

“ The Sexual Harassment Act- A paper tiger?”

Written by Rita Aggarwal
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Recently I have been hearing complaints from young women in employment about married men specially their bosses or their colleagues making distinct passes at them and inviting them for a date, of course without their wives. These young women do not know how to handle such a situation more because of the fear of losing their precious job which they have been lucky to get.

Ms. A was in trauma for she was being tossed around by two men in her place of work- each first vying for her attention, trying to be helpful to her and then asking her out for coffee and lunch etc. Being new on the job she tried to be good to both of them by being polite, by not saying no directly but by obliging them with small favours. The whole thing got misconstrued and blew up when the two suitors vied for each other and in the process messed up her reputation. This was not what she had asked for and this was not what she had expected from them. She learnt a bitter lesson and a life changing one at that. She has been badly hurt by the episode and finds her image scarred. How should she rectify it is her main concern for her parents are anxious about her future marriage.

Take another Ms. G who narrates her distress and states that it is common in her organisation (government sector) for married men to send out invitations to young single women for dates and outings which obviously contains ominous signals. On asking her how she manages such invites she says anxiously that it is difficult to say no bluntly on the face for they are seniors and can harm their careers so she tries to be diplomatic. But she adds that such a decline also creates confusion and sends wrong signals about her character to others. She does fall into the trap that is being laid out at all times whenever they can get a chance and it is a stressful thing to keep avoiding it. Some women fall prey and enjoy the benefits too of pleasing the boss. She says she gets labelled as ‘traditional minded’, ‘narrow minded’, sometimes as ‘silly and stupid’. The others are called ‘hi-fi’ and ‘hep’.

I always ask them whether ‘The sexual Harassment of women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 is in place or not. Some do not know about it and others who know about it state that actually no one has complained so far and women are advised not to make silly complaints.

Let’s study how the Act defines sexual harassment. It states that any of the following circumstances may amount to sexual harassment: (i) implied or explicit promise of preferential treatment in her employment: or (ii) implied or explicit threat of detrimental treatment in her employment; or (iii) implied or explicit threat about her present or future employment status: or

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(iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or (v) humiliating treatment likely to affect her health or safety. It further states that: "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 (ii) 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.

Under this Act there is enough scope for women to lodge a complaint and seek justice. Instead of dodging the issue or making 'diplomatic' excuses as the lady described it, women should get up and raise their voices. Since jobs are scarce and hence precious, women may not want to subject herself to risk of losing her promotion. Another reason is the social inhibitions that we are conditioned to. It is considered 'unfeminine' to raise your head and 'be known' for something so indecent. There may be an Act and there may be a committee on paper but they do not seem to be actually functioning. And no one has the guts to set the first precedence. So it remains as a paper tiger.

But one brave heart who decides to risk her-self to exposure and social harassment and stigmatisation will do the trick. Even if one woman decides to brave out the consequences of facing her colleagues, being branded as a bad woman (instead of being seen as a victim), of losing her job, of tarnishing her social image, of picking up cudgels, it will generate awareness among the office/organisation. It will do a lot of good for it will sensitize people about the Act and its claws and it will clean up the environment of the workplace.

All we need is one dare devil to fight for justice and set an example to open the doors for others to follow. Why sit and suffer in silence and for how long? That is the question.

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