

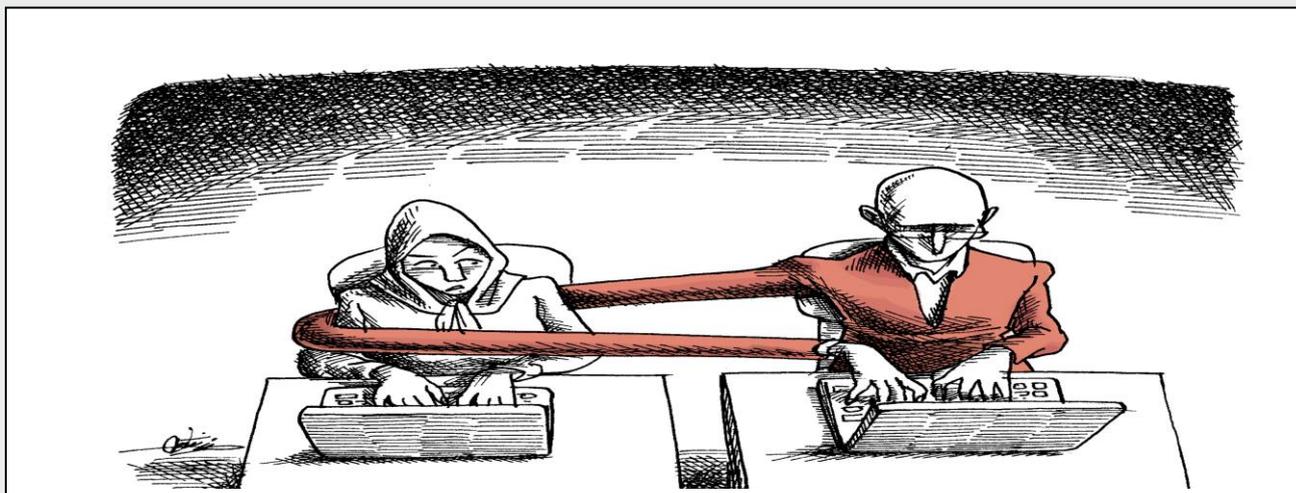
# Gender Watch

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## Employment, Economic Status and Sexual Harassment





### **Abstract :**

*Workplaces have been a site for sexual harassment and exploitation of women, but the issue has seldom received the attention that it deserved. On the contrary sexual harassment accusations are often dealt with knee jerk reactions with organisations trying to keep things under-wrap. But in the wake of # Me Too movement, several women have come forward to narrate their experiences. The reasons rooted in patriarchy inherent in our society, are multifold. Power dynamics in the work place due to low ratio of men-women at workforce, acts as a catalyst in furthering sexual harassment at workplaces by bringing economic consequences upon the complainant and this is aggravated if the victim is from a weak financial background. At the psychological level, victims have to deal with trauma and anxiety which in turn impacts their productivity at work. This in turn is used by the employer as a cause for termination/transfer, thereby putting a cloak on the incidents of sexual harassment happening at workplaces.*

## **I. Introduction:**

*“There are decades where nothing happens; and there are weeks where decades happen”*

