

**NPTEL**  
**NPTEL ONLINE CERTIFICATION COURSE**

**Course**  
**On**  
**Gender Justice and Workplace Security**

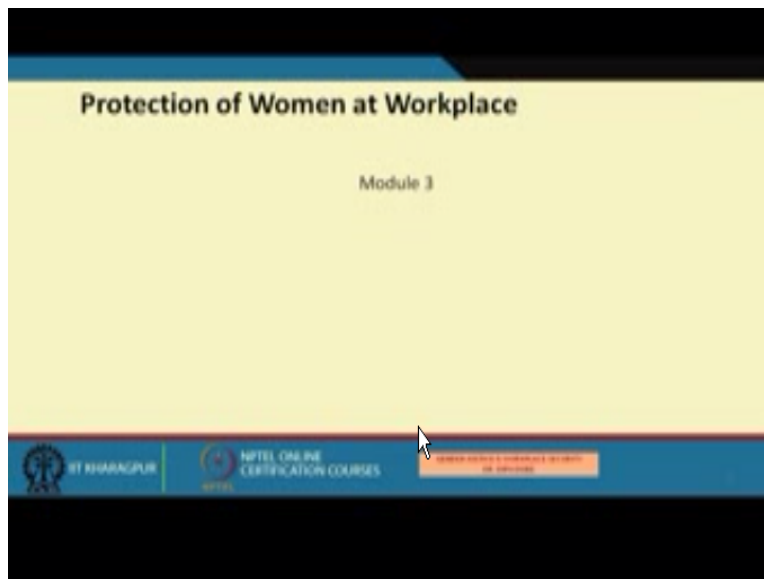
**by**  
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**Rajib Gandhi School of Intellectual Property Law**  
**IIT Kharagpur**

**Lecture 10: Women at Workplace**

I welcome you all to the course on gender justice and workplace security. In this lecture we will initiate discussion on the next module of the course which is on protection of women at workplace.

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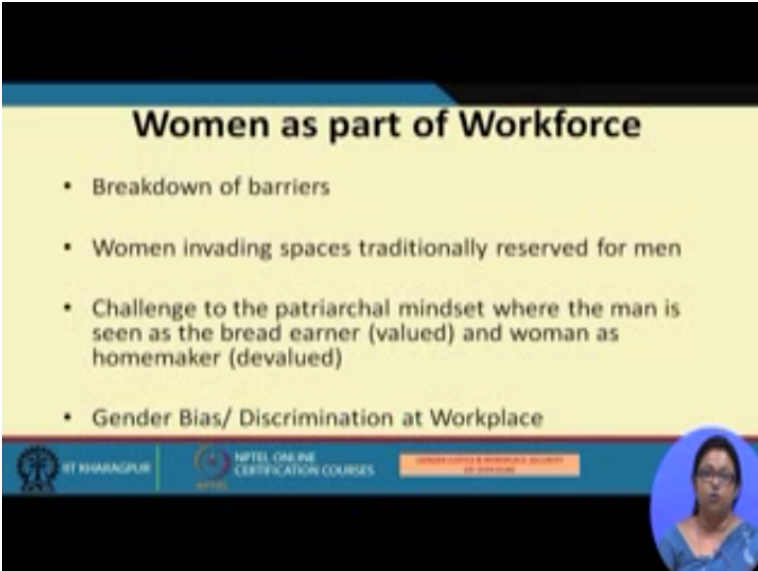
In the previous lectures we have laid the ground with regards to the concept of gender justice, the allied concepts of gender stereo types, gendered socialization, patriarchy, we understand how the social normativity gives rise to various yields by way of compartmentalizing, the roles of men

and women in society. So therefore, we have various types of violations of rights which have a reason against women and girl child whether within the family, at the workplace, or in the society.

And the various forms of violence which has been perpetuated against them. The situation is quite serious and that necessitates taking of effective steps towards eliminating such practices. In that backdrop we have the international developments which have taken place, and they have gone onto impact the individual nations in the creation of laws and institutions which have tried to establish the rights of women, uphold their rights, end policies and principles which are discriminatory of women, and thereby see it to it, that gender justice becomes a reality.

In this module we will try to enter the legal domain by specifically looking into the sexual harassment act which has come into existence from 2013.

