CHAPTER TEN

Analysis and Discussion

Theme Three

SUB THEME ONE: LOW REPORTING OF SEXUAL HARASSMENT BY WOMEN

Participants agreed to the fact that sexual harassment existed at workplaces but it was not reported by women unless it becomes imperative for them to do so. Though some participants cited modesty and social stigma attached to sexual harassment as one of the prominent reasons for not reporting sexual harassment it was not seen as a prominent reason by many others.

It came through that the moment women resisted sexual harassment they were pushed in to difficult situations by the men who harass them. This situation was further aggravated by the fact that preventive activities were mostly not done and there was lack of sensing mechanisms whereby sexual harassment could be nipped at the bud. In the course of interviews it was revealed that women who dared to complain about sexual harassment met with unwanted attention, character assassination, and lack of support at workplace plus family support. This reflected inaction, inefficiency and ineffectiveness on part of the employer and the complaints committee as they fail to firstly prevent sexual harassment and secondly to create a support net for women complainants that ensures safeguard their rights as an employee and citizen. Moreover it was seen that women who complained of sexual harassment were transferred by the employers even when they never asked for it. Such retaliatory actions on the part of the employers and lack of intervention from the committee contributed to silencing and discouraging other women who could be thinking of reporting sexual harassment.

It is clear from the examples quoted by the trade union member and the case studies that sexual harassment complaints were resisted and repressed with disbelief and ridicule by the employer. Moreover the amount of time, money and energy needed to be invested by the woman in challenging sexual harassment, hostile work climate,
the man who harassed her and the employer was tremendous. It was indeed a multi thronged battle that few
women were willing to take up for themselves for all the short of support from family and colleagues.

Women complainants too attributed lack of awareness about the guidelines, absence of attention by the seniors at
workplace to complaints of sexual harassment, shame, lack of support from colleagues, fear of being labeled and
further victimisation by the employer and most importantly fear of repercussions on job as reasons for not
reporting. Along with them, chairpersons, members of the complaints committees and HR managers confirmed
that women did not report sexual harassment due to many reservations such as fear of negative publicity leading
to damage of reputation and change in attitude of office people towards them. Low reporting was confirmed by
studies done in India and abroad. Fink (2001) states most common response by women to sexual harassment was
to deny the behaviour, ignore the behaviour, avoid the situation or do nothing at all. She further said that quitting
the job was the most extreme step they took to avoid sexual harassment.

Participants pointed out that problems with the complaints committee members and their functioning was one of
the important reasons for low reporting of sexual harassment by women. Sensitivity and pro women perspective
was seldom found in complaints committee members. Complaints of sexual harassment were mostly viewed by
the committee members with suspicion. Faults were found with the woman. It was perceived that the woman was
exaggerating the situation and taking advantage of the legal provisions being a woman. It was precisely because
of this attitude of the complaints committee members that women were not able to trust the committee for redress
of the sexual harassment complaints. In section above, chairpersons and members of the complaints committees
already stated that cases were known by the name of women and they were identified every time a case a
mentioned. Women became topic of discussion and centre of attraction whenever they registered complaint of
sexual harassment.

This reconfirmed experience shared by participants that complaints committee members failed in maintaining
confidentiality and following proper procedures which contributed to the many reasons for not reporting sexual
harassment. NGO members stated that since the committee members knew both complainant and the respondent
for many years it was difficult for them to believe that sexual harassment happened and they slipped into the
mode of giving benefit of doubt to the man.

It is for this reason NGO members recommended that the committee members should not be from the office i.e.
not familiar with the woman and man and they should not operate from the same premises. It was a valid
suggestion. However it is important to note that all those part of the inquiry committee investigating a sexual
harassment complaint, no matter whether from or outside the organisation needed to possess specialised
understanding of sexual harassment at workplace as a socio-legal issue affecting women as a vulnerable group within the Indian context.

This was confirmed from the interview of the labour lawyer who said that battling the employer was only a beginning for a woman who chooses sexual harassment happening to her at workplace. It spiraled in a long drawn conflict with various agencies including the judiciary which were embedded in the patriarchy. She acknowledged that women’s groups played a vital role in supporting women in their fight not just through their actual intervention into the situation but through expressed solidarity.

Important point here is that participants blamed women not being united and not supporting each other. It was seen that they were caught in the in women against women thought and failed to perceive sexual harassment as issue of power and control whereby men use sex as a tool to oppress women. They did not take in to account power dynamics between employees, struggle by women to fit into the male dominated workplaces and frantic attempt to save them of trouble maker label within a work setting.

Many participants acknowledged and validated that sexual harassment was an issue involving gender, power and sexuality. Therefore the reasons for not reporting sexual harassment in entirety connected to the power dynamics between the women and men reinforcing the fact vulnerability of women vis-à-vis men. Evident was the connection of sexual harassment with sexuality as sexual behaviour was a tool to oppress the woman. Social construction of gender and sexuality made it impossible for women to the name the behaviour that made them uncomfortable as sexual harassment and to see themselves as victims of patriarchal sexual control.

The issue of sexual harassment can be more clearly located and understood with the help of the feminist perspective. Millett (1970) propounds that in all known societies relationship between sexes is based on power and therefore politically dynamic. One of the forms of power between men and women is sexual domination of women by men which is present everywhere to the extent that it becomes natural and then invisible.