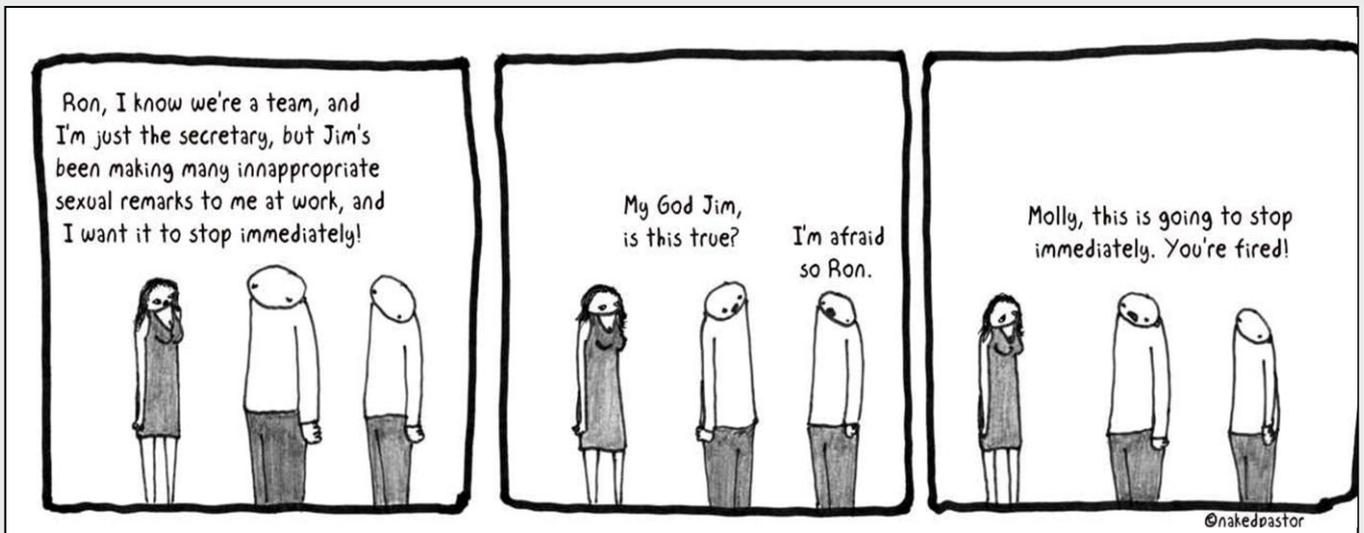
*- Vladimir Lenin*

**H**arvey Weinstein, a well-known name in Hollywood, a film producer and founder of entertainment company called Miramax faced several allegations of sexual harassment and sexual assault last year. These allegations gave shape to the #Me Too movement (though Me Too has its origins in 2006) giving a voice to the victims of sexual harassment and sexual assault all over the world by crossing boundaries and reaching eighty five countries in the world.

India too is witnessing its own # Me Too movement and several women have come out to speak of their experiences with their superiors and colleagues and some of the names that have come out have shocked many. Those accused are from across professional fields - politicians, police, actors, stand-up comedians, directors and journalists. The # Me Too movement has evoked a strong response- one largely among women who felt

this was long overdue and among others who feel that every allegation needs to be supported by evidence and follows the due process of law.

Sexual harassment at work places is not unheard of but it is not dealt with seriously or even the legal framework at workplaces and rather dealt surreptitiously, by the harasser, organisation and the victim itself. The questions that arise here is that - Does the economic situation of the harasser or the harassed have any role in sexual harassment? Does the economic status of the victim play any role in the process of filing a complaint and what is the impact of the sexual harassment claim on the victim? These are some of the questions we will attempt to understand in this issue of Gender Watch.



## II. Background:

We have to go back to 2006 to trace the origins of the slogan “# Me Too” which has now acquired the face of a movement for the suppressed voices who have faced sexual harassment. This word was coined by Tarana Burke in 2006 and after more than a decade, it has been assigned as the official hash tag for women who seek to share her experience of sexual harassment.

This movement started last year with the allegation against Harvey Weinstein by actress Ashley Judd. Later on, almost 70 women alleged him of sexual assault, misconduct and harassment which gave the movement the spotlight it needed to have a head start. Since then, several allegations have come up against many producers, actors, doctors, chefs, hosts leading to their resignations or being fired in few cases. Time magazine named these voices as “Silence Breakers” in its 2017 person of the year. The movement achieved its breakthrough in April this year when Bill Cosby, a comedian and TV Star became the first celebrity to be convicted was sentenced to 10 years behind bars for drugging and sexually assaulting a women.

In September this year, Christin Blasey Ford, currently a professor at Palo Alto University, accused Supreme Court nominee (now the judge), Brett Kavanaugh of sexual assault for an incident that occurred while the two attended separate high schools in Bethesda, Md. Brett Kavanaugh completely denied the accusations and eventually he has been elevated as a Supreme Court Judge by a margin of 4-5.