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**Women as part of Workforce**

- Breakdown of barriers
- Women invading spaces traditionally reserved for men
- Challenge to the patriarchal mindset where the man is seen as the bread earner (valued) and woman as homemaker (devalued)
- Gender Bias/ Discrimination at Workplace

The slide is part of an NPTEL online certification course. It features a video inset of a woman in the bottom right corner. The footer includes the NPTEL logo, the text 'NPTEL ONLINE CERTIFICATION COURSES', and a small orange box with the text 'GENDER JUSTICE & WOMEN'S RIGHTS IN INDIA'.

Now to start with today we see that we have hundreds and thousands of women who are joining the work force. Traditionally the roles of women were confined to the homes. As we have seen there was the natural belief and that understanding that women are better at nurturing work and therefore they were confined within the homes to look after children to do the various household course and it was believed that they do not have a life outside the four walls of the house.

However, those traditional understanding and the barriers have broken down over the years, women have been pursuing higher education, women have been pursuing different careers and as they are moving forward they are gradually invading spaces which were traditionally reserved for men. So therefore, there has been somewhere a challenge to the patriarchal mindset where the man was seen as the bread earner and therefore was valued, and the woman was the homemaker and a job which was devalued, which was not looked upon with significance.

However, there with the inclusion of women into the workforce we have more and more women coming in different sectors of the economy. So whether it is the government sector, it is the MNCs we are speaking of, it is the education sector, whatever sector is being spoken of today we have come up to a situation where we find more and more women in the workplace. However, what has that led into our situation of somewhere our conflict, our conflict in a sense that since these places were traditionally reserved for men who were traditionally reserved for men, men where more accustomed to accept other men in to the fold.

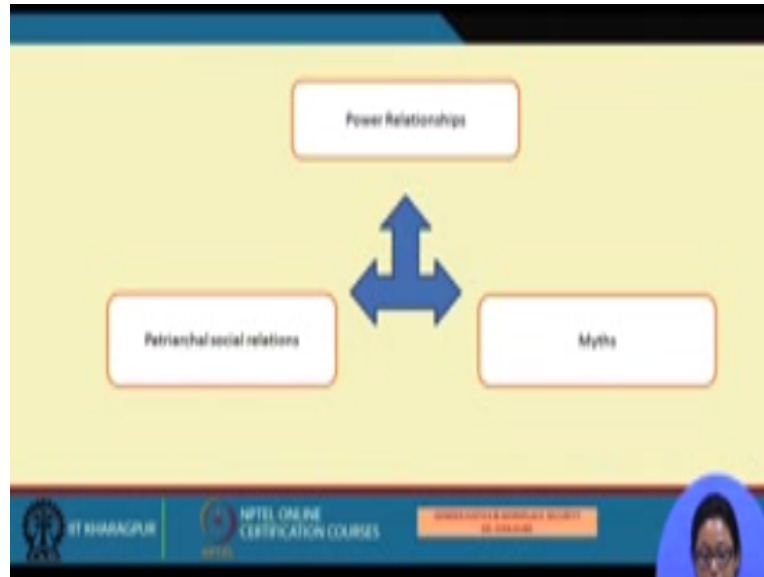
And thereby retain their dominions and their superiority whether in the public or in the private fear but once now we have a situation where women and girls are coming up and joining there it is a saturation of unacceptability a saturation where the other group finds it difficult to accept that these roles can also be performed these roles these jobs are these positions can also be served by the other group that is the women.

And they feel any time as a threat to their existence if we can refer to the case which we refer to in the previous lecture of Shark where it was contended that regionally and traditionally make artists where only men and if women are allowed then it would be that the livelihood several men would be in question.

So it is the same situation that we are looking into where by men feel threatened men feel that traditionally and what it been kept for them is gradually been taken over by women so it is a threat to their livelihood it is a threat to their existence and therefore a sort of a conflict situation arise I know where intent to put forward the view that it is always conflict and there is it is ever a man versus women issue it is not men or also important agents in the process of women's development because it is both together who as to progress and therefore I am nowhere contenting that it is one against the other whoever in many situations it has been seen that there is this

unacceptability of our acceptance of women has not been there and that as let to different forms of gender buyers and discriminatory practices at the work place.