More pronounced than its invisibility, Stanko (1985) states that commonality of experiences of sexual abuse of women leads to a process of it being regulated and curbed to some extent not eliminated. Stanko emphasises that women look at their sexuality and experiences of sexual abuse through the lens of gendered socialisation perpetuated by patriarchy. It results in preservation of powerlessness and subjugation to men because women silence their feelings of being violated as it makes them feel ashamed disrespected, impure and maligned both by their own self and anticipated societal reaction to any complaint. This silence is recognition of their own identity as perceived by them and others about their involvement in the violence.
Remaining unspoken affirms their identity as good woman who avoids sexual abuse vis-à-vis a bad woman does not do it. Further this makes them even deny the impact of violence on their lives. Therefore reasons for not reporting sexual harassment could be located within this understanding. This view was reinforced by one of the NGO members. According to her, women were taught to deny their own experiences and toe the line of social conditioning loaded with values of victim blaming that push them into gendered package of sexuality leading to self blame. Further explained by Stanko, pivotal to not reporting of sexual harassment is therefore need of women to be seen as a respectable person at the workplace, family and in society.

Studies by various women’s organisations and groups across India done in the post Vishakha phase showed sexual harassment happening at workplace went unreported due to various reasons. Saheli survey (1998) done with sixty-five women revealed that despite the wide prevalence of the problem, sexual harassment at workplace was not recognised as a systemised form of violence. For the majority of women working in small private firms and factories it was difficult to take direct action due to job insecurity. The frequency and severity of harassment increased as the income levels decreased and that majority of the women had no option but to tolerate harassment.

Similar findings were noted by the report namely Women Workers – Inequalities at Work (1999). It gave a distinct picture about the issue of occupational safety of women workers and employees across three major industrial belts of India. It revealed there was politics of silence around the issue of sexual harassment which reflected in the fewer number of women unwilling to talk and report it. The issue was generally ignored by the management as is indicated by the absence of redress mechanism and the lack of punitive action in cases reported. On the contrary, women were punished for raising their voice against the sexual harassment.

Studies by Sanhita (2000) in Kolkata, Yugantar Education Society (2003) in Maharashtra and multistate study done by Sakshi (2001) reconfirmed that sexual harassment of women at workplace was rampant but not reported due to fear of stigma, loss of reputation and widespread blaming and disbelief in the complaints. Recent studies reconfirmed the existence of sexual harassment and gave an overview of its nature and prevalence within the private sector.

Seriousness of the situation was reiterated by an UNDP report (2010) done at the end of the decade. It revealed that though India had a strong labour movement; trade unions did not take the issue of sexual harassment happening at workplaces seriously. Understanding was emerging only slowly in the region, despite the growing number of women in the paid workforce. Similarly India topped the IPSOS – Reuter’s survey (2010) done in 24 countries across the world with a participant size of 12 thousand persons. It showed, workers in India were most likely to report sexual harassment at workplace with a rate of 26%.
CFTI Survey (2010) carried out in the Information Technology with 600 women working in IT and BPO industry across all the major IT destinations of India showed that nearly 88% of the women witnessed some form of workplace sexual harassment during the course of their work but the reporting was low. This was due to poor awareness levels among female employees on the issues and workplace sexual harassment. Majority of female employees continued with their ordeal of suffering from the incidents of sexual harassments due to fear of professional victimisation.

A CII study (2005) said that the attrition rate of women in larger companies was higher and in managerial positions the ratio of women dwindled further. The study attributed work-environment as a major deterrent for women looking for higher managerial positions and enlisted gender bias in recruitment, gender inequality and sexual harassment at work place as major issues affecting women. An article highlighted that for every 500 instances of harassment, only 50 got reported and only one got registered as an FIR (Ghosh, Puri and Dewan, 2010).

Thus it can be concluded that after the Vishakha guidelines came into existence sexual harassment continued to be widespread India in especially in the private sector as stated by Shukla (2002), yet it remained the most under reported form of discrimination.

**SUB THEME TWO: REASONS FOR SEXUAL HARASSMENT BY MEN TO WOMEN**

The ILO Committee on Gender Equality (2009) recorded that apart from many other problems that women face at their workplaces, they are also subject to widespread sexual harassment, often excluded from protections and benefits, and face multiple forms of discrimination, such as race and age, among others. Studies have shown that compared to men, women are more likely to face sexual harassment at work (Charney and Russell, 1994; Fitzgerald et al 1988, Kalof et al 2001, Marin and Guadagno, 1999; Matchen and De Souza, 2000). Gruber (2011) says that there is no doubt that gender was important in sexual harassment and Price (2009) states that so called personal violence is fundamentally gendered. Further explained by Gruber, women are the targets of sexual harassment perpetuated most often by men. Male dominance is a crucial factor. In this scenario, sexual harassment of women by men can be explained with the help of four distinct models namely Natural / Biological model, Sex Role Spillover model, Organisational model and Socio Cultural model. These are explained in chapter two of the thesis.
Participant responses were seen falling within all the four models explained above. In accordance with the socio-cultural model view, participants said power and dominance by men over women was largely the reason for sexual harassment. They conceded to the fact that sexual harassment happened to any woman who stepped out of her house irrespective of her position at workplace. It could be done by a man who was lower to the woman in position, apparently decent behaving and well educated. In general as the reason for sexual harassment of women by men, there was an agreement about the socio-cultural model view which propounded power and dominance by men over women.

