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A Study on Prevention of Sexual Harassment of Women at Workplace 2013 Act - Social Work Intervention through Prevention, Prohibition and Redressal with Special Cases Illustration

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Abstract

Sexual Harassment is a form of unwelcome sexual behaviors and taking sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature act that tends to create a hostile environment for women at the workplace. The author is an external committee member for various companies such as manufacturing industries, garment industries, software companies, and handled several sexual harassment incident inquiries. Based on these experiences and during the inquiries employees expressed their experiences such as uncomfortable touching, staring a women continuously, commenting or joking (Sexually colored remarks), sexually explicit pictures or posters, requests for sex, intrusive questions about persons private life or body, unnecessary familiarity, insults or taunts based on sex, sexually explicit physical contact, sexually explicit chats, mails, SMS, facebook, twitter any other social media. Apart from this, in this paper illustrated a case inquiry in detail through social work perspectives.

Objectives

- Transmit the social workers to create a safe working environment for women employees through taking part in ICC external Committee member
- Impart the sequence of incident inquiry under the POSH ACT 2013 and how to impart awareness sessions and documentation under the act.

Social workers can play the role of external member, drafting POSH Policy for the establishment or company or any organized or unorganized organization, conducting orientation programs for ICC members, providing POSH act prevention, prohibition, and redressal issues. In addition to this, the Social worker plays a foremost role in prevention, prohibition through avoiding such instance or circumstance occurrence in the organization. Moreover, they play a very crucial role during the incident that has already occurred in the redressal process. Since its inception of harassment, incident reporting, inquiry, and resettlement issues will be handled by the social worker of an NGO. In this regard, social worker intrusion is very important to handle the situations and give justification to the aggrieved women.

Keywords: Women sexual harassment, Workplace, Incident Enquiry, Redressal, Interim Relief

Introduction

Ministry of Women and Child Development introduce The Sexual Harassment of Women at Workplace Act on 9th December 2013 (Prevention, Prohibition & Redressal) to safeguard women from any sort of hostile environment at work place. It is a comprehensive law for safeguarding women at the workplace and applicable throughout India except for Jammu and Kashmir. Any establishment employing ten or more than ten employees should have POSH Internal Complaints Committee, and they should appoint an external member from an NGO who is having a vast experience of working with women and knew about the sexual harassment issues. Under this act, section 4 mention that the constitution of ICC is mandatory, and appointing External committee member is also must for the establishment or company or any industry. In addition to this, it's a must for the company to appoint a women social worker

who is having more than five years of experience in the field of women and child issues at the grassroots level.

This paper is an endeavor to present the outcomes of a study conducted with aggrieved women of a company who underwent sexual harassment for about three months. As she was an introvert woman, she didn't speak out for a long time about the sexual harassment by her team leader. Moreover, she was completely depending on her salary for her kids' education and her daily life as she lost her husband recently. So that's the reason she was tolerated for so many days without intimating anyone in this regard. Whenever she underwent through one or the other form of sexual harassment, she uses to keep it for herself use to cry for some time and then come back to work. Few of her colleagues consoled her in this regard and insisted on her to complaint against the team leader to the Internal Complaints Committee. After her colleague insisted on the aggrieved women, she wrote a lengthy mail to the presiding officer the way she harassed by her team leader.

This case work-study will describe in detail, interventions done by social workers to provide natural justice to both the aggrieved women and the respondent. At the same time, provide a safe working environment without any hostile situations. Create awareness among social workers to be part of the Internal Complaints Committee external member to protect women from sexual harassment at the workplace. Impart POSH act 2013 prevention, prohibition, and redressal issues of sexual harassment of women at the workplace through awareness sessions to employees. A social workers can use Participatory Rural Appraisal techniques,

conflict resolution strategies to effectively impart the awareness session. In addition to this, social workers will take part in any sexual harassment incident inquiries to provide natural justice to the aggrieved women and also create a safe working environment at the workplace.

The intention of this document is to provide a safe working environment for women at the workplace irrespective of the organized sector or unorganized sector. Workplace includes private sector organizations, educational and sports institutions, stadiums, training institutes, domestic dwelling house, hospitals, nursing homes, establishments, industries, and so on. So, all the places where women employees were there, social workers should create a safe working environment through removing a hostile environment. As per the law, it is mandatory for any establishment who is having ten or more than ten employees to constitute an Internal Complaints Committee.

