



**INTERNATIONAL ACADEMY**  
Initiative in Education & Lifelong Learning

## **Certificate Programme**

# **Understanding Gender in Society: Concepts and Trends**

## **Unit 4**

### **Gender at the Workplace**

## Units of Understanding Gender in Society: Concepts and trends

### **Unit 1: Gender Debates and Dialogues**

- Sex and Gender: Distinction and Significance
- Understanding gender
- Ending Gender Inequality: Two Schools of Thought
- Why do we need to talk about gender

### **Unit 2: Roots of Gender Discrimination**

- Gender stereotyping
- Defining Socialisation
- Patriarchy

### **Unit 3: Mainstreaming Gender**

- Historical Trends
- Gender Analysis
- Mainstreaming Gender

### **Unit 4: Gender at the Workplace**

- Setting the Context
- Workplace and its dynamic structures and realities
- Challenges at the Workplace
- Sexual harassment as a form of workplace violence

**Unit 5: Gender Based Violence**

- Defining Gender-based violence
- Forms of gender-based violence

**Unit 6: Gender Mainstreaming within Institutions**

- Gender Mainstreaming within Institutions
- Participatory Gender Audit: Gender Assessment of an Organisation
- Engendering Workplace Through a Gender Policy

## Table of Contents

S. No.	Contents	Page No.
	Introduction	5
	Learning objectives	7
4.1	Setting the Context	8
4.1.1	Defining the workplace	8
4.2	Workplace and its dynamic structures and realities	10
4.2.1	Women in the workplace	10
4.2.2	Gendered structures of the workplace	13
4.2.3	Socio-political reality of women in the workplace	14
4.3	Challenges at the Workplace	17
4.3.1	Global and Indian overview	17
4.3.2	Gender challenges in the Indian workplace	21
4.4	Sexual harassment as a form of workplace violence	27
4.4.1	Definition of sexual harassment	27
4.4.2	Types and forms of sexual harassment	32
4.4.2.1	Types of sexual harassment	32
4.4.2.2	Forms of sexual harassment	33
4.4.3	Causes and impact of sexual harassment at workplace	36
4.4.3.1	Causes of sexual harassment at workplace	36
4.4.3.2	Impact of sexual harassment at workplace	39
	Summary	43
	Glossary	44
	Required readings	45
	References	45

## Introduction

The Universal Declaration of Human Rights 1948 (Articles 1, 2 and 7) speak about equality in dignity, rights and freedoms and equal protection against any discrimination. The International Covenant on Economic, Social and Cultural Rights, 1966, enjoins all States, party to the Covenant to guarantee rights enunciated in it without discrimination of any kind. It also means that States will ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights established in the Covenant. The right to fair conditions of work is also enshrined in Article 7 of the Covenant. Article 11 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) all takes into account violence and equality in employment. The 1995 United Nations' Women's Conference in Beijing drew up a Platform of Action of objectives and actions to advance women's rights, including outlawing sexual harassment at work.

Given the fact that society is generally patriarchal in nature, women face myriads of gender-based inequalities, which often get translated into workplace practices, norms and ethics. Workplaces that began with only male management and employees had over the years established norms, ethics and codes, both written and unwritten, reflecting their unique needs and understandings and contexts of life processes. Working women have started taking up roles traditionally belonging to male domains within the patriarchal structure. However women have found that whilst these new roles have given them access to the workplace, the rules, norms and practices that exist in the workplace still largely cater to that of men. For instance, glaring gender gaps can be ascertained from the fact women today represent over 40 per cent of the global work force, yet, their share of management positions does not exceed 20 per cent. Gender based discrimination is a reality for a lot of women. Of these sexual harassment is one of the more serious discriminations that a woman in the workplace faces.

In this unit we shall explore the concept of workplace. We shall unfold various dimensions of workplace and the gender based challenges at workplace. Finally we shall learn about sexual harassment as a form of workplace violence: types and forms of sexual harassment, causes and impact of sexual harassment at the workplace.

We would also like to acknowledge here that large portions of the text in this module have been borrowed from the PhD thesis of Dr. Martha Farrell, Director, PRIA International Academy. We are grateful to Dr. Farrell for allowing us to use her thesis for the course content.