Social construction of gender or gendered socialisation i.e. masculinity and sexuality within patriarchy were seen as source of power and dominance to men. In keeping with this idea, women complainants primarily identified power and gendered socialisation as the reason for sexual harassment by men to women. Price (2009) explained that patriarchy as a supremacist ideology helps perpetuation of sexual violence by men in two ways i.e. first way by making the public space exclusive to males which brings about discrimination in employment on the basis of sex. Awareness of the same leads some men believe they can harass women without being challenged and women not complaining believing they are fortunate to have the job. Assumption is that the public space is...

1 As explained by Jackson (1998) the central idea behind gender as a category of analysis was that women are not born but made plus the relationship between the men and women is unequal. Ann Oakley (1972) stated that sex was the anatomical and physiological characteristics which suggested maleness and femaleness. Gender on the other hand was socially constructed and gave rise to masculinity and femininity. As stated by Bryson (1992) (see the book feminist political theory) patriarchy is primarily maintained by a process of conditioning which is done through socialisation of children, beginning in the family and extending to education, literature and religion. Stanko (1985) explains, as part of growing girls and boys learn that the two genders occupy different positions in the society. Men are on the superior one. In the process of growing up, both incorporate intricate set of values and behaviours that make them capable as men and women. Lorber (2010) states that women and men act out gender norms and expectations constantly during their interaction with others. In this way they maintain status quo. From this point of view, gender is a system of power; it privileges some and disadvantages others in the context of gendered norms and expectations. This gendered social order controls behaviour of those who depart from the rules through punishments. (See folder for thematic analysis in discussion folder, document - feminism and gender equality)

2 As pointed out by Mackinnon (1987) sexuality is a form of power which is socially constructed in a culture organised by gender hierarchy where violence against women is a form of manifestation (Price, 2009). As explained by Stano (1985) women as young girls learn at an early age that their sexuality is not their own and a man can anytime invade upon it. Price further elaborated that gendered socialisation makes sexuality of men as domination and power. On the other hand that of women is learned and experienced as submission and powerlessness.

3 Sylvia Walby (1989) describes patriarchy as a system of social structures and practices, in which men dominate, oppress and exploit women. As stated by Price (2009) mostly the term is defined as a social phenomenon which has consistent pattern of ideological and structural practices that serve to justify and perpetuate oppression of women by men.
essentially for men. This leads to creation of hostility towards women who enter it and conditions favourable for sexual harassment.

As per the organisational model, participants saw sexual harassment happening by the virtue of their position held by the men within the organisation including obvious lack of support to women from the employer and colleagues or feeling of superiority vis-à-vis women. One of the views expressed in the context of the government organisations was that sexual harassment was encouraged by rigidity and hierarchy at workplace which allowed misuse of power by men. In keeping with the organisational model here it was expressed that the organisation paved way to sexual harassment by creating situations and power hierarchies that were conducive for sexually harassment. Persons in positions of authority were provided with the occasions to exploit workers in lower positions. It asserted that institutional power disparity and policies possible created work environment ideally suited for the development and continuation of sexually harassing behaviors. Government organisations not only enabled patriarchal beliefs and practices which lead to sexually harassing behaviours but also encourage it for all its unyielding and top-down structure.

As put forth by Fitzgerald et al (1988) the central concept in sexual harassment is misuse of power organisationally in a way which creates occupational barriers for women. The argument by Wilson and Thompson (2001) that sexual harassment is primarily about men exercising power over women is further elaborated by Hunt et al (2007) to offer an analysis. The authors explain that the one dimensional view of power is that the organisational hierarchy creates the power, which is used by men to harass women. In these structures men are typically in positions of power and women are not. The two dimensional view is that power is exercised over women by controlling the agenda and deciding which issues are important and which will be marginalised. The organisation will ultimately dictate what is seen as normal behaviour. Since sexual harassment is bound up within the culture of an organisation, it becomes normalised. The three dimensional view is that organisation allows that power may operate to shape and modify beliefs within it in a manner in such a manner that it goes into its deep structures whereby sexual harassment may not even be apparent and the processes for dealing with it are nonexistent, because it is not seen as an issue.

This connects to the relationship between ideology and structure within patriarchy summarised by Dobash and Dobash (1979). A parallel can be drawn between the patriarchal society and organisation. In society, relations and institutions are hierarchically organised where one group is dominant while other is subservient. Organisations too are managed and run from the male perspective where sexual harassment of women by men is seen as a non issue and normal. In this line, participants noted that one of the primary factors that encouraged men to indulge and continue with the behaviour was the fact that sexual harassment either went unchallenged or unnoticed. NGO
members drew attention to the fact that men dared to harass women sexually not just as part of the privileges they received in the society but because they are assured that the employer would either not take cognisance of the complaint or they could escape the charges with ease. It is thus evident that it is entirely because of the slack and anti women attitude of the employers, sexual harassment at workplaces of women by men was seen to be happening rampantly.

In keeping with the biological model some participants saw sexual harassment as natural behavior as a consequence of the stronger sex drive of men and this higher sex drive, in turn, resulting in sexually aggressive behavior at work. According to them attitude of power and dominance in men is biological and its manifestation was seen in the form of sexual harassment. Further in accordance with the same model, though participants did not mention attraction as an obvious reason for sexual harassment of women by men one of the reasons counted in was beauty of women. The focus was thus brought back on women for provoking sexual harassment.

The natural / biological model is based on the argument that human biology and sexual harassment inherently and inevitably linked to each other. It generalises that aggression in males is natural and they are bound to sexually harass females. This model treats sexual harassment as natural and normal leaving no scope for change in the abusive behaviour. Since it places the burden of harassment on sex of the person make it out to be an inevitable phenomenon at the workplace leading to victim blaming. Additionally this model does not consider impact of sexual harassment on women. It does not see behaviour of men as offensive as it justifies sexual harassment as normal and harmless. Further it discounts any preventive work as it sees sexual harassment as unavoidable.