In India, Raya Sarkar, (Master's student of law at University of California), published a list in 2017 of several professors and academicians whom anonymous women accused of sexual harassment. Ambedkar University did find Professor Lawrence Liang (Dean of School of Law, Governance and Society) guilty of committing sexual harassment in their investigation against which he has filed a petition in Delhi High Court

In 2018, actress Tanushree Dutta has accused co-actor Nana Patekar of misbehaving with her years back (during shooting a movie called as "Horn Ok Pleasee). This acted as a "powder keg" and many more actors, producers, journalists, sports, media, advertisers, non-profits, lawyers, education and stand-up comedians faced allegations of sexual harassment and misconduct in subsequent days. The highlight of this movement has been the resignation of M.J.Akbar (earlier Minister of State for External Affairs) after no less than 16 women came on record alleging him about sexual harassment done by him in the late 1980s and early 1990s. He filed a defamation case against the first woman who cast allegations at him. Sexual harassment has strong economic implications both as cause and consequence. One cannot negate the role of economic status and economic implications in cases of sexual harassment. . This is important in the light of power dynamics at play in the in workplace.

### **III. The Work Space**

#### **(a) Power Dynamics in Workspace**

The role of power dynamics in the process of claim of sexual harassment has not received attention to the extent it should. The power dynamics existing directly and indirectly within the organisation is underestimated. The power perspective views sexual harassment as the result of power inequality that enables harassers to sexually coerce and objectify those "beneath" them in a hierarchy (Farley 1978; MacKinnon 1979). The Power dynamic is at play through the hierarchical structure of the organization and the terms and conditions of employment. In the complaints made, the women were largely in a subordinate work position to the harasser and men were in an economically and hierarchically stronger position. However, we cannot rule sexual harassment between colleagues of similar designation. The difference being that in the event that the harasser is a senior he is often viewed as an asset to the company (owing to the expertise he has) and if his act of sexual harassment is not considered severe enough (says it's an email or sms) the company may not even initiate an enquiry against him, leave alone firing him.

Anagha Sarpotdar in her study: *Sexual harassment at the workplace: experiences with the complaints committee* (2008) found out that

***“Often action is taken with alacrity when the accused is junior in rank. However, when the accused is an important official, there is a complete contrast in attitude of the complaints committee that ranges from reluctance to look into cases to deferring the preparation of reports.***

***In at least two instances, the head of organisation clearly conveyed during a deposition to the complaints committee that services of the harassers were indispensable. If the complainant leaves the institution, it does not matter but if the accused were to leave it will be a great loss - Head of department.”<sup>1</sup>***

***When a Senior academic was found guilty of sexually harassing a junior, the authorities decided to retain him as held a powerful position in the institution. Infact, it was the women who lost her job***

**-Paramita Chowdhary, Sexual Harassment at workplaces**

This is substantiated by the finding of Paramita Chowdhary titled “Sexual Harassment at workplaces: Experiences with the Complaints Committee”, wherein she found that

***“When a senior academic was found guilty of sexually harassing a junior, the authorities decided to retain him as he held a powerful position in the institution. Infact, it was the woman who lost her job”.***

It needs to be emphasised that most of the workplaces are still dominated by males because of the difference in the ratio of women at workplaces. That is, that male bosses and colleagues outnumber female bosses or colleagues. It indicates that in a work place women are more likely to interact with men than women. The male-female ratio is still very low at workplace and to some extent it increases the level of struggle and hostile environment faced by women.

These situations point out to the need for more women participating in the labour market and more importantly women at senior positions. This is not to say that, it will directly reduce the incidents of sexual harassment but there will be more diverse voices on the same issue which would increase the probability of a less-hostile environment.

## **(b) Nature of Working Sector and Sexual Harassment**

To understand better the intersection between economy and sexual harassment, we need to analyse the nature of the workplace as well. With an increase in economic growth, the nature of industry also progresses from simple to complex. The major proportion of India’s population is youth (people in the age group of

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<sup>1</sup> Anagha Sarpotdar, Economic and Political Weekly, Sexual Harassment at the workplace, Experiences with the complaints committee

15-24 years). By 2020, India's population will comprise of nearly 34.33 % of youth suggesting that more young people will enter the work force. The private sector offers more job opportunities at present in comparison to the public sector; hence it will employ more people thus opening of the possibility of higher number of sexual harassment cases in the private sector.