Case Description: Case Intake Sheet

Personal Details

Name : Mrs. Shalini
 Age : 37 Years
 Gender : Female
 Marital Status : Married (Widow)
 Education : MCA
 Religion : Hindu
 Family Type : Nuclear
 Address : Near White Field,
 Outer Ring Road, Bangalore.

(Names of the Client, family members, company name have been changed due to confidentiality)

Table 1 Family Constellation

Name	Relationship	Age	Education	Occupation	Income	Remarks
Kamamma	Mother in law	56	7th Std	Housewife	Nil	-
Sharanya	Daughter	7	3rd Std	Student	Nil	-
Sharath	Son	5	U KG	Student	Nil	-
Shalini	Client	37	MCA	Asst. Manager	37,000/-	Aggrieved Women

Case Referral

As soon as the incident comes across to the presiding officer of the Internal complaint committee of the Engineering Company Private Limited. As soon as she received the handwritten complaint,

they contacted the external committee member and entered the incident in detail in the incident registry.

Sources of Referral

Engineering Company Private Limited Internal

Complaints Committee's Presiding Officer referred this case to the external committee member of the Engineering company private limited.

Study

As our client Shalini explained, she was undergoing sexual harassment at the workplace for three months. But her family and socio-economic circumstances were not allowed her to inform the harassment issue to anyone, instead of that she kept for herself underwent through harassment, fearing about the loss of her job. Our client has lost her husband recently, and her mother in law, and her two kids depend on her. She was the bread winner of the family, so she was reluctant to inform in this regard. As the respondent was the team leader in her project team and she was under him, she scared about her job loss if she informs in this regard to any higher authority in her company.

She narrated the whole incident that occurred between our client (aggrieved women) and the respondent (accusee) Mr. Vikrant on 15th February 2019. There have been several incidents that happened for three months. Now, as I am not able to tolerate this harassment anymore, I am reporting this complaint formally through a written complaint.

From November 2018 onwards, Vikrant has started commenting on our client body parts every time she passes by his bay. The statements that he uses were such as "Your butt is very nice, you have nice thighs, boobs, etc. more than this" She has ignored his comments stating, "Please mind your words." And "don't talk to me".

In December when our client is heading the Annual day programs, she used to pass his bay to meet his team members to discuss the annual day programs, he used to comment stating "you were too hot from behind your butt is so good" and so on.

There have been instances when our client was on calls; he will come to her desk and run his fingers on her hand. Where she feels uncomfortable because of his unwelcoming behaviors, she could not be able to attend customer calls. January 2019, when she was doing over time and was on call, he came and stood behind her and placed his hand on her, she had to place the call on mute to ask him to leave from her cabin.

On 15th February 2019, while she was working at her desk, he came to her bay to greet everyone and came to her desk as she had kept a hair clip on her desk; he picked it up and said, where do you use this? Did she reply to him, Excuse me? He then again asked the same question, and she told him she used it on her hair. His response was, Is it for your hair? Then she replied, of course, yes, and then he said that I am talking about the bushy hair, you know? Our client was zapped and did not understand what he meant to. She told him, Vikrant. I don't know what you are talking about; just go away. Then he said, It looks like you shave and keep it clean, that's how I like it. He then started calling her for a break stating come with me. I will give you something you would love it. Our client replied that she was not interested in. Just go away from here now. Meanwhile, he also mentions that looking into your eyes, it feels like you are interested, and he will grab this opportunity and do it and asked her to keep watching.

After all these humiliating instances occurred for three months, she was very much disturbed and feeling insecure at work, so she wrote this complaint to the presiding officer in this regard.

Above mentioned lengthy complaint was received by the aggrieved women on 19th February 2019. As soon as the ICC Presiding officer received this complaint, she intimated the information to the external committee member.

Diagnosis

After the complaint was received by the aggrieved women, an external committee member from an NGO NIRATHANKA, along with the presiding officer and remaining five members of the Internal Complaints Committee, recorded the incident in detail in the Incident Registry. In addition to this, checked CCTV footages near the bay and wash rooms of aggrieved women and the respondent. Along with this, I had an individual interaction with the team members/colleagues of aggrieved women and the respondent.

Treatment/Intervention Plan

An intervention plan was made based on various levels to find out the truth of the incident. Moreover, as per the law, sexual harassment having zero

tolerance, and we should provide natural justice to the aggrieved women and the respondent. ICC members were planned to intervene with the client, respondent, and through the collateral contacts.