## Learning Objectives

Upon completion of this unit, you will be able to:

- Become familiar with the definition of the workplace
- Analyse the role of gender at the work place
- Recognize the challenges at the workplace from a gender perspective
- Learn about the different types and forms of sexual harassment; causes and impact of sexual harassment at the workplace

## 4.1 Setting the context

### 4.1.1 Defining the workplace

There has been much debate about the definition of the workplace in the context of sexual harassment. In the past, there have been arguments put forth about the workplace just being the boundary of the premises where employees sit and work, while others have included public places that are frequented by employees in the context of their work.

It is now well accepted that a workplace is any place where working relationships between employer and employee(s) exist, going beyond the physical boundaries of the primary workplace or office building.

The ILO uses the concept of “the world of work” to include the broader place of economic activities. The concept of the world of work helps capture paid productive work that does not take place within the traditional “public sphere” such as a factory or office, but which is employment such as selling products in the street, artisanal production or piece work in the home. It also comprises not just the place of work but related contexts where gender-based violence can take place, such as on public transportation going to work, or returning back home after a night shift. (Cruz & Klinger, 2011). It is important to recognize and include the broader place of economic activities in any effort to prevent and address sexual harassment.

In India, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 has specified its definition to include a much wider area, which refers to all the places that an employee visits during the course of employment, including use of transportation. It includes:



- Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit in the public sector; either established/owned, controlled or wholly or partly financed by funds received directly or indirectly by the government or local authority or a government company or corporation or a co-operative society
- Any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or services
- Hospitals or nursing homes
- Any sports institute, stadium, sports complex or competition or games venue, even the residence if used for training, sports or other related activities
- Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey
- A dwelling place or house
- Workplace of unorganized sector.

The Act also states that workplace of unorganized sector refers to:

- An enterprise owned by individuals or self-employed workers:
  - engaged in the production of goods
  - engaged in the sale of goods
  - providing service of any kind whatsoever
- Where the enterprise employs workers and the number of such workers is less than 10

## 4.2 Workplace and its dynamic structures and realities

### 4.2.1 Women in the workplace

The gender discrimination that exists in society inevitably creeps into the workplace, as the actors in these spaces are drawn from society itself. More often than not both men and women in the workplace believe that though women have entered the workforce, their primary and most important priority in life is the family and their homes therefore, they are viewed as mothers, wives, sisters and daughters; they are accepted as subordinates, tolerated as colleagues but rarely accepted as superiors and bosses.

Many studies have highlighted the need of understanding the workplace as an institution, which was not only portrayed as the domain of men, but which also perpetuated gender stereotypes in its systems, policies and structures. While many workplaces appointed women for a variety of reasons (both positive and negative), there was a refusal to change norms of the workplace to recognise the different and specific needs that women came with. Most organisations expected women to 'fit in', and not 'make fit' the workplace for women.

According to (Acker, 1990) "the structure of the labour market, relations in the workplace, the control of the work process, and the underlying wage relations are always affected by the symbols of gender, processes of gender inequality and material inequalities between men and woman. These processes are complexly related and powerfully support the reproduction of the class structure".

(Rao, Stuart, & Kelleher, 1999) build upon Acker's theory of the gendered substructure of organisations and relate the symbols of domination and subordination that create and perpetuate gendered behaviours. In their view, the foundation of the gendered sub-

structure comprises the spatial and temporal arrangements of work, the rules prescribing workplace behavior, and in the relations linking workplace to living place. These practices and relations, encoded in arrangements and rule, are supported by assumptions that work is separate from the rest of life and that it has first claim on the worker. Many people, particularly women, have difficulty making their daily lives fit for these expectations and assumptions.

#### **MYTHS ABOUT WOMEN IN THE WORKPLACE**

- *Women do not want a career; they just need to be occupied*
  - *Women earnings are used for small essentials like make up and clothes, the male is still the breadwinner*
  - *Women cannot do men's work*
  - *Women frequently reporting absent as she will take leave for various excuses related to the family*
  - *Women are not committed workers and cannot work longer hours than stipulated*
  - *Women lack ambition and drive*
  - *Women are soft, they cannot make good managers*
  - *No point investing in women, they will marry and have children, and leave*
- (Mukadam & Patwardhan, 2010)

#### ***Women in the workplace in India***

Despite the growing evidence that women face discrimination in the workplace (in both formal and informal settings), and despite the fact that there are several legislative measures to combat these varied forms of discrimination, there are correspondingly very few studies in the Indian context that analyse gender inequality in formal work settings.