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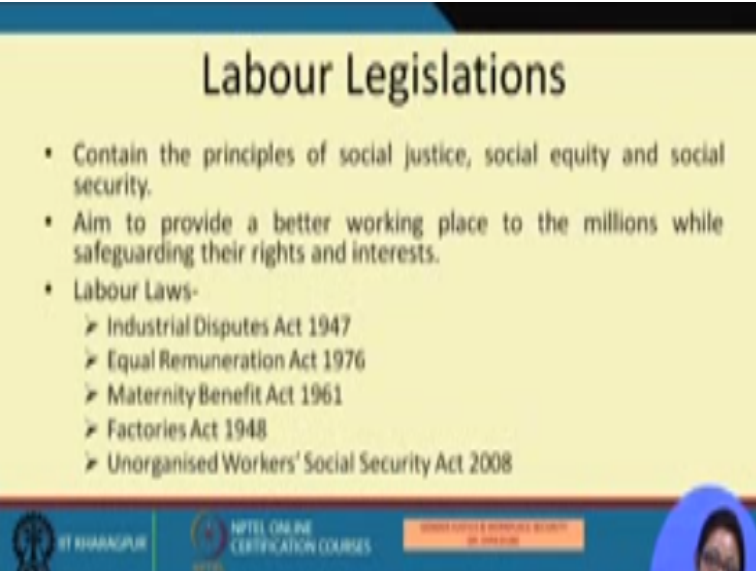


Now it is as we say more of issues of power relations the patriarchal and social relations and the image which we have previously explained which go into the code of these byes or discriminatory practices just for example many times it may be seen that a women who is coming to work or is working with others in the office there are some jokes which are made which jokes have are the tendency to create a uneasy feeling in the women or which is unwelcome for the women.

But it is done and shared amongst the male colloques and they laugh and you know senior at her now this is a situation which comes from more of that patriarchal mind set where in spite of all the colloques and all the employees being equal there is still the pervading concept of male superiority which is there in the mind ort the consequent minds which is there that the women cannot perform this job or this job requires certain things which the lady will be unable to perform.

So some such maids which go into the mind set or the psyche of the people and thereby make them to react in a situation which gives rise to various discriminatory practices or bits approach towards the women.

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The slide is titled "Labour Legislations" in a large, bold, black font. Below the title, there is a bulleted list of points. The first two points are general principles, and the third is a list of specific labor laws. The slide has a yellow background with a blue header and footer. The footer contains logos for IIT Kharagpur and NPTEL, along with text about online certification courses.

- Contain the principles of social justice, social equity and social security.
- Aim to provide a better working place to the millions while safeguarding their rights and interests.
- Labour Laws-
  - Industrial Disputes Act 1947
  - Equal Remuneration Act 1976
  - Maternity Benefit Act 1961
  - Factories Act 1948
  - Unorganised Workers' Social Security Act 2008

Now in therefore when women are a part of the labor force are the work force it is important that they must be ensured the necessary rights which are important for them at the work place it is also important that given certain physical and physiological issues which are special to women there are must be specific provisions or special provisions made for them to help them to overcome that particular issue which is there and accordingly there are the labor legislations which have come into place which tries to address the specific issues pertaining to women guarantee them the equality the rights which are entitled to them and also special aspects which are peculiar to women.

To ensure protection with regard to those, now in India we have a plethora of labor legislations now these labor legislations generally try to enforce the principles of social justice, social equality and social security they aim to provide a better working place to the medians who are in jobs while safe guarding their rights and interest, now in this labor laws there are many just to mention a few we have the industrial dispense act 1947.

The equal remuneration act 1976, the maternity benefits act 1961, the factories act 1948, the unorganized workers social security act 2008 so on and so forth. So if we just see many of these labor legislations have specific provisions with regard to woman while all of these provisions scattered to the requirements of the millions of workers which are there, there are special provisions specifically for women.

Like the equal remuneration act in line with the directive principles of state policy which ensures that, that there must be equal pay for equal work for both men and women and there cannot be any difference in that regard. Special laws which are required specifically for women to speak off like the maternity benefit act of 1961 we know that motherhood is something which is exclusively for women and therefore it is a natural part of life and progression of life for a woman and therefore it is important.