(i) **Private and Public Sector and Sexual Harassment**

The firing and hiring process in the private sector is contractual which is both positive and negative for its workers. It is this instability which perhaps can also act as an important factor for suppression of sexual harassment claims. The haste in firing process works out negatively for victims of sexual harassment because their termination might be projected as due to inability to work or low productivity rather than due to the filing of a sexual harassment complaint while it would be due to filing the complaint. As we have mentioned above, due to the power dynamics at workplace, termination/transfer of a worker would be easy and rather company themselves would terminate/transfer the complainant. The reaction to sexual harassment incidents in public sector is also an additional concern. A study done in India by Anagha Saptodar titled "*Implementing or Ignoring the Law on Sexual Harassment*" showed that the "retaliation from the employer after complaint was distinctly seen in all cases and this was a trend that was much more in the private sector where the complainant women's services were terminated or were compelled to resign due to humiliating working conditions deliberately created by the employer." This attitude of organisations/companies would deter women from filing complaints or even speaking out against sexual harassment. Added to this is the concern of the complainant that future employment may be hindered if word of the complaint becomes public.

One would assume that with the improvement in the nature of industry, the mechanism to address complaints would improve but a look at data in private sector is also not very encouraging.

Indiaspend has reported that between 2014 and 2015, cases of sexual harassment within office premises more than double from 57 to 119-according to National Crime Records data. There has also been a 51 % rise in sexual harassment cases at other places related to work from 469 in 2014 to 714 in 2015. In the previous year, between 2013 and 2014, the National Commission for Women reported a 35 % increase in complaint from 249 to 236, according to this December 2014 reply filed in the Lok Sabha. **Importantly**, under the regulations framed by SEBI(Securities and Exchange Board of India), all listed companies need to disclose the total number of complaints relating to sexual harassment and the pendency data at the financial year in their annual report.

## Complaints of Sexual Harassment filed in 2016-2017

Company	Complaints filed
Infosys	88
Wipro	116
Tata Consultancy Services	65
Kotak Mahindra bank	19
State Bank of India	21
HDFC, ,Bajaj Auto, Reliance Industries, ITC	No complaints
Tata Steal	26
Mahindra & Mahindra	4
Bharti Airtel	5
Pharma Major Cipla	3

**Source:** Hindustan Times

The data above is a mix of both positive and negative aspects. While on one side Infosys and Wipro has high number of complaints which can be either due to hostile work environment there or also due to ensuring a complaint encouraging environment, we also have few companies (**HDFC, Bajaj Auto, Reliance and ITC**) **showing no complaints at all**. In comparison to this, Public Sector recorded fewer complaints. SBI reported 39 cases, Indian Oil Corp and Natural Gas Corp reported eight and six cases respectively.

Few companies as Coal India, NTPC (National Thermal Power Corporation) Ltd, Ultratech Cement, Larsen& Toubro, Adani Ports and Reliance Industries claimed that they had no cases of sexual harassment. These companies also have a low ratio of women employees (ranging from 1 % to about 7 %). All these companies are also a part of Nifty 50 benchmark. But this necessarily does not mean that there are no cases of sexual harassment, it could mean that women did not file complaints.

It is not merely private sector which faces instances of sexual harassment. Infact, Public Sector has also been facing these issues as pointed out in the study done by Bhavira L and Bushira Begum RK., *Functioning of Internal Complaints Committee in Government offices of Kerala (2017)*. The study revealed the hesitation in filing a complaint and patriarchal notions while handling the complaints.