At the individual level interacted with the aggrieved women and respondents to know about the truth of the incident and who was the accusee creating a hostile working environment.

At the collateral contacts level interacted with the colleagues or team members of the project where our client and the respondent was placed.

Duration of the Enquiry and providing Interim Relief

Duration of the inquiry of the incident will take place as soon as we take the evidence. In this case, it took two and half months to resolve the case through the internal complaints committee. It was a short term case as the aggrieved women, and the respondent mutually conclude to rectify the mistakes. Here Social worker will play a crucial role while providing natural justice to the aggrieved women and the respondent. This case is a live evident to solve the future sexual harassment cases arise at the workplace.

Incident Inquiry of the Evidence

After the complaint was received, ICC acquired all the evidence such as CCTV footage, mobile text messages for the inquiry.

Session 1

Objectives

1. To do Individual Counseling with the client
2. Creating a safe working environment for the client

Process

ICC committee external committee member did the individual counseling with the client to know the ways of sexual harassment she underwent. She was in tears throughout the session and explained the whole incidents she underwent for three months continuously. The respondent created a hostile environment day by day as she was tolerating the situations without informing anyone. The client lost her husband ten months back; now, she was the only person holding the whole responsibilities of the

family. She could not be able to tolerate or ventilate her feelings with others. At this point of time, one of her colleague who attended the POSH awareness session conducted by the external committee member suggested her to inform the presiding officer; they will keep the information confidentially, so our client came forward to give written complaint in this regard keeping in mind to get justice for the harassment she experienced. As she was in a state of complete briefness, couldn't be able to concentrate her mind to work in this hostile environment, all the ICC members decided to provide work from home option for 15 days. At the same time, she assured her to create a safe working environment for the aggrieved women by the end of the inquiry.

Future Plan

1. To have an individual session with the respondent or the accused
2. Collect all the evident related to the incident
3. Conduct ICC members meeting for the intervention

Session 2

Objectives

1. To do Individual Counseling with the respondent to know about the genuinely of the incident
2. Issuing notice to the respondent for the further inquiry process
3. Intimate the respondent to answer to the notice within ten days of calender

Internal complaints committee external committee member interacted with the respondent about his working conditions and gradually started interacting with him about the complaint received by his colleague. But he told him he was unaware of the incident, and he tries to convince that he was not committed any mistake or the harassment as we received. Respondent told that he knows the aggrieved women for five years in the same company, but so far, he never treated any women as they complained and other women too. The Respondent acknowledged that in one instance when the Complainant was on a customer call, he said "hello" and did touch her hand. He added that he had apologized to the Complainant, thinking she was angry with him for disturbing her while she was on a call and for joking about her. He, however, denied

that he had either touched her with bad intentions or had touched her on more than this one instance. He also completely denied passing any of the comments as alleged by the Complainant in her complaint. He stated that he doesn't know why the Complainant might have made such serious allegations against him. Moreover, he insisted us to do the inquiry of his colleagues if we doubt his words.

As we have checked the CCTV footage, it was clearly shown that his conversations and near the washroom he tries to put his hands on her shoulder were clearly shown. So we decided to send him a notice along with the aggrieved women's written complaint. Before he leaves the ICC meeting hall, we have handover the notice along with complaint letter and strictly warned him to reply to the notice within a week as per law.

Future Plan

1. Interaction with collateral contacts of aggrieved women and the respondent
2. To assess the opinions and proofs given by the collateral contacts

Session 3

Objectives

1. Having a session with collateral contacts of aggrieved women
2. Having a session with collateral contacts of the respondent

Statements by Witnesses

The Internal Complaints Committee members met the following witnesses throughout the inquiry process.

1. Aarathi

- Aarathi shared an incident from the past where the Respondent had commented to her on her lip color. She stated that this had made her angry, and she had reacted accordingly with the Respondent. After that incident, the Respondent never tried to reach out to her or pass any comments.
- She stated that she was aware of the complaint, as the Complainant had told her about it, but added that she did not overhear the conversation between the Complainant and the Respondent on the day of the incident. She stated that

she did notice that on the day of the alleged incident, around 4:00 - 4:15 AM (IST), the Complainant was visibly upset and when asked, the Complainant had narrated the entire incident to her.

- She recollected that on February 18, 2019, when she was near the Complainant's desk, she had noticed the Respondent continuously ping her on Skype. However, the Complainant ignored his pings. She stated that she could not read the message content.
- She further stated that she had witnessed the Respondent touching the Complainant's hand on Friday, i.e., on February 15, 2019, and the Complainant getting irritated because of it.

