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
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
Most significant were the amendment to the

- 10. 1972: The Indian Evidence Act Section113B.  
  {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

<table>
<thead>
<tr>
<th>WOMAN</th>
<th>MAN</th>
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<tbody>
<tr>
<td>Home &amp; Hearth</td>
<td>Bread Winner</td>
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<tr>
<td>Caring &amp; subservient</td>
<td>Masters</td>
</tr>
<tr>
<td>Patient</td>
<td>Dominating</td>
</tr>
<tr>
<td>Obedient</td>
<td>Demanding</td>
</tr>
<tr>
<td>Loving</td>
<td>Strong</td>
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<tr>
<td>Giving</td>
<td>Controlled Emotions</td>
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<tr>
<td>Selfless</td>
<td>Centrifugal</td>
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<tr>
<td>Dedicated to satisfy Family needs</td>
<td>Procure</td>
</tr>
<tr>
<td>Not to express desires &amp; Sexual Satisfaction</td>
<td>Commanding &amp; free to seek away from home</td>
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<tr>
<td>Women Witches are BOSSEY</td>
<td>Real Men Bosses</td>
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<tr>
<td>Working Mothers a CURSE</td>
<td>Household Cures UNMANLY</td>
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# BANE OF A WORKING WOMAN

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Working Women’s Culture &amp; upbringing Morale conflicts with her role model as Mother/Wife</td>
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<tr>
<td>She carries with her a torn, overburdened Conscience</td>
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<td>She herself also harboring a bias in favor of men at the workplace</td>
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<tr>
<td>She is a Victim of the Culture, traditions &amp; values instilled in her</td>
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<tr>
<td>She is not even aware of our own Stereotype</td>
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<tr>
<td>Stereotypes and Bias that borders on MISOGYNY - or prejudice against women</td>
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<tr>
<td>At Workplace she seeks to protect her Womanhood, takes a back step</td>
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<tr>
<td>Or becomes Aggressive</td>
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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
- Do not play your Womenhood card, demand respect / be Confident & proud of womenhood
- Womanhood 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.
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 CONSTITUTION 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.
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 Rap ed 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?