That a woman who is to be a mother she must be guaranteed certain protection for her as well as her child's welfare which is important for the family which is important for the society and important for the state, so therefore global legislation in terms of though a specific legislation ensures that, that there is a specific number of leaves specific leaves for few months which are given to women who are on the way of motherhood.

To ensure that she is able to sustain through that period leave well and to see that she can come back and join the work force, so therefore there have been these legislations which have come into existence over a period of time.

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Now in this regard one of the issues which have been seen to be particularly playing women over the last few decades not to indicate that the practice was never there previously but it is only in the last few decades that the matter has come up for discussion the matter came up before the

supreme court and therefore it got its necessary importance is the issue of sexual harassment at work place.

Now what has been seen is that many of this women who are joining the work force are being subjected to various humiliating, demeaning and degrading behaviors and attitudes of the male employs and in the process the women finds it very difficult to work to continue with her work to perform well in here work and it seriously affix the mental and psychological calm of that women, now what makes sexual harassment so very crucial is.

Because of the fact that the lady is employed there so she is an employee who is working in a particular organization and her economic resources or economic dependence is entirely on that organization and it is the same organization sometimes the employees and sometimes the employer of the organization who indulges in certain practices. Now so at one end on one side it is the issue of an economic security where if she protest or she wants to object or take some further action she may immediately suffered in terms of her economic independence because she may be thrown out of the job or there may be other actions taken against here.

At the same time, at the personal level it affects the women there is a serious psychological drama which affects the woman because she has to beard through that behavior everyday where is a work place where she is working for a substantial period of time she has to beard with certain attitudes, certain behaviors which make her uncomfortable which make her unwelcome or which seriously threatens her well being, she has to beard with that silently and continue with her performance.

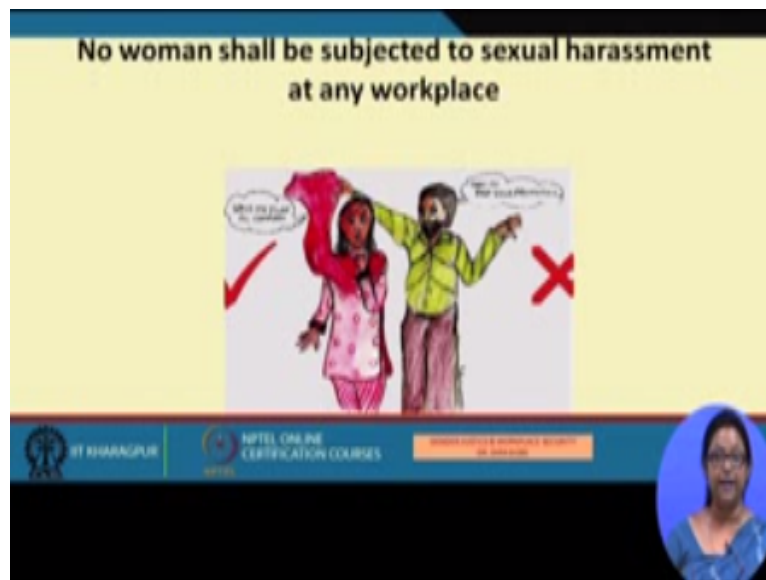
Because working in a work place requires you to perform and it requires you to achieve certain targets and what becomes very difficult that for the women is in the face of this negative attitudes or adverse behavior which is shown towards her she finds it very difficult to adjust and adopt herself to the environment and perform well and perform to the satisfaction of the employer of the organization.

So it poses to be a peculiar situation for the woman and it is also known to her in case she brings the issue out of the organization it becomes an issue of reputation for the entire organization and the organization would prefer not to keep her or not to continue with her because the interest of the organization in maintaining their reputation is more than protecting the interest of the

woman, so overall what happens is sexual harassment at work place becomes a very complex and integrated problem where it becomes very difficult for the women to really raise her voice to protest or to object to certain kinds of behavior.

And what is being seen is because of this there has been more and more instances of such behavior coming up across the world so in India it has been only a few decades but in America through research extra it has been seen in all sectors of employment specifically defense forces extra there have been white spread issues of discriminatory practices and sexual harassment of women and therefore making it very difficult for the women to cop up with the entire situation.