There is an increase in the number of women in the formal workplace; women are being hired at all levels – junior, middle and senior; many of these women are the first generation of women in their families to be employed in occupations outside their

homes; for many women, migration brings them out of their towns or villages in search of employment in bigger cities; many working women also belong to nuclear families, without traditional support systems for child care and other reproductive roles; and those women who enjoy the traditional support of the joint family, also have to face and deal with stereotypical mind sets of family members.

For all of these women with limited or no experience, entering male dominated workspaces, which are generally indifferent and frequently hostile to women workers, trying to 'fit in,' can be a daunting experience. Women in the workplace also hesitate to raise their voices against varied forms of discrimination for fear of being 'labeled' or thought of as aggressive, or believing that small issues may be considered too 'petty' to discuss and share with colleagues.

Lack of support, mentoring and advice from colleagues and families, insufficient information on policies of the organisation and/or laws of the land is a reality. However, the awareness that this is the situation of most working women can create feelings of dejection, low morale and diminishing self-confidence among working women in India today.

Women's labour force participation in both the formal and informal sectors of economy is increasing steadily. More and more women are gaining education and entering formal institutions for work and career. The dynamics of gender discrimination and approaches to mitigate the same in formal organisations in the public and private sectors are not yet adequately understood. Research on issues related to gender discrimination and harassment to women workers in schools, colleges, universities, clinics, hospitals, hotels, call centers, government agencies and IT industry in India is rather limited in its scope, coverage and depth. It is, therefore, difficult to draw insights on the structures and processes that discriminate against women or even to suggest changes and ways forward to address these matters – at a systemic, institutional or individual level.

#### 4.2.2 Gendered structures of the workplace

The myth of the universal worker, without a gender identity, is exploded when it is observed that typical roles are assigned to men and women in the workplace, which are based on the social images of the kinds of persons who should occupy those positions – nurses are invariably women; surgeons are male and gynecologists female; managers are male, as are chair ‘men’, and receptionists and secretaries are women. A glance around most organisations shows the visibly outstanding male figure that is supreme, be it in business, politics, economic organizations, and industry and media houses. “The positing of gender-neutral and disembodied organizational structures and work relations is part of the larger strategy of control in industrial capitalist societies, which, at least partly, are built upon a deeply embedded substructure of gender difference”. (Acker, 1990)

Not only do these masculine images in a male dominant workplace overpower the female worker, they also serve to exclude and control them. These images create mindsets that not only negate processes of femininity, especially biological functions and reproductive roles (pregnancy, menstruation, child care,) but promote systems that stigmatise and humiliate the female worker.

For example, ILO (ILO, 2007) recommends that a pregnant woman rests for 30 minutes during the day, in addition to other breaks that she might have and that this exemption should imply no prejudice to their career development. However, most women are reluctant to ask for this rest, for fear of either being ridiculed for being “delicate” and therefore needing to rest, or being accused of using her pregnancy as an excuse to shirk work.

As women are trying to break free from traditional roles in the workplace, to prove their potential and the capability, the response of the workplace leaves much to be desired.

The end result is frustration for female employees and a loss of productivity to the organisation in its inability to use the skills of a competent employee. It is evident that the culture of the workplace, as well as the attitude and sensitivity of the management, is crucial factors in recognising and utilising the maximum potential of its entire staff, including its women employees. (Farrell M. , 2013)

#### **4.2.3 Socio-political reality of women in the workplace**

While legislation might address issues of equality in wages, maternity benefits, non-discrimination, as well as protection against physical and verbal abuse, legislation cannot address the attitudes and values which create obstacles to women's equality in the workplace. Despite demands from feminists to recognise women's needs and protect their interests, the liberal national legislations, policies, committees and other efforts to focus on the issue of women's equality, most organisations do not understand and/or fail to address the root causes of gender inequalities and systemic biases in the workplace that operate against women. For example, women managers in the Indian corporate world are "primarily viewed as women rather than professionals". Male supervisee, brought up in a traditional culture where women take orders, hesitate to accept their female boss.

