

In Case of a 'Missed Call,' Dial 103!!

My experience of conducting training on 'Prevention of Sexual Harassment at Workplace' has been an eye opener! For me, yes, for me!! And this is how it goes...

The Ignorance of the Corporate Executives

I begin the session of sexual harassment. I ask some 'elementary' questions to the audience. How frequently does it happen? The Corporate Managers observe that 'These things [Sexual Harassment cases] do not happen here. We are here just like a family.' The 'family' as a metaphor, as any HR manager will tell you, is an overused and not-so-appropriate metaphor. Really? Probably I am wrong. The perpetrators of the crime are often relatives. But obviously there are no relatives in office, or workplace. [They say that 40%+ women have experienced sexual harassment at the workplace.]

Whenever such comments are made my eyes turn to ladies in the audience; they seem shocked by such ignorance of their colleagues. I notice a young woman picking up a newspaper and holding it in front of her face to cover her derisive smirk from others in the room.

Tell me, I ask, "Is this statement true or false?" 'If the harasser does not do it intentionally, then it does not constitute sexual harassment.' 'True, true' they say. After all guilty mind matters, they say. Isn't there a maxim which says "*actus non facit reum nisi mens sit rea*, and does it not mean "the act does not make a person guilty unless the mind is also guilty?" Women can be very fussy; they tend to misinterpret things easily. But we know, this is a false statement. One of the participant points out, "It is all about 'unwelcome advance.'"

Reasonable Man or Reasonable Woman? Whose Perspective?

And that brings us to the next point: What is Sexual harassment is all about? 'Unwelcome advance' or providing 'hostile workplace' as Vishaka case tells us. But who is the judge of unwelcome advance? 'Would a reasonable person have anticipated that victim would be offended?' they ask. So some feel that it is to be judged from a 'reasonable person's' eyes.

Then we ask them, "Reasonable person? Reasonable man or reasonable woman?" What's the difference, they ask. A 'reasonable woman' in all likelihood may differ in her judgment and perception from a 'reasonable man' as regards the offensive nature and gravity of the conduct reproached, I answer. So give male adjudicators a short shrift.

Oh yes, It happened here once. But....

At this stage somebody remembers that they had heard about [or were involved in some way in handling] a case of sexual harassment. Anybody in the office? Nah! It was a contract labourer. Sigh of relief!! 'I feel that character of a woman matters!' somebody prepares a defence. There is a veiled suggestion there that a woman contract labourer is a woman of 'easy virtue.' I ask, "Does a woman lose her basic human rights just because she is a prostitute?" There is an uncomfortable silence. Perhaps that silence shouts loudly!

What is unsaid here? "Hey, we are a good bunch of people, we protect our women co-employees. Such things are rare, and do not happen here. You are speaking about a rare event. If it happens we would sack the man."

Invincibility of the HiPo

The HR manager laughs. He knows better. If the perpetrator is regarded as a 'very effective' manager then many offences are ignored. That is the harsh truth. Money is not just a big motivator but also an almost unquestioned deciding factor. Women are dispensable, but the effective manager is an asset, let us warn him, but he has a tough job on hand and is 'result oriented' and a 'HiPo.'

The HR manager grows uncomfortable. He asks some question on values. After all GE says that if you do not conform to values, you should be shown the door. Everybody then laughs. The unsaid statement is 'Americans are good at these things; their corporations are full of sexual harassment instances.'

Sometimes one is enough

I then hand over a case for discussion. People have to discuss it in groups and have to answer whether or not the behaviour amounts to sexual harassment. Yes, say many. No, say some. The awareness is sinking in. The trainer in me is pleased. 'Why do you say No?' I ask. "Well, he did it only once. In order to be 'harassment' it must be done repeatedly! There is an element of repetitiveness in harassment" he says. But there are not many buyers for his theory now.

I am reminded of a dialogue between Ajit [the famous villain] and Dharmendra in a Bollywood movie. Ajit asks for a match to light his cigarette. Dharmendra searches his pockets and gives him one, but observes, "Sirf ek hi hai." [Only one matchstick is in the matchbox]. Ajit gives him a meaningful look and retorts, "Aag lagane ke liye bas ek hi kafi hai." [One is enough to light a fire.]

The thinker in the group says, "Well, it depends. Sometimes one instant may be enough." I congratulate him and inform him that the Supreme Court judges have also said so. He smiles.

Oh, What a State of Affairs!

By this time, the awareness is high. Somebody says that the State is doing precious little in this issue of sexual harassment of women. "Oh, what a State of Affairs!" comes the remark. "Pun intended!" he adds looking around for appreciation. I ask participants to read out the first para in Medha Kotwal Lele case.

The Vishaka judgment came on 13.8.1997. Yet, 15 years after the guidelines were laid down by this Court for the prevention and redressal of sexual harassment and their due compliance...many women still struggle to have their most basic rights protected at workplaces. The statutory law is not in place. The Protection of Women Against Sexual Harassment at Work Place Bill, 2010 is still pending in Parliament though Lok Sabha is said to have passed that Bill in the first week of September, 2012. The belief of the Constitution framers in fairness and justice for women is yet to be fully achieved at the workplaces in the country.

A young woman manager takes the opportunity to talk to me during the tea break. "Sir, what should one do if the organisation is not sensitive?" "Who is 'organisation?'" I ask and feel as if I have shot a question showing utmost insensitivity. The girl smiles nervously. I understand. She is either referring to her boss or her HR manager. Quit the job, I tell her. I know it is not going to convince her. DNA article reads "*According to NCRB data, of the 8,570 cases of sexual harassment cases across the country in 2011, 1,071 took place in Maharashtra. Of these 1,071 cases, 61 were in Pune.....The NCRB report mentions that in 2011, Andhra Pradesh had highest number of 3,658 sexual harassment cases.*" [DNA July 29, 2012, Pune]

I remember the short advertisement which precedes the movie. "Dial 103," The Maharashtra Police Helpline for sexual harassment women.

You dial it when your boss did not hear you, and you had a 'missed call' in your office.

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