Committees (LC) for workplaces with less than 10 workers and also designate one nodal officer in every block/*taluka* in a rural or tribal area and ward or municipality in urban areas, to receive complaints and forward the same to the concerned LCs within a period of seven days.

According to the handbook of the Ministry of Women and Child Development,¹ the functions of the IC are to:

- ◆ Create and communicate a detailed policy
- ◆ Ensure awareness and orientation on the issue
- ◆ Constitute complaints committee/s in every workplace and district so that every working woman is provided with a mechanism for redress of her complaint(s)
- ◆ Ensure complaints committees are trained in both skill and capacity
- ◆ Prepare an annual report and report to the respective state government

The District Officer shall also appoint a nodal officer to receive complaints at the local level.

It is believed that an effective implementation of the Act will result in gender equality at workplaces.

¹ <http://wcd.nic.in/sites/default/files/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

**What is the status of the safety and dignity of working women in Assam?
How high or low is the incidence of sexual harassment of women at the
workplace in the state?**

**In recent years global outrage against sexual harassment of women
roused by the #MeToo movement and others have exposed its insidious
and complex nature, and indicated that concerted efforts are needed to
address the issue. Obtaining a clear picture of the ground realities is a
crucial first step.**

**There is minimal academic data or reporting on the issue in Assam.
This collaborative effort between the Department of Women's Studies,
Gauhati University, and the North East Network attempts to make a
beginning in this respect. Covering employees and employers in both
organised and unorganised sectors from seven urban centres across
the state, the report seeks to create baseline data that can be used as an
advocacy tool by all concerned.**

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