Many social prejudices discriminate against women workers. More often than not, recruitment committees doubt a married woman's commitment and ability to devote time to the job. The committee members are often influenced by stereotypical notions such as women lecturers cannot go away to do fieldwork in the context of research, or that they will not be able to handle male students. There is also a perception that a woman is taking away a male candidate's seat or job.

In the current context, one of the issues most frequently raised and discussed is the reality that there are very few women within the topmost echelons of organisations, whether it be the corporate sector, the industry, political spheres or the civil society sector.

The “Glass Ceiling” is still to be seen in the workplace, where, in spite of the fact that women are reaching the level of supervisors, team leaders and managers in the organisational hierarchy, they are far less likely to reach the topmost echelons of power and authority. While on the surface there appears to be an environment that allows for women to reach top leadership positions, in reality there is a point beyond which they cannot progress. The "Glass Ceiling" Syndrome has as its roots in formal and visible barriers to advancement, such as lack of education and thereby relevant experience, of women, which are a part of the wider social spectrum, disallowing women access to educational and other opportunities (Baxter & Wright, 2000).

**Note Bank:**

**Variations of the Glass Ceiling**

**Bamboo Ceiling** – Refers to the exclusion of Asian-Americans from executive and managerial roles on the basis of subjective factors, such as “lack of leadership potential” or “inferior communication ability”, despite the Asian-American candidate having superior objective credentials.

**Glass elevator (or glass escalator)** – It is the rapid promotion of men over women, especially into management, in female-dominated fields such as nursing.

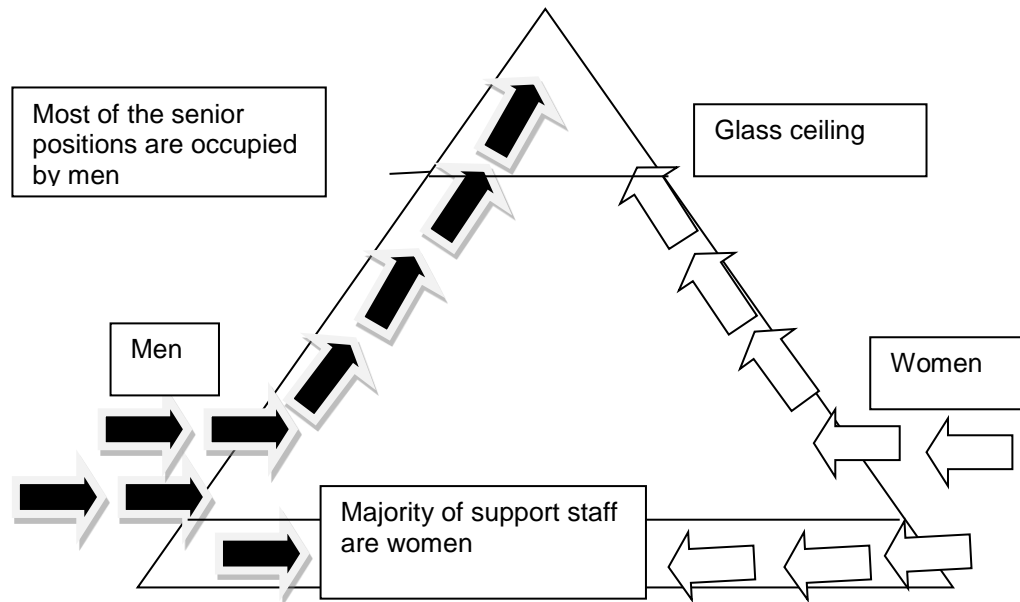
**Glass cliff** - A situation wherein someone has been promoted into a risky/ difficult job where the chances of failure are higher

**Celluloid ceiling** – It refers to the small number of women in top positions in Hollywood.

**Glass walls** – It is the metaphor for the concentration of women in certain sectors; women unable to jump the gap between secretarial/administrative and managerial functions regardless of their educational attainments or experience.

**Sticky floors**- Refers to women trapped in lowest paid jobs or on the bottom rung of their occupation and unable to rise above the poverty line (International Labour Organization, 2007).

