

Regional Consultation on Sexual Harassment at Workplace

Introduction

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.

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

The Lucknow consultation on Sexual Harassment at Workplace was organized in collaboration with Lawyers Collective on 18 August, 2011.

Experiences from various areas of work:

Session I focused on content of sexual harassment seen in various sectors. Consultation also covered a wide range of issues falling in the range of sexual harassment at workplace. Madhu Garg from, All India Democratic Women's Association, Mamta from Humsafar and Geeta from Domestic Workers Union discussed different nature of sexual harassment that is faced by women at workplace through several cases they intervened in. Prof Roop Rekha Verma, a renowned social activist and chair of the session emphasized on the need of addressing the issue of sexual harassment at workplace separately and not combining it in gender discrimination. She explained that gender discrimination is a comprehensive issue and sexual harassment is a part of it and this is why both need to be dealt and addressed separately.

Session II focused on available redressal mechanisms. Renu Mishra from Association for Advocacy and Legal Initiative, V.K. Pandey, Joint Director, Education Department and Pravesh Verma from Men's Action for Stopping Violence Against Women discussed on different aspects of the sexual harassment like accessibility, procedure, outcome, appeals and problem identification. Chair of the session, Prof. Manju Agarwal, Director, Department of Behavioural Sciences, Amity University, said that women demands a secured and dignified workplace to contribute their best to the organization and society. Prof. Agarwal also suggested to rename the Bill as 'Conducive environment for women' or 'Secure and equal environment for women'.

The discussion was taken further and the perspectives on draft Bill on 'Protection of Women against Sexual Harassment at the Workplace Bill, 2010 (December 7, 2010) were discussed. Paroma Roy (Lawyers Collective) and Bharat (Vishakha) discussed the technicalities, shortcomings and the amendments needed in the draft Bill. Several domestic workers also shared their experiences on the consultation.