### (ii) Unorganized sector

So far we have been talking about women working in sectors which have formal rules and regulations where women are facing sexual harassment and it is slowly being recognised and becoming a part of the debate. However, there are several incidents of sexual harassment and exploitation in the unorganised sectors not being dealt with in accordance with the law. The consequence of not complaining has direct impact on their basic livelihood needs. The absence of awareness might also be a reason for not filing the complaint. In some instances, women are not even aware of the existence of a legal redressal mechanism (Aravind 2017).

For example, sanitation workers in Bengaluru were demanding that their unpaid salaries be released. Their

salaries were put on hold because they filed a complaint against the contractors.<sup>2</sup> Importantly, many of the allegations of sexual harassment have been made against men who are economically better-off, compared to the complainant (Manickam 2018) which further points towards the role of economic status in sexual harassment claims.

One aspect which might explain the lackadaisical attitude of companies to claims of sexual harassment is the unspoken rule that - professional values are different from moral values and presence or absence of moral values is not the concern of company.

Professional values which boost the

*My whole life loomed in front of me. I was the first person in my family to come out of my home town Agra to study in Delhi and therefore work. In the past three years, I had fought several battles at home to be able to live and work in Delhi. Women in my family only studies but never worked. In small town business families, girls always settled for arranged marriages. I had fought against this patriarchy. I had refused to accept money from my father because I wanted to make it on my own. I wanted to be successful, respected journalist. I just could not afford to be a loser*

*-Ghazal Wahab in her account*

productivity of the company/organisation more emphasised than moral values. The act of sexual harassment is considered as a personal act and outside the company's concern as the absence of it does not impact the company's profits; the presence of it also does the same for the company. It is perhaps also because of the societal notion about the act of "sexual harassment" and how it has been normalised and how one act of sexual harassment is not even harassment. Most cases any complaint is followed by disbelief on account of the harasser being married or father of grown up children or just seniority. As the Weinstein case showed, women often don't come forward with their experiences out of fear of retaliation. Here, the need is to shift the focus of data on sexual harassment from merely mechanism of filing the complaint to understanding what happens actually after filing the complaint. Along with it its impact on work productivity, creativity and also importantly, at the psychological can be understood.

### (iii) Economic Dependency on the job: Fear of losing employment

Many factors come into play to determine the economic vulnerability of women. This is more pronounced in cases, where women are migrants, belong to economically weak backgrounds or are the sole earning member of the family. In such cases, women tend to think twice before taking any step which might lead to them losing their job.

This is clearly reflected in the account of Ghazala Wahab (Executive Editor, FORCE news magazine) see inset box:"

<sup>2</sup><https://www.epw.in/engage/article/extending-boundaries-metoo-sexual-harassment-marginalised-women>

Punam Sehgal and Astha Gang in their study called as “Sexual Harassment at Workplace: Experiences of Women Managers and Organisations (2017)” found that ***“A respondent employed in the information technology (IT) sector stated that when a woman intern or fresher joins work, her male colleagues start trying, it was also reported that single girls and those from small towns working far from their homes are more vulnerable.”***

Infact, L. Camille Herbert in her paper “Economic Implications of Sexual Harassment for Women”, also supports this perspective by asserting that

***“Many women who report sexual harassment are very dependent on their jobs” which would make them economically vulnerable to sexual harassment. Women with low seniority and those in low-status and low-skill jobs are more frequently subjected to sexual harassment than women in higher status and higher skill jobs.”***

This in no way suggests that financially independent women may not ever be victims of sexual harassment. But if one analyses from the economic repercussions of claims of sexual harassment, those in the first category would be more hesitant and perhaps, would put in more thought before raising a complaint against the harasser. Even if they do, the post-complaint environment would be hard for them to live in because the work environment and might become hostile for them.

Often the fear the victim has- that of losing her job- does come true as filing a complaint may lead to the woman being fired. Camille Herbert relies on *Anderson v Kelley* to argue that wherein women filed a complaint against her supervisor alleging him of sexual harassment which led to her being transferred to a department below her working abilities. This transfer eventually became a reason for her termination which she states, was ignored by court. What court missed she emphasised was “the direct economic consequence of sexual harassment for women, she suffered loss of employment because of filing the complaint. This also effects future employment opportunities and decreased job performance are the additional disadvantages which filing of complain has on the career of women.