The figure below (ILO, 2005) represents the glass ceiling in a pyramid shape. It illustrates how the glass ceiling exists at all levels of the organisation as invisible barriers that are difficult to break through.



Additionally, it is relevant to understand that the increase in numbers of women workers does not necessarily imply that women outnumber men in the workplace; they are more often than not a minority group within their organisations. Male government executives outnumber women by over nine to one, and women in the corporate sector still form only around 1 per cent out of the 12 per cent of women in the paid workforce. The banking sector is the only sector which has experienced a rise in the number of women managers. Private industry employs women in non-executive functions but is selective and limited in its employment of women in managerial roles. Though women have moved from 'soft' functions such as public relations and welfare, to functions such as marketing and finance, they remain conspicuous by their absence in the top echelons of both the corporate sector and the traditionally female-dominated professions. Whether they are in industry or government, women managers face more difficulties and strain in balancing their dual roles as homemaker and paid executive. For instance, a large number of women managers are experiencing slower promotion, poor mobility and a feeling of being stuck in low-growth functions. (Farrell M. , 2013)



## 4.3 Challenges at the workplace

### 4.3.1 Global and Indian overview

Today, 186 out of 193 countries of the world have ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the United Nations General Assembly in 1979 thereby committing to take action to end all forms of discrimination against women and girls and affirm principles of fundamental human rights and equality for women and girls.

In countries that have ratified CEDAW, women have partnered with their governments to improve conditions for women and girls in a range of areas such as:

- Reducing violence against women and girls, including stopping sex trafficking, domestic violence, recognising sexual assault and rape as crimes.
- Providing educational opportunities, including access to education and vocational training for women and girls.
- Ensuring participation of women in politics, including the right to vote, serve on juries, and hold public office.
- Ending forced marriages and child marriage, and ensuring that women have a right to inherit property.
- Helping mothers and families by providing access to maternal health care.
- Ensuring the ability to work and own a business without discrimination.

Article 2 of this Convention talks about a policy of eliminating discrimination against women and taking appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women.

But there are still a few countries like the United States, Sudan, Somalia, Iran, and three small Pacific Island nations of Nauru, Palau, and Tonga who are yet to ratify this convention.

In the **United States**, although they are yet to ratify CEDAW, a number of statutes and decisions since World War II have provided women with protections against various

forms of discrimination, particularly in the workplace. The United States however, has a Glass Ceiling Commission that is a government funded group. It released a report recently that states "Over half of all Master's degrees are now awarded to women, yet 95% of senior-level managers, of the top Fortune 1000 industrial and 500 service companies are men. The report also suggests that employers should use reverse discrimination to make hiring and promotion decisions as a means to end this form of discrimination.

The **Asia and Pacific region** continues to experience traditional forms of discrimination, such as those based on gender and ethnic origin and is increasingly confronted with newer forms of discrimination brought about by migration and structural economic reforms.

However, women still remain the largest group facing discrimination in terms of employment opportunities and wage gaps. An increase in employment rates for women over the past decade has not been even throughout the region. For example, in East Asia and the Pacific the female share of non-agricultural paid employment increased to 43.5% whereas in South Asia the rate remains the world's lowest at only 16.5%. Furthermore, two-thirds of all employed women in South Asia are working without pay.

An important measure of good-quality jobs available to women is their share of legislative, senior official or managerial jobs. Higher participation rates of women in these types of jobs indicates a reduction of discriminatory barriers. Overall, the Asia and Pacific region experienced a rise of nearly 4% in women in such positions over the past decade. However, South Asia shows only 8.6% of women attaining these levels as compared to 24.8% for East Asia and the Pacific.

A persistent form of discrimination in South Asia has been caste-based discrimination, more pervasive forms of this type of discrimination are faced by women from this community who have to bear the double burden by virtue of their being a woman as well as being a Dalit.

There have been encouraging developments in combating discrimination in the workplace in Asia. Governments of the Philippines and Japan have recently enacted laws that address sexual harassment as a form of discrimination. The law provides that both women and men shall be protected from sexual harassment, and requires employers to take workplace measures to address it.

In New Zealand, the Equal Employment Opportunities (EEO) Trust has developed jointly with the Recruitment and Consulting Services Association a publication targeting recruitment agencies and aimed at removing discriminatory practices.