Beauty of women as seen by some participants as reason for sexual harassment would be dodging the focus of the issue to avoid placing the responsibility of abusive behaviour on men. This viewpoint throws open the issue whether sexual harassment is a sexual act alone or it is an act of violence perpetuated using sexual behaviour as a tool. Price (2009) calls it as sex violence in which women become targets of violence by men because they are females i.e. vulnerable and subordinate. Similar position is espoused by Coles (1986) who noted that sexual harassment is often a power play opposed to sexual desire. Wilson and Thompson (2001) argued that it is primarily about men exercising power over women. Further they stated that sexual harassment is connected with disadvantaged status of women at work and subordinate position in society.

This can be further understood from the explanation by Cole who states it is significant that violence by men is done using sexuality and sexual overtures. Hence the role of socially constructed sexuality in sexual harassment cannot be neglected. Use of sexuality for perpetuation of harassment was clearly seen in experiences of participants who faced sexual harassment and complained about it. Acts with sexual connotation were done in a
cold and calculated manner to demean them. According to the participants, at workplaces men had some notions in their minds about sexuality of women. They preferred to believe that eventually the woman would submit to their sexual advances. Also she would be hungry for a relationship if she was appointed on job basis compassionate grounds after death of her husband.

One of the participants was seen blaming the woman for not complaining about use of vulgar language by the man instantly; saying that vulgar language used by the man became unacceptable to the woman only after he used it while addressing her in the presence of others. It can be agreed that it is important that women need to register protest against sexual harassment in timely manner. Women will be unable to do so unless they have information about the laws on sexual harassment, they are given orientation on the sexuality plus sexual violence related issues and safe spaces are created for them to voice their concerns. Unless workplaces and the procedures are made women friendly, complaints of sexual harassment to the committee or to the administration will continue to remain last alternative for women.

Responsibility of the awareness and creating safe workplaces rests on the employer. Moreover there could be differences between the administration and / or the complaints committees regarding perceptions when it came to unwelcome behaviour. Here it is important to note that sexual harassment is about individual perception and choice of the woman needs to be respected by the complaints committees and HR departments. As stated by Hunt et al (2007) and Bimrose (2004) key characteristic of sexual harassment is unwanted by the recipient and subjective perception. It for each person to decide what is acceptable to them and what is offensive to them.

Some participants recounted jealousy and revenge as reasons for sexual harassment of women by men saying that men came from a background where they are unable to bear women in competition with them or equal to them at work and saw them as sexual objects. NGO members stated that men saw women as objects at their disposal, carried pre conceived ideas about their sexuality thus ended up treating them as sex objects. This connected to the Sex role Spillover model where gender identity and gender based roles associated with women were salient than the employee identity. Studies by Mazer and Percival (1989), Pryor (1987), Powell (1993), and Stockdale (1993) reveal sex role perception as the strongest indicator to predict likelihood of men to sexually harass women. Mostly it is used as a weapon to punish women who deviated from traditional gender roles (Franke, 1997).

Love relationships gone sour, informality between men and women, and casual behaviour were seen as reasons for sexual harassment within the BPOs. Naming love relationships gone sour as one of the reasons for sexual harassment was a misplaced argument as it will lead to blaming women for making complaints that do not have
substance. It needs to be recognised that workplaces that propagate patriarchal power and control are the key reasons for sexual harassment.

Though flirting and attraction were seen as reasons by the participants for sexual harassment, it is important to understand thin line between the two and sexual harassment. The moment flirting and attraction at workplaces became unwanted attention and objectionable for the woman it needed to recognised as sexual harassment as it made her uncomfortable and insecure. In this context behaviour of men needed to be seen in the light of the unlimited privileges that patriarchy bestowed on them as part of the social construction of masculinity. Provocation of any kind could not be used as a justification for sexual harassment and responsibility of harassment needed to be situated on shoulders of men. Sexual harassment cannot be trivialised as harmless acts. Sexuality of a person is fluid and sexual behaviour is unpredictable therefore it is dangerous to say that sexual harassment is unexpected from men whose behaviour and attitude is known to be people.

In contrast to the Natural / Biological model, the other three models emphasise gender differences. Further these models locate unequal power relations between men and women within patriarchy in the context of the organisation and the society. Therefore these models are closer to the lived experiences of women as they see the sexual harassment at workplace as an extension of male dominance in the society in which the organisations are embedded as put by Mackinnon (1979). These models are therefore the most convincing and acceptable to understand the phenomenon.

The Four Factor model\textsuperscript{4} by O’Hare and O’Donohue (1998) combines socio-cultural factors, organisational factors and individual characteristics of perpetrator. One of the advantages of this model is that it combines and accounts for socio cultural and organisational factors as well as individual factors which relate to both the harasser and to the potential victim. It accounts for the wide variety of behaviors that can be considered sexual harassment in its most and least severe forms. Additionally it recognises the role of the potential victim of sexual harassment without blaming her. While certain individual characteristics of the victim may contribute to or facilitate harassment, the bulk of the responsibility lies on the harasser who must first be motivated and take steps to overcome the relevant inhibitors before she even becomes involved. This model as a combination of four different

\textsuperscript{4} The Four Factor model\textsuperscript{4} by O’Hare and O’Donohue (1998) proposes that all four factors namely motivational factors such as sexual attraction and/or power control needs, overcoming internal inhibitions against harassment such as viewing sexual harassment as illegal or immoral, victim empathy, outcome expectancies, overcoming external inhibitions against harassment such as explicit grievance procedures plus consequences to harassers and overcoming victim resistance attempts such as her ability to recognize and warnings to stop harassment are present in perpetrators who indulge in sexual harassment.
models can be useful to understand reasons for sexual harassment of women by men at workplace as a phenomenon.