## IV. Impact of Sexual Harassment on the victim

The patriarchal structure we live in where men are seen as superior to women and there is an attempt to normalize “sexual harassment”, but this dominance has economical connotations too. What women empowerment assumes is that when the number of women at work will increase, women empowerment would increase directly. However, this is not the case. The Labor Force Participation rate for women in India is one of the lowest in the World despite being the second most populous country in the world.<sup>3</sup>

*In 2003, economist Kaushik Basu published a paper titled “The Economics and law of Sexual Harassment at Workplace”, wherein argued that exposure to sexual harassment has something in common to excessive health hazards and working excessive hours due to its biological impact.*

### (a) Impact on Performance

The struggle of finding a new job is even more pronounced for migrant workers or starting fresh in their career, they might forcefully choose to either live with it or even if oppose it, the opposition would not be through the route of official complaint. It was revealed in a study that “*registering a complaint with the employer was considered as the last chance and was resorted to when they found the workplace atmosphere becoming intimidating and difficult to handle*”.

Women facing sexual harassment find it difficult to share their experiences with friends or colleagues and suffer alone. Very often they tend to blame themselves. As a result, other women going through a similar experience do not come together to take action. This tendency of self-doubt is fairly common particularly before filing an official complaint for sexual harassment. Thus, the victim is in a constant state of turmoil, her daily routine to office is be filled with the sense of threat every day. This uncertainty is bound to impact productivity at work as well the mental and physical well-being of the person. Impact of a sexual harassment goes a long way in determining the productivity of the victim even though it might not seem so on surface.

Camille Herbert mentions the Hariss case, wherein the US Supreme Court recognised that hostile environment created by sexual harassment can have economic effects on women even when “the harassment does no result in a constructive discharge.

US Supreme Court has noted the tangible effects of sexual harassment by stating that : “ A discriminatory abusive work environment, even one that does not seriously affect employees’ psychological well-being, can and often will detract employees job performance, discourage employees from remaining on the job, or keep them from advancing in their careers.

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<sup>3</sup> ILO, [India Labour Market Update, July 2017](#) (August 8, 2017)

## **(b) Psychological Impact**

The psychological impact of sexual harassment on victims cannot be underestimated. It can cause chronic depression, Post Traumatic Sleep Disorder. In 2003, economist Kaushik Basu published a paper titled “The Economics and Law of Sexual Harassment at Workplace”, wherein he argued that “exposure to sexual harassment has something in common to excessive health hazards and working excessive hours due to its biological impact”.

Camille Herbert also noticed that “it is difficult to perform at top capacity when one is trying to avoid situations and places in which the harassment is most likely to occur. Additionally, simply being required to tolerate sexual harassment as a price of keeping a job, can damage both a woman’s enthusiasm for her job and her self-image.” In 1979, in a study conducted in US by the Working Women’s Institute, revealed that “75 % of the respondents stated that they suffered interference with job performance, including distraction and loss of motivation. If she would not be able to work in the office efficiently, this would be termed as a reason for transfer and termination which would take the attention away from the main issue behind the incident and the act of “sexual harassment” would not be addressed”.

These factors acts as a deterrent and less or no complaints are filed in the workplace. An additional point to focus here is that the decreased productivity impacts the career graph of women in the long run and there is no study to address this issue. Most of the data is related to the number of complaints filed and not beyond that. Unless and until data maps out the impact which these complaints had on their further career, the focus would be merely on the figures showing the complaints only and actual impact on women’s career would not be known.

These situations points out to the need of more women at workplace, not suggesting that it will directly reduce the incidents of sexual harassment but there will be more diverse voices on the same issue which would implicitly increase the probability of a less-hostile environment.

