

GENDER SENSITIZATION

And

**The Sexual Harassment Of Women At Workplace
[Prevention Prohibition & Redressal]**

Act 2013

What is GENDER SENSITIZATION?



Modification of
behavior

To behave in a
manner which is
sensitive to gender
justice

Changing
behaviour and
instilling empathy

Helps people in
examining their
personal attitudes

Against sexual
harassment at
workplace

EVOLUTION OF WOMEN STATUS

Ancient
India

Vedic
Period

Smriti Era

Smriti &
Purana

MODERN INDIA

1829- Sati Ban

1950-Gender
Inequalities

Art 14- Equality before
law

Art 15- **Prohibition of
discrimination**

Art 15- Govt. can make
special provision for
women and children

Art 16- **Prohibition of
discrimination**

Art 21- deals
with Protection of life
and personal liberty

Art 23- deals with the
prohibition of traffic in
human beings and
forced labour

Art 24- deals with
prohibition of
employment of children
in factories, etc

Art 25-28: **Right to
Freedom of Religion**

Art 39

LEGISLATIVE ATTEMPTS POST 1950

Child Marriage

Immoral
Trafficking

Women's
Right to
Property

Medical
Termination of
Pregnancy

Prenatal Tests

Dowry Laws

Family Courts

Most significant were the amendment to the

- **10. 1972: The Indian Evidence Act Section 113B.**
{presumption as to dowry death}
- **11. 1983: Criminal Law second Amendment Act, Section 498A**
- **2010: Sec 41a CrPc [no automatic arrest on complaint u/s 498A]**
- **2012: Supreme Court dictate on 41a**

Stereotype Gender Bias

- GENDER IS NOT A “Women’s Issue”
- It’s a “People’s Issue”
- Construction of power of one Determines the Construction & Power of the Other
- It’s the undue pressure on Boys & Girls to live up to the established norms of Masculinity & femininity
- Girls endure unwarranted social control, discrimination & domination
- Boys discouraged from being emotional, gentle or fearful thrust into a world of Macho Protectors, Warriors, Breadwinners

Gender is Socially Learned behavior, based on Social Expectation from Men & Women. It varies across the world .

SEX is Natural

Gender is Socio + Cultural = Man Made

A “stereotype” is a cognitive shortcut — that is, it allows your brain to make a snap judgment based on immediately visible characteristics such as gender, race, or age

EXPECTED ROLE

WOMAN

Home & Hearth

Caring & subservient

Patient

Obedient

Loving

Giving

Selfless

Dedicated to satisfy Family needs

Not to express desires & Sexual Satisfaction

Women Witches are BOSSEY

Working Mothers a CURSE

MAN

Bread Winner

Masters

Dominating

Demanding

Strong

Controlled Emotions

Centrifugal

Procure

Commanding & free to seek away from home

Real Men Bosses

Household Cures UNMANLY

BANE OF A WORKING WOMAN

Working Women's Culture & upbringing Morale conflicts with her role model as Mother/Wife

She carries with her a torn, overburdened Conscience

She herself also harboring a bias in favor of men at the workplace

She is a Victim of the Culture, traditions & values instilled in her

She is not even aware of our own Stereotype

Stereotypes and Bias that borders on MISOGYNY - or prejudice against women

At Workplace she seeks to protect her Womanhood, takes a back step

Or becomes Aggressive

What We Can Do to Combat Stereotypes and Bias that borders on MISOGYNY

- **Identify the biases based on gender, sexuality, age, and race you hold**
- **Admit that you have those biases**
- **Keep those biases in mind and take steps to correct them**
- **Expose yourself to different experiences**
- **Raise awareness of biases**

The Good News: It's Possible to Counteract Stereotypes

All we have to do is identify our own bias

- Our attitudes are malleable, if we care enough to change them
- Know your facts accept the challenge of your own bias
- Address it when reflected in others
- Women be prepared for a backlash from men every day is a test
- Donot play your Womenhood card, demand respect / be Confident &proud of women hood
- Womnhood be your strength not weakness
- Sexism can't be ironic because it's still massively prevalent
- Men still benefit from it, women are still hindered by it
- Most women in music videos are required to wear next to nothing, while men have the privilege of keeping their clothes on and earning the same degree of attention, or more
- It's not ironic to put women naked in a music video because it's an extension of the crap that already floods our screens
- It's not anything new, it's just more of the same old sexist garbage

Sexual Harassment of Women at Workplace[Prevention, Prohibition & Redressal] Act 2013



An act conceived in the womb of the most
“disgraceful” “disreputable” “culpable act” OF
GENDER BIAS GENDER INEQUALITY STEREOTYPE
GENDER BIAS AT ITS WORST

The concept of sexual harassment, in its modern understanding, is a relatively new one, dating from the 1970s onwards

The phenomenon of '**WOMEN HARASSMENT**' was prevalent from time immemorial Right from the '**Chir Haran**' of Draupadi to The 'Tyag' of Sita to the 'Persecution of 'Holy Mary' to the 'Witch Hunting' stories of the '**Ruth**' '**Alice**' '**The Dayen**' '**Churail**' '**Nagin**' 'and what not.