**SUB THEME THREE: ONUS ON WOMEN FOR INVITING SEXUAL HARASSMENT**

There was stark difference in participant opinions. A group of participants were seen cutting the surface level arguments about onus of sexual harassment. They moved beyond the stereotypical argument that women invited sexual harassment by dressing in a provocative manner by acknowledging that babies, girl children and old women too faced sexual harassment from men. In this way they arrived at a common understanding that sexual harassment was not about appearance of women. It was about attitude of men towards women. This point about the attitude was reinforced by some women complainants who said that not all men sexually harassed women and therefore fault lied with the thinking of those few men who indulged in harassment. It was this mindset which categorised women as free and of loose character if they dressed in a particular manner.

This group of participants recognised right of women to wear outfits as per their choice and importance of respecting their individual space by stating that focus on clothes to prevent sexual harassment could not be justified in any case. At the same time they recognised that employees needed to come appropriately dressed at workplace. However this norm was not to be imposed on women alone since the responsibility to maintain decorum and professional image of the organisation to the outside world rested on both men and women. Most of the women complainants said women could never invite sexual harassment because they were constantly worried about the tedious grievance resolution process.

At the other end was a group of participants. They were seen drawing connection between sexual harassment and behaviour by women by holding women responsible for inviting sexual harassment by not maintaining proper dress code at workplace and transgressing their limits while behaving with men. They justified sexual harassment of women by men saying if women wore short and tight fitting clothes men were bound to turn their heads and look at them. They added women should not interact with men the way men did with each other.
The woman complainants stated that women abetted sexual harassment of women by giving sexual favours to men, by not drawing lines and by doing attention seeking from men, thus encouraging men. These participants came across as prisoners of the patriarchal socialisation that enforced the unequal gender relations. Within the patriarchal social construction, sexuality and mobility of women was confined, regulated and curtailed by the dominant ideology. Any attempt by women to be equal to men was not expected, not allowed and ultimately not valued. It was expected that women at workplaces needed to adhere to the gender appropriate norms if they did not want be punished for crossing the limits set out by the society i.e. sexually harassed. Here the analysis of sexual harassment was from patriarchal lens which relieved men of any responsibility for their behaviour and blamed women for giving out wrong signals by behaving and dressing inappropriately.

It is important to note that these participants were seen mixing and confusing two concepts i.e. dress code for workplaces and prevention of sexual harassment. For prevention of sexual harassment they promoted and supported control over women through a HR policy that would impose restrictions on clothes of women. Thus their arguments led to creation of the two categories of women ‘good women’ and ‘bad women’. Sircar (2006) says that dominant cultural assumptions about sexuality construct women as chaste and loyal wives who maintain the integrity of the family, culture and nation. These are the ‘good’ women. ‘Bad’ women transgress these dominant norms, and they are either unable to secure the protection of the law, or their sexuality is regarded as illegitimate, hence criminalised and punished.

In accordance with this argument the participants believed that focus of prevention should be on women since men will not have the courage to sexually harass women supposedly ‘good’ women who were fully covered and inhibited. It is the supposedly ‘bad women’ who would be harassed and it was their fault. They were not seen suggesting impositions on behaviour of men at workplace and failed to recognise that men need to behave appropriately at workplace. Most important fact that they overlooked is that sexual harassment was not about clothes rather but about exertion and validation of power and control by men over women which was evident from reported cases of sexual abuse of girl children and elderly women. They were victims of sexual abuse not because of their clothes and behaviour but for their vulnerable situation in the society due to age and lack of voice in society.

Sengupta (2012) says that the solution does not lie in greater policing and stronger rules. If adult employees are told what to wear it will be as good as treating them like infants using command and control. Here employees will be seen as incapable of independent decision making and taking responsible of social consequences of their decisions. Imposing dress codes only on women is unfair and inconsistent while men are given the freedom to dress the way they like. If men are not able to self control, they need help. She says dress cannot be the issue
because it will only control and not resolve. Also she says that logically onus of stopping sexual harassment should not be on women but on men who harass and molest women.

Corresponding to this argument is the one where participants stated that ambitious nature of women and their habit of taking favours from men could give rise to sexual harassment. Further it was said some women invited sexual acts from men and used it for their gain and benefits. In both situations it was supposedly assumed by the participants that men were selfless, feeble and submissive beings falling prey to the evil designs of demonic women. It needs to be taken into account that no man would ever entertain and favour a woman unless he expected or in receipt of some favours in return possibly sexual in nature. Taking into consideration complexity of human relationships at workplace, deeper and context specific analysis was needed. It would be erroneous to generalise and point fingers at women.

Westberg (2010) says women all over the world face the dichotomy of roles. Choice is between labeled as good or bad. It is understood that good women do not openly offer themselves to men and make sexual advances while the reverse is true for bad women. All in all Westberg says women are not allowed to be transparent about their sexuality for the danger being restrained and restricted. Again simplistic analysis of sexual harassment was done when it is said the women initially enjoyed male attention and overtures; cried foul when it goes out of hand.