In Sri Lanka, the concern over promoting equal opportunities at the workplace is reflected in the production of Guidelines for Company Policy on Gender Equity/Equality developed by the Employers Federation of Ceylon (EFC) in cooperation with the ILO in 2006.

In Singapore, the Tripartite Declaration on Equal Remuneration for Men and Women Performing Work of Equal Value affirms the commitment of the Government and the social partners to the principle embodied in Convention No. 100.

All of these studies take on new relevance in the **Indian context**, as there is an increase of women in the workforce in recent decades. In the last few decades, there

have been political and social movements that have advocated equal rights for women and have paved the way to gender sensitive policies and rules in the workplace. In India, the State has taken steps to ensure women's access to labour welfare and social security. Legislations have been passed to improve the working conditions of women. These include the Minimum Wages Act, 1948; Plantation Labour Act, 1951; Factories Act, 1952; Maternity Benefits Act, 1961; Contract Labour (Regulation and Abolition) Act, 1966; and Equal Remuneration Act, 1976.

However, while women's participation has increased in the workforce, they are still progressing at a slower pace in comparison to men. According to the National Human Development Report 2001, the percentage of women in the labour force in rural areas in 1999-2000 was 45.6 per cent as compared to 54.4 per cent for men. In the urban areas for the same year, it was 24.6 per cent for women as compared to 78.6 per cent for men. Again for the year 1999-2000, the growth of employment in rural areas for females was 0.8 per cent while for men it was 1.6 per cent. In the urban areas, the growth of employment was 1.5 per cent for females as compared to 2.6 per cent men. Yet, despite this growing presence of women, the workplace still reflects male standards of work ethics, which were designed by men for themselves.

Most organisations do not understand the need to mainstream gender within their workplaces, even organisations that have attempted to address gender issues within their workplaces have been able to do so only at a very superficial level, as is evident from the marginal increase in the numerical representation of women in such organisations. Most organisations have not been able to break away from traditional norms and stereotypical images of both men and women to forge new paths and identities for them in the workplace. Men remain dominant.

### 4.3.2 Gender challenges at the Indian workplace

Gender discrimination can occur in the workplace in one or more of the following ways:

- Discriminatory questions are asked at a job interview
- An employer did not hire a prospective employee because of their gender
- An employee was not promoted because of their gender
- An employee was wrongfully terminated because of their gender
- Employers pay unequally based on the gender of their employees
- A person could also be denied housing or a loan or mortgage because of his or her gender in the real estate world

However, while all efforts were made to include women in development processes, there were no efforts to integrate women and their needs within workplaces. It was only in the 1990s that efforts were made at the global level, to mainstream gender in workplaces.

- 1991 - Nuket Kardam was the first to highlight the importance of understanding the gendered nature of organisations in the development sector and their institutional environments (Rao, Stuart, & Kelleher, 1999)
- 1992 - Joan Acker focused on the gendered substructure of an organisation being built on a fundamental separation and consequent devaluation of “life from work”.
- 1992 - Anne Marie Goetz analysed the gendered nature of organisations and their inability to have beneficial outcomes for women.
- 1995 - Several writers, including Naila Kabeer, Catherine Itzin and Janet Newman, examined the way culture blocks change toward gender equity in municipal governments.
- 1998 - Kathy Staudt identified institutionalised male privilege as a fundamental principle of organisations (Rao, Stuart, & Kelleher, 1999)
- 1998 – Carol Miller and Shahra Razavi also advocated feminist engagements with institutions that tried to promote change within existing bureaucratic structures.

The workplace is, to a large extent, a reflection of the realities prevailing in society. It is important to recognise that gender relations are the outcomes of a whole set of cultural, economic and political relations within a given context.

The four major challenges that women face in the present day workplace are:

- Social mind sets as obstacles to economic participation;
- Stereotypical perceptions as obstacles to economic participation;
- Gender biased work culture and environment; and
- The reality of sexual harassment

(i) **Social mind sets as obstacles to economic participation**

*(a) Dual burden of responsibilities*

Women have traditionally been responsible for the daily household chores and reproductive roles, including cooking, fetching water, and looking after children. Along with these roles, as a working woman, she now has responsibilities within the public sphere of her workplace.