2. Pallavi

- Pallavi was aware of the complaint filed as the Complainant had told her about it. She stated that the Complainant was quite upset, and she and the other employees present advised the Complainant to raise this issue as a concern with her Supervisor.
- She stated that nobody heard the conversation between the Complainant and Respondent on Feb 15, 2019, as they were all on customer calls.
- She further stated that although she hadn't heard the conversation, she saw the Complainant was in tears under the conversation with the Respondent.
- Poornima stated that she had worked with the Respondent in the past, but he had never said anything inappropriate to her. She added that the Respondent does not have any filter while speaking with women employees.

3. Sujay

- Sujay stated that he was aware of the complaint made by the Complainant, as the Complainant had informed him about it.
- He stated that he had seen the Respondent come to the Complainant's desk and touch the Complainant's hand several times. He has also observed that the Complainant feels uncomfortable while the Respondent is around her and further added that he had seen Respondent touching only the Complainant and that his behavior is not the same with other

women employees.

- According to him, the Respondent is flirtatious with the Complainant. He stated that he had heard on several occasions asking the Complainant to go away, but he kept coming back to her seat.

4. Sathish

- Sathish mentioned that he received a message from the Complainant early morning on February 16, 2019, which said that she wants to speak to him. On February 18, 2019, the Complainant told Sathish that something bad had happened between the Respondent and her, but she did not give any details to him. He stated that he immediately brought this to the notice of Fernandez, Assistant Manager, Customer Care Center.
- He indicated that he has never noticed Vikrant behave in an inappropriate manner with any women employee.

Each collateral contact opinion was documented in a handwritten copy and took their signature for the same, and every issue got recorded.

Future Plan

Based on the above evidence and the physical CCTV footage records planned for further Internal complaints committee meetings to do the further inquiries to provide interim relief for the aggrieved women.

Session 4

On 21st March 2019, The Internal Committee members met to take stock of the matter and share updates. To summarize, the Committee meeting, members were decided to

1. Meet the witnesses as named by the Complainant on February 22, 2019
2. To ensure that any approach made by the Respondent to the Complainant at her workstation gets captured, to ask the Facilities to get the angle of the camera facing the workstation of the Complainant

Session 5

On 24th March 2019, the Internal Committee met the Respondent today and questioned him about the complaint. He was allowed to present his case before the Committee. He was not ready to accept

the sexual harassment done by him to the client; he still keeps on defining himself. As ICC members enquired through various questions in this regard, he was incapable of answering and got caught by several pieces of evidence.

Session 6

On 29th March 2019, ICC members organized a meeting and prepared to provide interim relief for the sexual harassment complaint lodged. We showed the written evidence, and the CCTV footage showed that he was the one who harassed women for three months.

- Finally, he accepted that he made a mistake after watching all these issues.
- The Respondent requested that he be allowed to resign.
- The Internal Committee met the Complainant and informed her about the request made by the Complainant. She was asked if she had any reservations about it. The Complainant stated that she has no objections if the Respondent resigned.
- The matter was, therefore, informally closed based on consent given by the Complainant.

Session 7

As per law as we need to provide natural justice to aggrieved women and the respondent, keeping this in our mind on 3rd April 2019, ICC committee members again meet after the conversation with the respondent's parents, as they informed he was the only person or bread winner of the family. If we removed him from the job, his parents can't lead their life. Keeping this in mind, we interacted with our client as she told apart from this unwelcoming behavior of him, she doesn't have any personal grudge/envy towards him. She was agreed to take another decision apart from his resignation.

Session 8

On 10th April 2019, ICC members conducted the meeting to resolve the sexual harassment complaint issue, ICC decided to Promotion to the aggrieved women from Assistant Manager to Team Leader. Depromote and Transfer the respondent from Bangalore Division to Delhi Division. Took

his apology and warning to never committing such mistake forever a draft on bond paper and took his signature, and all the ICC members signed the same. The client and the respondent both were agreed for the same and terminated the incident by the above-mentioned decisions.