Here the concept of personal boundary needs to be applied for analysing the situation. There was possibility that women complained of sexual harassment if the behaviour crossed their personal boundary and became objectionable and unacceptable over a period of time. The three dimensional view of power by Lukes can be referred to understand that when men are obviously in positions of power, women are not able to voice their complaints due to the organisational environments and fear of retaliation.

An example is given by a participant to illustrate that women were responsible for harassment of other women (wives of men) while in relationships with married men. There is stench of class bias to the example because the participant talked only about women who were appointed on compassionate grounds and not about women in general. Top down and condescending approach was seen when the participant who is HR manager commented on class four women employees whose lives were open to be judged by those at a higher position just because it was her decision to appoint them. Though it was decision of the married man to be in a relationship with the woman, his agency was unaddressed by the HR manager. He was seen as passive in the scheme of things.

Countering the arguments that women are responsible for sexual harassment all the NGO members, labour lawyers and trade union members said no woman would want to bear the pain of harassment and keep crying
about it for long time. Infact women complained to the committee or to NGO only when they were unable to handle the situation. They emphasised that women belonging to lower and middle class of the society believed in the patriarchal social values; try their best to keep their character taintless. Both these points of view mentioned above not only reflect the vulnerable position of women at workplaces but also the poor implementation of the SC guidelines.

It was obvious that complaint resolution mechanism was unable to evoke faith of women as result of which women are compelled to ‘keep crying for months together’ and complaining was the last option. It was seen that organisations chose to forward typical notions related to gender roles where women were held responsible for sexual harassment. Sexual harassment was not seen as form of violence against women and violation of rights of the woman as a citizen and employee. Further it was said that the HR and sexual harassment policies that focused on clothes of women were unjustified since they shifted the focus from appropriate workplace dressing to moral policing. Organisations could not take on larger than life role of dictating what women were to wear and not wear at workplace.

**SUB THEME FOUR: MISUSE OF THE LEGAL PROVISIONS (RELATED TO SEXUAL HARASSMENT AT WORKPLACE) BY WOMEN.**

One of the participants stated that there was about twenty percent misuse of the legal provision for money by threatening men to reveal something shameful or facts that could implicate them. However in the absence of a reliable data base about implementation of the Vishakha guidelines nationally across work sectors (JPC report, 2011) the percentage quoted by the participant was not reliable.

Some participants were able to say that they were hardly any cases of misuse of the guidelines (as less as one) on the basis of the cases received by the committees in the last six-seven years. Since the number was negligible they were not looking at the misuse aspect. They agreed that sometimes cases were referred or woman approached the committee where the nature of harassment was administrative with a hope that the action would be faster. This confirmed that that action by the complaints committee was prompt and faster compared other channels within the organisation. However, need for a separate forum that addressed other forms discrimination against women was felt.

Revengeful attitude of women was perceived and used as one of the key reasons by participants for false complaints of sexual harassment. It was said that women registered fake complaints of sexual harassment to cover their poor work performance and go after the man who was trying to discipline them at work. Similarly when it
was known that the woman was in a relationship with the man, complaint of sexual harassment from her was seen as fabricated one to extract money from him or hit back at him for some vested interest.

It is important to understand that there are tremendous stakes associated with a complaint of sexual harassment. Looking at them it can be said that whenever a woman complained of sexual harassment against a man, the employer and the complaints committee members needed to go beyond the popular beliefs and stereotypes about women being revengeful by nature and pay attention to subtleties of the case. They needed to explore, examine and analyse role of the man in the relationship and his agency.

It is crucial to note it was not just the man who suffered when a complaint of sexual harassment is registered against him. Women too faced character maligning, damage of reputation and become centre of attraction at workplace. Some participants pointed out that decrying misuse of the sexual harassment legal provisions was baseless since every legal provision was misused by some section of the society. Here it was important to note that ranting and raving about misuse was especially loud and jarring in the context of the legal provisions related to women while misuse of other laws did not meet with similar response. The reason was that these laws challenged the status quo position maintained by the society in the context of violence against women and validated rights of women as employees and citizens’ vis-à-vis men.

It was confirmed by the participants that women did not report sexual harassment and chose to bear it in silence or let it go unreported for various personal and professional reasons. Therefore the issue was not of misuse of legal provision and policy but that of not being used by women. This scenario is confirmed by reasons for not reporting sexual harassment in the sub theme above though sexual harassment continues to be rampant at workplaces. It can be added that women put up with sexual harassment and ignore it because they fear a hostile work environment, getting a bad name in the organisation and being branded a troublemaker. While doing so in many instances their services are terminated, or they are forced to take a transfer, or denied promotion (Deshpande, 2012).

Chaudhuri (2006) noted that although large numbers of incidents of sexual harassment were experienced by the women, few women took any formal action due to fear of getting blamed for provoking harassment, dismissal from job, loss of reputation, stoppage of income, behaviour not seen as sexual harassment, blockage of promotions, victimisation in work assignments, lack of confidence in the redress mechanism etc. Rather they developed non confrontational mechanisms to cope with it. Some of them included informal sharing with colleagues, changing dress habits, avoiding interaction with the harasser.
Participants emphasised that the complaints committees would be able to stop the misuse of the provision if there was any via the cross examination during enquiry. Further it was mentioned by the participants that cases which were not proved could not be termed as false. Inquiry procedure needed attention to ensure that the inquiry procedure was women friendly. The procedure had take into consideration that direct and strict proof to prove the complaint could not be available because nature of sexual harassment is mostly concealed, subtle and retaliatory. Moreover in cases of sexual harassment, guilt was to be established on the basis of preponderance of probabilities and undue emphasis on evidence in the form of witnesses etc. could be damaging in the sense that sexual harassment could never be proved.