## **V. Way Forward**

In India, workplaces are required to implement the Visakha guidelines in order to deal with issue of sexual harassment, but the implementation of this law has been tardy. But it is equally true that we cannot wait for that implementation to happen naturally. As much as the provisions providing for constitution of an Internal Complaints Committee needs to be followed, the need is also to ensure that post-complaint environment is also not hostile and discouraging for the complainant. If there is a termination/change of department/resignation of the alleged victim, it needs to be investigated and there needs to be a report explaining the cause to ensure that it is not due to the claim of sexual harassment. Considering the low number of complaint companies receive, this can be done.

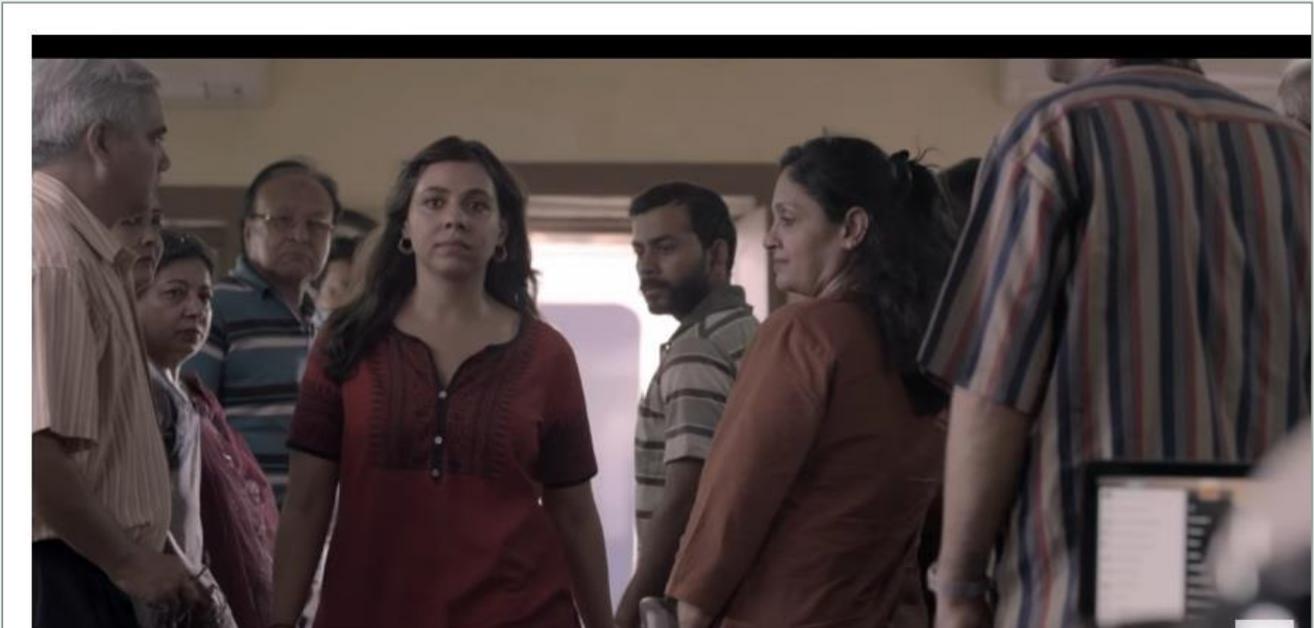
Further, accompanies and organizations through workshops and meetings with employees should encourage discussions on different kinds of sexual harassment so that there is no doubt about what comprises as sexual exploitation and what doesn’t. Moving from this, the linkage between the act of sexual harassment and its possible economic consequences needs to be understood so that the poorest of women are empowered to file complaints. Legal and women friendly framework would also encourage women to join workforce without the fear of sexual harassment and this in turn which would improve their productivity and eventually of the whole economy.

While this is the case of regulated industry, the battle for unregulated industry is a far stretched one and involves the fundamental struggles which the regulated industry faced almost a decade back in establishing the complaints committee. With the wave of more and more allegations against men in power, one can only hope that the economic considerations would not become a hindrance in expressing the harassment women faced and rather we understand that these if these economic consideration would be absent, no other factor would be a hurdle in raising their voice against sexual harassment.