Outcomes & Findings of the Case Study

On the basis after reviewing the facts and witness statements presented before this Internal Committee, the Committee finds the allegations made against the Respondent to be true. The basis for this finding is as under:

1. Based on the statement made by Aarathi, Sujay, Sathish, and Pallavi, it is also clear that the Respondent had touched the Complainant on multiple occasions, which is an unwelcoming behavior of sexual nature as per law.
2. Although the witnesses had not heard the conversation between the Respondent and the Complainant, they witnessed her crying on the floor and being visibly upset immediately after her conversation with the Respondent. These circumstances lead us to believe that the Respondent must have said something inappropriate to the Complainant, which led to her breaking down in front of her colleagues.
3. The CCTV footage of the locker room on Feb 18, 2019, clearly shows the Respondent trying to speak to the Complainant even when she is trying to avoid speaking to him. It is also visible from the footage that the Respondent touched the Respondent's arm while trying to speak to her.
4. The Respondent also agreed in front of the Committee members that he did touch her hand and also accepted that this was a mistake. He apologized for the inconvenience caused to the Complainant.
5. Promotion to the aggrieved women from Assistant Manager to Team Leader. Depromote and Transfer the respondent from Bangalore Division to Delhi Division. Took his apology and warning to never committing such mistake forever a draft on bond paper and took his signature, and all the ICC members signed the same.

Role of the Social Worker

1. Formation of the Internal Complaints Committee & attend the quarterly meetings to upgrade the recent sexual harassment cases at the workplace and the recent amendments related to the act
2. Conducting awareness and orientation sessions on POSH Act 2013 for the employees of organized and unorganized sectors irrespective of weaker sections, marginalized and underprivileged sections of the society
3. During Awareness and orientation sessions used Conflict Resolution strategies, Role plays and skit to effectively impart the information on prevention, prohibition and redressal issues
4. Attending the Incident inquiries to provide natural justice as per law used the social work principles of upholding the dignity and worth of the person, nonjudgmental attitude, controlled emotional involvement.
5. Socio-economic assessment of aggrieved women & the respondent
6. Providing natural justice to aggrieved women and the respondent through the application of non-judgemental attitude and maintaining confidentiality throughout the inquiry process.
7. Providing interim relief to aggrieved women and creating a safe working environment

Conclusion

Based on an inquiry conducted, responses given by the witnesses, the Internal Committee concludes that the Respondent did touch the Complainant inappropriately, which greatly offended the client. Basis the circumstantial evidence, the Committee also believes that the Respondent had passed some inappropriate comments to the Complainant, which made her visibly upset. But as a social worker, we have thoughts in 360-degree angle to provide nonjudgmental perspective justice to the aggrieved women and the respondent. This case study illustration will surely assist the social workers who will be part of the ICC to provide natural justice in future case studies or incident inquiries.

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Author Details

Mrs. Anitha S (*anitha.anithas@gmail.com*) is a Social Worker holding the academic background of MSW, PGDHRM from Bangalore University, and KSET from Mysore University. In Addition to this, having NET qualification from University Grants Commission. She had 13 years of experience in the NGO sector in the field of women and child empowering aspects. And two years of experience in the teaching profession for MSW Students.

At Centre for environment education worked for developing education materials for conducting school health and hygiene training programme and conducting children camps for children under UNICEF Swasth Plus project.

At Nimhans Department of health education, I worked for the University of California research project on Hiv /Aids Stigma and gender discrimination targeted population is women General population in hospital Opds, Women doctors, nurses, ward Attendants And People living with Hiv or Aids.

At Great Indian Dream Foundation closely work with major slums of Koramangala in regard to women adolescent girls children nutrition, health and hygiene awareness programs, supportive education, and day care education.

At Make a wish foundation of India working closely with female children suffering from major life-threatening illnesses their wish identification, coordinating with volunteers support, fund raising, referral services, and Making the presentation of our activities to CSR team.

At Brothers Integrated Rural Development Society NGO, worked for female domestic workers and construction workers development project, Unemployed youths skill development training programs, Peace building program in the community concerning youths and adolescents.

She has been a patron of Niratanka, a Bangalore based NGO devoted to the cause of women. She has been appointed by various organizations has external member for POSH ICCommittee closely associated with Cisco, Infosys, Support. Com, Smartplay Technologies Pvt. Ltd., The Himalaya Drug Company, Sutures India, and so on.

She has been into teaching MSW students, organizing and conducting orientation visits, field work, and assisting in conducting guest lectures, workshops, and guiding students for dissertation as part of the academic curriculum at The Oxford College of Arts – HSR Layout and Ramanagara PG Centre-Bangalore University. In addition to this, she has been presented research papers at National conferences.