One group of participants emphatically said the mindset of employers, complaints committees and employees in general that women misused the legal provisions needed to undergo change. They confirmed that number of complaints of sexual harassment reported was low because women were scared that a complaint of sexual harassment would bring them under scan at workplace. They did not want people to discuss their character and life style. It could also result in hampering and sometimes even destruction of their career. From these narrations it could be understood that women had huge stakes and little or no benefit in registering false complaints.

Taking into consideration tiring, hectic and hard life lived by women in cities such as Mumbai it is known that their energy was spent balancing work and home. This point was emphasised by women complainants too who said that complaining of sexual harassment was taxing for a woman in terms of the time, and energy. It was not possible they would approach NGOs and complaints committees with false cases as huge time was spent in the inquiry proceedings.

Participants acknowledged that man could not escape charges of sexual harassment by saying that the woman complained out of revenge. There was a possibility that she did it with vengeance but the man definitely played some role for her to come to the point of registering a formal complaint. Such situations could be predominant in work setting where women were appointed on compassionate grounds after death of the husband. These women according to the participants were vulnerable to advances from men as they were seen as lonely and deprived of sex. In such cases it was important that the committee members believed the woman to understand her journey towards making the complaint.

One of the participants i.e. member from trade union shared about a case in a school. According to the participant sexual harassment did not happen because the man was sober and religious. He was depressed and shameful after the complaint. Complaint was not taken to its logical end since the enquiry officer suppressed it believing the man. She said that there were few cases where women complained against man of sexual harassment but actual
issues according to the participant were administrative in nature. It is alarming that the Trade Union member was making statement based on her impression about the man and the complaint did not see an inquiry by the complaints committee due to such notions. Though apparently element of sexual harassment could be missing from such cases but traces of it could be found after closer and deeper interaction with the woman.

It was important to remember that sexual harassment as a phenomenon continued to be surrounded by stigma and shame; making it difficult for women to talk about it in outright manner. Moreover fact remained that the woman complained against the man in face of discrimination of some kind and therefore such cases in any case required attention and intervention from the employer.

**SUB THEME FIVE: PREVENTION OF SEXUAL HARASSMENT**

One of the participants compared sexual harassment prevention with the anti drunken driving campaign by the Mumbai police. Campaign by the police reached far and wide in the society. They said the same should happen with awareness messages about zero tolerance to sexual harassment. However participants were seen giving benefit of doubt to men saying that many times men were not aware that staring could hurt a woman and make her feel sexually harassed. Therefore awareness had to be done by giving instructions to men about behaviour and rules of the organisation at the time of recruitment.

Similar views were expressed by women complainants who said that prevention had to happen in the beginning for it stopped and nipped in the bud. It was aptly pointed out by the participants including complainants that the employers needed to impose heavy penalties on men found guilty of committing misconduct of sexual harassment because it would act as a deterrent to all the other men. Also certainty of penalty in reported cases would help to spread the message around. According to them awareness about the definition of sexual harassment, reporting mechanisms and accountability on the part of supervisors by linking it to performance was equally important part of prevention.

Participants confirmed that sexual harassment happened frequently at workplaces in form of staring and comments. Thus it is known that the complaints committee chairpersons, members and HR managers were aware about instances of sexual harassment happening in their respective offices. However they did not talk about their role in preventing and deterring those incidents. They knew that women did not report sexual harassment for all the reasons mentioned above. Yet they failed to recount the ways they could be a support system for helping women and expected a woman to deal with the situation in a single handed manner. In fact they said that if one
woman was able to resist the man and teach him lesson it would stop sexual harassment thus pushing their responsibility of stopping sexual harassment on to the women. It came across as naive and common sense analysis of a complex issue such as sexual harassment and brought out helplessness of the committee members in preventing it.

Committee members recognised the importance and need for prevention of sexual harassment at workplace, yet disclosed that prevention activities were not happening on regular basis within the organisation. They voiced their suggestions in outspoken and enthusiastic manner but did not talk about their role in the process. They were seen resting entire responsibility on the shoulders of the employer forgetting that complaints committee needed to be instrumental in playing key role when it came to collaborating with the management for organising and conducting awareness programmes. It can be said that employer in isolation could not carry out awareness drives unless assisted by the complaints committee. Prevention of sexual harassment was the joint responsibility of the complaints committee and the employer.

This scenario of relating to prevention activities is reinforced by the Workplace Sexual Harassment Survey (2010) which showed that levels of awareness amongst women employees regarding the company sexual harassment policy, knowledge of complaint handling process, grievance redress mechanism were abysmally poor. This was because education about the policy and other related aspects was not an integral part of the hiring process. Hunt et al. (2007) explain the importance of training programmes on sexual harassment saying that efforts are needed to raise awareness amongst employees and clarify misconceptions about the meaning of sexual harassment plus making the managers known their roles and responsibilities about the same.

Participants suggested that organisations should publicly declare zero tolerance to sexual harassment. However this could be done only when there was dialogue between the employer and the employees on the issue. Moreover this dialogue needed to be facilitated by the committee members and the HR departments. It is important that complaints committee members carried out advocacy with the management with the help of the HR department for creation of women friendly complaint resolution procedure.