However The term *sexual harassment* was used for the FIRST TIME in 1973 coined in the USA and exported to other countries adopted at the International Labour Organisation.

INTERNATIONAL EVOLUTION & CONCEPTS

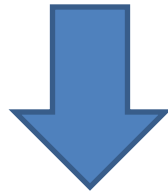
1964- Civil Rights Act, USA prohibited **employment** discrimination based on race, sex, colour, national origin or religion. Initially only intended to combat sexual harassment of women, in the nature of sex discrimination now covers both females and males;

1972- the ILO coined the term SH and defined the same

1980- the Equal Employment Opportunity Commission (EEOC) issued regulations defining **sexual harassment**

1986- The Supreme Court, USA first recognized "sexual harassment" as a violation of CIVIL RIGHTS,

**THE CONSITUTION of INDIA, 1949 guarantees
right of Dignity/Life and livelihood as its basic
framework**



1992 : Witnessed the most appalling Gender
Stereotype Bias Crime Unfold in the Village of
Rajasthan

BHANWARI DEVI / BAHVERI DEVI CASE

Precursor to the Vishakha Case brought to book the violation of these right in the perspective of the Working Women

Bhanveri Devi: A “kumhar” of Bhateri village in Rajasthan,

A grassroots worker employed as part of the Women's Development Project (WDP) run by the Government of Rajasthan against Child Marriage and other Social Evils was Raped by 5 men in the field after her husband was brutally assaulted in Sept' 1992

Medical Tests were held after 48 hours : Despite 5 different semens [none of husband]
All the 5 Accused acquitted

The judgment was HAILED at a victory rally organised by a State MLA in Jaipur for the five Acquitted and the women's wing of his political party attended the rally to call Bhanwari a liar

What is Sexual Harassment :

Denial / Violation of the fundamental Right of a Woman to Equality and to Live her life with Dignity as guaranteed under Article 15, 16 & 21 of the Constitution

- Sexual Blackmail/Coercion
- Denial of favors is characterized by denial of economic benefit
- Increase of workload, denial of Promotions/ Dismissal/ Forced to Resign
- Tangible Employment benefits made contingent upon participation in Sexual Activity
- Unwanted pressure for sexual favours

- UNWANTED/DELIBERATE
- SEXUAL GESTURES / POSTURING
- Touching, Leaning Over, Cornering, Or Pinching
- Sexual Looks / Gestures
- Stalking
- sexual teasing, jokes, remarks, or questions., Sexual comments
- Work discussions to sexual topics
- Sexual innuendos /Personal questions on social or sexual life
- THE CRITICAL TERM IS anything UNWANTED

POST-COMPLAINT RETALIATION AND BACKLASH

- Retaliation and backlash against a victim
- They are labelled “troublemakers “ "power trips", looking for attention
- Similar to cases of rape or sexual assault, the victim often becomes the accused
- Subject to hostility and isolation from colleagues, supervisors, and even friends
- Subjected to relational aggression
- Women are not necessarily sympathetic to female complainants,. If the harasser was male, internalized sexism and/or jealousy brews hostility towards the complainant
- Fear of being targeted / revealed themselves may also cause some women to respond with hostility
- Women hostility may be also due to desire or need to bond with their male co-workers and build trust

The Act, 2013

- Castes upon the Employer/Head of an Institution
- Responsibility to Cleanse the Prevalent System
- Increase Social awareness
- Encourage the Victim to SPEAK UP
- Set in place a Prevention, Prohibition & Redressal System

The Internal Complaints Committee has been made is mandatory in all Workplaces

INTERNAL COMPLAINTS COMMITTEE

- **Comprises of Presiding Officer, Woman working at a senior level at the workplace from amongst the Employees**
- **Two members from amongst the employees of the Workplace**
- **One member from NGO's or person familiar to issues relating to Sexual Harassment**
- **International & National experiences testify that lack of a Platform for voicing the grievance has been one of the Biggest factor to contribute to the growing menace of SH**
- **The Act has a confidentiality clause which binds the Internal Complaints Committee to keep the identity of the victim a secret**
- **It provides for a settlement, if the Victim is so willing**
- **It also provides for the Accused to be kept out of the workplace by transfer/ Leave,**
- **It is a complete forum for redressal / prevention and protection**

DUTIES OF THE EMPLOYER

THE PERPETUATOR

Questions Please?