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Now that lies at the base of it that when we are speaking of women's rights when we are speaking of elimination of violence against women no women should be subjected to any sexual harassment at the work place, so that lies at the core of the issue that no women as we have said the constitution guarantees equality no discriminatory practices it is important that if a woman is at a work place she must be given a safe and secure environment to work to perform and there cannot be any sort of an arbitrary demeaning degrading practices which is put on her.



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### What is

- Speaking generally, “sexual harassment is a behavior with a sexual connotation that is abusive, injurious or unwelcome.”
  - Has a **sexual** connotation
  - Is **unwelcome**
- **Impact** matters, **Intention** of the harasser is irrelevant.
- May or may not entail **economic losses**.

Now when we say sexual harassment what does it really stand for now generally when we speak of this term it refers to a behavior which has a sexual connotation there is a sexual reference the sexuality of the women is in question and that is abusive injuries or unwelcome to the women, so what is very important is there must be a sexual in connotation, any other types of behavior or any other types of words used expressions used which do not have a sexual connotation in this sense that she is a woman and there are certain aspects of her which refer to her sexuality or her femininity in particular.

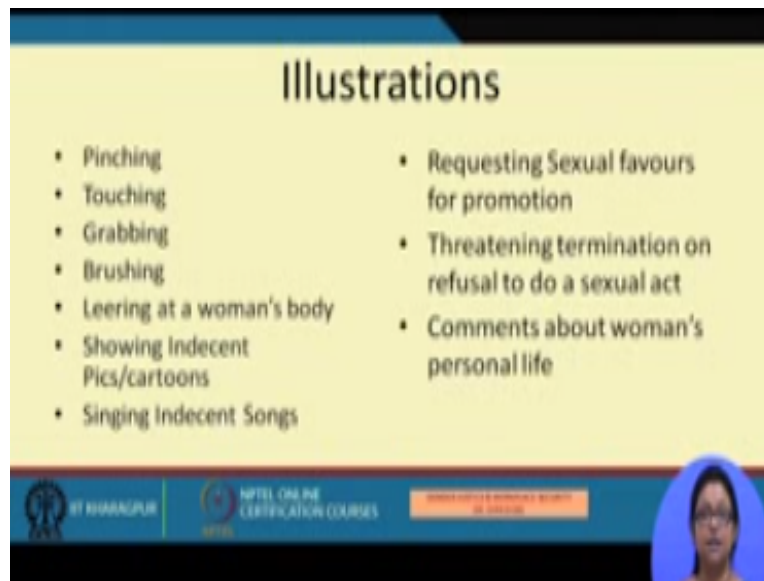
If there is specific reference to that then only harassment comes within this scope of sexual harassment, any sort of a general comment which is made generally irrespective of the person being man woman then it would not take the character or color of sexual harassment. What is also important that connotation must be abuse if must be injuries or unwelcome for the women so that is something which she does not welcome or she does accept and she finds it somewhere affecting her wellbeing and abuse it to her femininity to her sexuality.

So that is very important when we are speaking of sexual harassment. Now what is important here is the impact which it creates something very, very important and something which is often pleaded is the harassers saying that he never meant that he never wanted it to have that meaning, he had said it in some other sense. So we have understand the connotation the reference to the

sexual aspect of the person and the impact that is in terms created on the women it is not the issue of intention of the harasser.

And as I said previously generally there are direct links with the economic aspect when it comes to sexual harassment, however that is not an imperative or a senior cord none because it may or may not entail economic losses.