Markert (1999) delineates need of strong sexual harassment policy. Further the policy needs to be disseminated and adhered to ensure prevention of sexual harassment. Moreover the efforts need to done starting from the management level reaching the supervisors and finally the employees. One of the participants said that a women’s cell should be created for carrying out awareness sessions thereby confirming that it was not the responsibility of
the complaints committee to work towards prevention. While another one pointed out that role of the complaints committee was vital in adherence to the policy on sexual harassment and role of the members should not be restricted to complaint resolution alone.

It is important to note that one of the participants talked in a structured manner his ideas for prevention of sexual harassment at workplace. He validated need for awareness on sexuality related issues for the employees and went to the extent to say that if men indulged in sexual harassment in spite of investment by the employer in training them on sexual harassment they had to be seriously penalised. In his interview though he said that he had started talking to the complaints committee members his plans for prevention but they did not reflect involvement of the committee members. In a Single minded manner he talked about modification of forms of penalties for sexual harassment by involving families of the complainants and respondents.

It was already stated by the participants one that reasons for women not complaining of sexual harassment was lack of support from family. Looking at the families which were dominated by patriarchal values involving families of the woman and the man could prove to be counterproductive. Family of the woman and man could blame her for harassment further making her position vulnerable at the workplace. Any such effort aimed at making the men feel guilty for their action could prove to be dangerous in the long run and not in the best interest of the women.

Moreover, such efforts were result of misplaced understanding since sexual harassment was misconduct under the State Civil Rules and deserved punishment as per the provisions. It was not enough to view sexual harassment as only a social evil. It was important to acknowledge it as misconduct since it was happening at workplace which is governed by set of rules and regulations. It needs to seen as an act of discrimination and violation of rights of the woman as a citizen and employee.

As discussed by one of the participants, the idea of cultural management if developed and incorporated in awareness generation could be a positive start towards prevention of sexual harassment. However it was important that it was done carefully done upholding the value that any act of sexual harassment was violation of rights of women as citizen and employee thus needs to be addressed within equality and discrimination framework.
It was imperative as result of the campaign men viewed women as equals who had right to work with dignity and not as mothers, sisters, daughters and/or cult figures (goddesses) to be respected. Merely installing pictures of historical figures would not be enough to prevent and deter sexual harassment. Imposition of medieval feudal thoughts would amount to moral policing and not prevention of sexual harassment. Similarly it was problematic to see sexual harassment as a conduct which cannot be prevented and controlled. It is fundamental to understand sexual harassment as product of the gendered socialisation i.e. learnt behaviour and that it was core responsibility of the employer to prevent it.

It would be mistaken to proclaim that just because there was concentration of women in offices in cities i.e. Mumbai, sexual harassment was not happening to them. As mentioned above male power and dominance was seen as one of reasons for sexual harassment of women. It was possible for few men to harass many women. Moreover it was mentioned by the participants earlier that sexual harassment at workplace was rampant in the form of staring and comments. Just because the reporting by women was low it could not be concluded that sexual harassment was not happening.

One of the participants said it would not be in the spirit of gender equality to treat women differently and as higher than men. However it was an erroneous argument to interpret spotlight and efforts towards prevention of sexual harassment as preferential treatment to women. The argument that in order to prevent sexual harassment segregation of women and men was needed at workplace was also unfounded. Every workplace would certainly consist of both men and women therefore presumption that exclusion of women from men would prevent sexual harassment is both impractical and illogical. However demand for women friendly office spaces was valid.

NGO members, labour lawyers and members from trade unions expressed that responsibility of prevention of sexual harassment primarily rested on the employer. Safe workplace implied a workplace where women could work free from troubles feeling secure. It is envisaged these women friendly spaces would facilitate open expression by women. There would no fear of being judged or bothered about being right or wrong and correct or incorrect. Additionally it was suggested that there had to be large scale dialogues on broader aspects of gender, sexuality and consent within the organisation and initiatives such as complaint boxes should be put in place. In this manner employer could successfully convey to women that they were sensitive to the issue. This could possibly encourage women to report instances of sexual harassment.
Participants drew attention to the fact that most prevention efforts were done with an assumption that people could read the boards etc. However it was important to remember that written material could not be accessed non-literate persons who could be working or visiting organisations. Therefore the manner in which information is displayed was important and needed to be done taking into account the profile of the people working and visiting the organisation. Participants further emphasised that certainty of penalty to men found guilty of sexual harassment and efficiency of the complaints committee were key to deterrence of sexual harassment. Employer needed to make sure that complaints of sexual harassment saw their logical end and complaints committees were strong enough to not fail in their duties.

Another point requiring deliberation was about the nature of penalty imposed on the man and satisfaction of the woman. Government organisations were bound by service rules / regulation while companies were bound by their HR policies. It was important that separate policies on sexual harassment are adopted by all employers which took care of the impact of sexual harassment on the woman and contained penalties in accordance with the impact; not left to the discretion of the management. One of the participants shared her dilemmas about role of the complaints committee members arising in the context of stopping sexual harassment. It is important to note that role of the complaints committee members is expanded to that of a whistle blower and should not be confined to becoming a mute spectator. Prevention was not only about awareness creation through activities and IEC material but also about sensing sexual harassment happening around and checking levels of awareness.

Markert (1999) explains the importance of prevention saying that since women are increasingly becoming part of the work population, organisations must adapt and change by instituting policies and procedures to deal with sexual harassment. As stated by Kapur (2009) the importance of preventive law needs to be understood as it is goes beyond the idea of penalty to a paradigm of shared responsibility and accountability on the part of all stakeholders. Rather than addressing the problem through litigation it engages with all using multi dimensional practices to solve the problem.