*(b) Lack of decision-making power within families*

Traditionally, women do not have the authority to play the role of decision makers in their family. This is also reflected when it comes to taking independent decisions regarding the choice of her career, the location of posting, and the kind of work she does.

*(c) Concerns over the safety and security of women*

More often than not, the resistance that women face from their families is based on their safety and security concerns. This factor, greatly limits the mobility of women and they are unable to take up jobs in remote places, as their families may perceive these to be unsafe.

*(d) Women as secondary earners*

There is also the prevalent perception that women's work and careers are subsidiary to that of the male in a family.

**(ii) Stereotypical perceptions as obstacles to economic participation**

Stereotypical assumptions in the workplace are a set of perceptions that have persisted ever since the time when the workplace was a male dominated bastion and these exert an undue influence over women's participation.

*(a) Stereotypical representation in the workplace*

There is a tendency for organisations and people to gender stereotype activities and tasks within the workplace. In doing so, they assign those tasks or jobs to women and men that are seen to require distinctly feminine or distinctly masculine characteristics; work that suits their sex and not their capabilities.

*(b) Discriminations in opportunities and benefits*

Women professionals are exposed to a variety of exploitations like discrimination in promotions, pay levels, the personnel function and the management development specialty. The pay levels of women are significantly lower than that of men.

*(c) Challenges women face in reaching top echelons*

The percentage of women at higher levels of organisations in all sectors in both the developed and developing countries is very small. Equal access and representation of women in higher management positions has been the least in developing countries.

(e) *Male work ethics*

Since men do not have household responsibilities, they are considered to be more flexible in their working hours and uncomplaining about working overtime (Gothoskar, 1992).

The fact that men can and do continue to work beyond the stipulated hours has resulted in their developing networks and collaborations outside of the office spaces (smoking, drinking and having dinner are the major hubs around which connections are developed and deals are struck).

(iii) **Gender biased work culture and environment**

Organisations have developed a culture where personal and professional lives are considered to be separate compartments resulting in the work culture reflecting male ethics and standards, not taking into consideration the needs of the women in the workplace.

However, it is becoming increasingly difficult to visualise the home and the workplace as completely different spheres, with no links or overflows. Women do bear the brunt of this divisive culture by suffering from dual burdens, though this is now beginning to affect men as well resulting in tensions and stress in both spheres.

To support their staff, organisations can play a vital role in developing policies and norms that help in the realisation of this work-life balance. Most importantly, they need to recognise and acknowledge that human capital is one of the most critical resources. With work-life harmony, organisations will be able to address the time and energy crunch, give working parents more time for children and elderly parents, and singles more opportunities to socialise.



**NOTE BANK:**

Attitudes of men and women towards working women in the United States in 1978, 1986 and 1995

Statement	Men/Women	Percentage that strongly agree with the statement		
		1978	1986	1995
“In general, women have to be better performers than men in order to get ahead”	Women	72	84	77
	Men	27	31	31
“In general, women are penalized more for mistakes than men”	Women	38	45	51
	Men	17	93	13
“In general, men often exclude women from informal networks”	Women	67	61	65
	Men	59	53	35
“In general, women have an easier time finding a sponsor or mentor than men”	Women	54	81	76
	Men	37	55	40
“In general, women received their present positions because they are women”	Women	46	42	25
	Men	64	62	39
“In general, women are not serious about their careers”	Women	6	18	3
	Men	17	25	6

(Wirth, 2001, p. 2)

*The USA is considered to be a country where both men and women enjoy freedoms and equality more than any other country. However, American women too face tremendous discrimination within the workplace, as is evident from the data above. As discussed earlier “gender discrimination that exists in society inevitably creeps into the workplace, as the actors in these spaces are drawn from society itself” (pg 3, 4.2.1), implying that there is gender discrimination within the American society as well.*

#### **(iv) The reality of sexual harassment**

The workplace needs to be a place that is safe for its workers and is free from sexual harassment and violence.