## Issue Recommendation

We recommend in this issue, a short film called “Her: Let the voice be yours” starring Manvi Gagroo and Jainee Rajpurohit. This short movie tells the story of the protagonist raising her voice against the sexual harassment she is facing at her workplace. She calls out the “harasser” and raises her voice in front of office colleagues. While watching this short movie, one can notice that the office staff were aware of the sexual harassment at workplace, but also when she speaks up, the very same staff supports her as well.

Watch here: [Her: Let the voice be yours](#)



## **GENDER ISSUE HIGHLIGHTS**

### **Human Rights Watch releases a report “Shall I Feed My Daughter, or Educate Her?”**

A report, based on research conducted in Pakistan in 2017 and 2018 was recently released. It mentions barriers to girls’ education within the school system such as lack of investment, high cost of education as well as the barriers outside the school system like poverty, social norms, armed conflicts and targeted attacks on schools, etc. [Read More](#)

### **Education level of the groom’s mother major determinant for inter-caste marriage: Study**

A study by Tridip Ray, Arka Roy Chaudhury and Komal Sahai of Indian Statistical Institute, Delhi has revealed that education level of the groom’s mother is the leading determinant of an inter-caste marriage. They authors argue, that Intra-caste marriage or endogamy still remains one of the most ‘resilient’ of all the caste based practices. In 2011, the rate was as low as 5.82%. [Read more](#)

### **Gender gap in access to mobile technology hurting Indian women**

According to a study by the researchers of Evidence for

policy design, a research centre at Kennedy School (Harvard), the gender gap in access to mobile phone stands at 33% in India. This gap, the study argues is exacerbating the gender inequality and inhibiting women’s earnings. As for the causes, the study points out strong social norms, customs and individual beliefs as the chief reasons creating a barrier of owning and operating a Smartphone. [Read more](#)

### **First Female President in Ethiopia**

Ethiopia gets its first female President Sahle Work Zehde, 68 who has previously held positions in United Nations and worked in positions in the United Nations and worked in peacekeeping operations in Africa. Her quote *“If you though I spoke a lot about women already, know that I am just getting started”*, has got widely circulated in social media.

[Read more](#)

### **Netherlands issues the first gender neutral Passport**

Netherlands issues the first gender neutral passport which marks gender specification as ‘X’. It was issued to 57 year old Leonarda Zeegers. The issue of gender neutral passport came after the Court ruled the recognition of third gender. With this development the



RAJIV GANDHI  
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activist groups demands for changes in the existing regulation. [Read more](#)

### **Uruguay Lawmakers pass groundbreaking Trans equality law**

Uruguay Congress approved an historic law on October 18 for protecting the rights of the Transgender people in the country. The bills allows the Transgender people to obtain government funded hormone therapy and sex-reassignment surgery. The bill also secured 1% of the total government jobs for the trans-people.

[Read More](#)

### **The Equal Pay day highlights the gender pay gap world wide**

Equal pay Day is observed to mark the extra work done by women to match the previous year’s wages of male counterparts. Though it is illegal in most countries to pay women lesser than men, men still earn significantly higher. A report by the Organisation for Economic Cooperation and Development found that the gender pay gap was 13.9 percent in 2016 in its member nations. This gap has reduced by a negligible portion to 13.6 % in Britain. [ReadMore](#)

## SUPREVISOR

**Dr. Sushree Panigrahi**

**Senior Fellow**

Contact: [sushreepanigrahi@rgic.org](mailto:sushreepanigrahi@rgic.org)

## COORDINATORS

Neha Panchpal

Junior Policy Associate

Contact: [neha.panchpal@rgics.org](mailto:neha.panchpal@rgics.org)

Subhrali Kachari

Junior Policy Associate

Contact: [subrali.kachari@rgics.org](mailto:subrali.kachari@rgics.org)

Piyush Kumar

Junior Policy Associate

Contact: [Piyush.kumar@rgics.org](mailto:Piyush.kumar@rgics.org)

Jasleen Kaur

Junior Policy Associate

Contact: [jasleen.kaur@rgics.org](mailto:jasleen.kaur@rgics.org)

**Connect with RGICS at [info@rgics.org](mailto:info@rgics.org)**   

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