

Regional Consultation on Sexual Harassment at Workplace

Bhubaneswar, 29th Aug 2011

Oxfam India in collaboration with Lawyer's Collective conducted three consultations on Sexual Harassment at Workplace with the explicit aim of getting feedback on the functioning of the complaints committees under the current redressal available for the same at work places. The consultations covered the Northern region (Lucknow), Western region (Mumbai) and Eastern region (Bhubaneswar). The consultations focused on-

- forms of sexual harassment across public and private sector, formal and informal sectors,
- access to complaints committees, their composition, procedures followed, outcomes, appeals process and consequences to women complainants

Recommendations emerging from the above, which could feed into the new 'Protection of Women from Sexual Harassment Bill', tabled in December 2010 by the Government and currently pending with the parliamentary standing committee, were also discussed.

Sexual Harassment at Workplace may be described as any "unwelcome sexually determined behaviour such as physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of a sexual nature."¹ Whether or not a particular action or behaviour constitutes sexual harassment is determined by the impact on the recipient, and is not dependent upon the intention of the perpetrator.

The *Vishakha* Guidelines given by the Supreme Court in 1997 mandated all workplaces to form internal complaints committees to address the issue of Sexual Harassment at Workplace. In the last 13 years many workplaces introduced such committees and a few of the committees have been quite active.

In December 2010, the government introduced the new 'Protection of Women from Sexual Harassment Bill' in an attempt to bring in a law on 'Sexual Harassment at Workplace'. While a law on this subject is important, this bill has many flaws, primarily because it did not take any civil society inputs on the draft bill. Chief among the gaps are that it excludes domestic workers from its purview, includes a penalty clause for 'false' complaints and does not prescribe a robust mechanism to address complaints.

The consultation was flagged off by Shaik Anwar, Regional Manager – Oxfam India by introducing Oxfam India and its work in the region. He said that the regional consultations across the country will further garner energies in advocating for a better bill which would help curtail sexual harassment in organized and unorganized sector. He said that the three regional consultations organized by Oxfam India focus on highlighting issues and safeguarding women's rights

¹ Vishakha Guidelines, the Supreme Court Guidelines on Sexual Harassment, 13 August 1997

“There is a lack of awareness of the guidelines set by the Supreme Court as part of the judgement on the Vishakha case both in government and private sectors.” said Dr. Malini Bhattacharya, former member of the National Women’s Commission and former Chairperson of the Women’s Commission, West Bengal. She also added that the present form of the draft bill will fail to address the concerns of many women in the unorganized and private sector. Dr. Bhattacharya is one of the many prominent panel members present in the consultations.

The consultation was very instrumental in gathering the gaps and loopholes of the draft bill and also suggestions to fill the gaps.