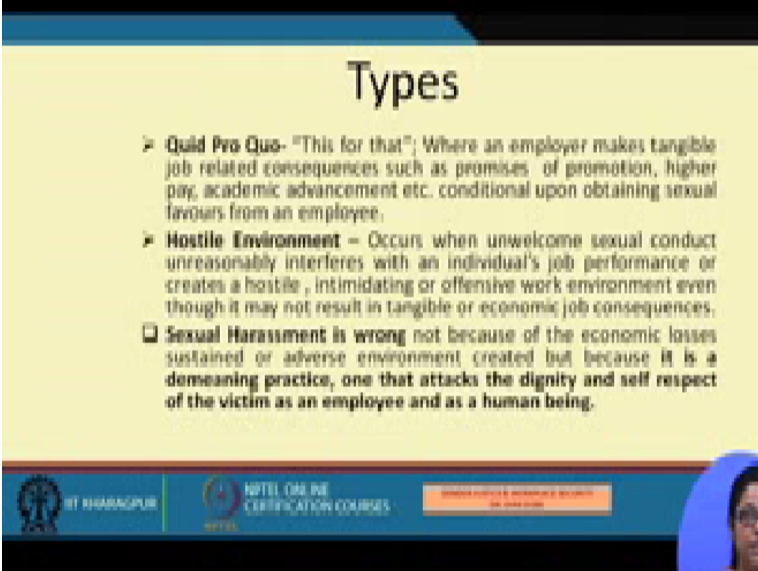
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A whole lot of behaviors and individual acts can come within the scope of the definition or the meaning of sexual harassment these are just some of the illustrations of the types of behavior which can qualified for such act pinching touching grabbing brushing leering at a women's body showing indecent pictures or cartoons singing indecent songs request for sexual favors threatening termination on refusal to do sexual act comments about the woman's personal life so on and so for their can be many others which can be thought of but generally these are the type of acts or activities which qualify for the term sexual harassment.

And would example probably can be the reopen their whole Bajaj of the kps in these case were the person it the respondent came and that at the bottom of a women and now that is something which is extremely humiliating of a women and this definitely most welcome and abuse for the misbehavior for women so even though it may be something which demands the normal and acceptable may be this or other man or whatever.

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The slide is titled "Types" in a large, bold, black font. Below the title, there are two bullet points. The first bullet point is "Quid Pro Quo- 'This for that'": Where an employer makes tangible job related consequences such as promises of promotion, higher pay, academic advancement etc. conditional upon obtaining sexual favours from an employee. The second bullet point is "Hostile Environment - Occurs when unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment even though it may not result in tangible or economic job consequences." Below these bullet points, there is a statement: "Sexual Harassment is wrong not because of the economic losses sustained or adverse environment created but because it is a demeaning practice, one that attacks the dignity and self respect of the victim as an employee and as a human being." The slide has a yellow background with a blue header and footer. The footer contains logos for "ST KHARANGPUR" and "NPTEL ONLINE CERTIFICATION COURSES" along with a small video feed of a person in the bottom right corner.

**Types**

- **Quid Pro Quo-** "This for that": Where an employer makes tangible job related consequences such as promises of promotion, higher pay, academic advancement etc. conditional upon obtaining sexual favours from an employee.
- **Hostile Environment -** Occurs when unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment even though it may not result in tangible or economic job consequences.

❑ **Sexual Harassment is wrong** not because of the economic losses sustained or adverse environment created but because it is a demeaning practice, one that attacks the dignity and self respect of the victim as an employee and as a human being.

But with regard to women there is something which is unacceptable form of the behavior and therefore definitely qualifies the designation sexual harassment now generally as such in India we really do not see the various types all this however literature puts in two categories of sexual harassment which takes place on e is quick pro quo and the other is hostile environment.

Now quick pro quo generally refers to this for that where an employer makes tangible job related consequences such as promises of promotion higher pay academic advancements etc conditional upon obtaining sexual favours from an employer if you do this usefully so this is for that is generally one in your of the other and that holds for the various promises which may be given to a person one fulfillment of one or the other sexual favours.

The other is what we called the hostile environment when unwelcome sexual conducts unreasonably interferes with the individual's job performance or creates a hostile intimidating or offensive work environment even though it may not result in tangible or economic job consequences.

Now that is the second situation where unaware sexual conduct is part be treated and that is seriously interferes with what a performance or with the environment which surrounds the women who is working but as such there is no economic consequences losses which are involved in the clauses.

So what is important is sexual harassment is wrong not because of the fact that very economic losses or sustained environment but because it is determining practice one that attacks the dignity and self respect of the victim as an employee and has a human being so that is something very, very important that involves in dignified living guaranteed under article 21 it goes against the self respect of a victim and it affects the integrity of a person as a human being and that is where it is a prohibited practice.