Sexual harassment that occurs in a place of employment is a form of discrimination that is based on a person's sex and recognised as an extension of the violence against women that is also perpetuated globally across all communities. Sexual harassment is considered to be one of the most pervasive forms of subjugation, intimidation and discrimination against women at workplaces. It is often hidden, but very much present in various forms and therefore considered as a serious issue by organisations across the world. It is also one of the most insidious forms of gender discrimination at work which largely affects women employees. (Farrell M. , 2013)

The issue of sexual harassment in the workplace gained precedence with the pivotal case of Vishaka and others vs. The State of Rajasthan, 1992. This was the much publicized case of the gang-rape of a government community worker (Bhanwari Devi) for carrying out her duties and the subsequent denial of justice. A Writ Petition filed in the Supreme Court under the collective platform of Vishaka, a women's organisation, along with four others, led to the Supreme Court directives which were to serve as guidelines on prevention of sexual harassment of women. These directives, termed the Vishaka Guidelines were part of the historic judgment passed on August 13 1997. They held that sexual harassment of working women amounts to violation of the rights of gender equality; violation of the right to practice any profession, occupation, and trade and states that "such conduct can be humiliating and may constitute a health and safety problem".

These Directives were considered as the law until the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was enacted on 23rd April 2013. This new Act is a comprehensive legislation that takes cognizance of the fact that one of the factors that adversely affect the rights of women, including the Right to Work, is that of sexual harassment in the workplace. This new law focuses on the prevention of sexual harassment of women at the workplace, as well as provides a redressal mechanism in the event of such incidents taking place.

We have dealt with this issue in detail in the following unit

## 4.4 Sexual Harassment as a Form of Workplace Violence

### 4.4.1 Definition of Sexual Harassment

There is no single definition of what constitutes sexual harassment. Generally, international instruments define sexual harassment broadly as a form of violence against women and as discriminatory treatment. Academic definitions of sexual harassment focus on a behaviour which has sexual connotations, is unwelcome and uninvited and could consist of single or repeated acts of behaviour. (Barr, 1993).

The United States was among the first countries in the world to address the issue of sexual harassment through recourse to the law. The Supreme Court Title VII of the Civil Rights Act of 1964 (as amended in 1991) is a landmark legislation “forbids employers to exact sexual contact in exchange for compensation or advancement and/or to subject workers to intimidating, hostile, or offensive working environments because of their sex” (Weiner, Winter, Rogers, & Arnot, 2004)

The U.S. Equal Employment Opportunity Commission (EEOC) describes sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment” (Government of USA, 2009, p. 1). The EEOC thus recognizes both quid pro quo and hostile work environment harassment, which we will discuss in the later sections of this unit (McLaughlin, Uggen, & Blackstone, 2009)

At the international level, the United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) defines sexual harassment as including:

“Such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment” (Minnesota Advocates for Human Rights, 2003).

The International Labor Organization (ILO) has addressed sexual harassment as a prohibited form of sex discrimination under the Discrimination (Employment and Occupation) Convention 111 (ILO, 1958). The ILO has made it clear that sexual harassment is more than just a problem of safety and health, as well as unacceptable working conditions, but is also a form of violence.

In India, the Supreme Court brought the issue of workplace sexual harassment into the legal discourse in 1997, as a violation of human rights. The Court issued a set of mandatory guidelines that for the first time provided a comprehensive definition of sexual harassment. It also laid down provisions for the employers to ensure a healthy and safe work environment for all women employees. The Vishakha Directives defined sexual harassment as: “Unwelcome sexually determined behaviour” such as: Physical contact; Demand or a request for a sexual favour; Sexually coloured remarks; Showing pornography and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.”

Almost 16 years after the Directives issued by the Supreme Court, the Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 (No. 14 of 2013) passed by the Indian Parliament on 23rd February 2013. The Act defines sexual harassment to include:

“Any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- i. physical contact and advances
- ii. a demand or request for sexual favours
- iii. making sexually coloured remarks
- iv. showing pornography any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Further, it also states that if the following circumstances occur or are present in relation to, or connected with any act or behaviour of sexual harassment, it may amount to sexual harassment at the workplace:

- i. Implicit or explicit promise of preferential treatment in her employment in her employment; or
- ii. Tacit or explicit threat of detrimental treatment in her employment; or
- iii. Implied or explicit threat about her present or future employment status; or
- iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. Humiliating treatment likely to affect her health or safety”

**Note Bank:**

**What sexual harassment is not?**

Sexual harassment depends on how the person being harassed is affected and not on the harasser’s intent; giving in does not necessarily mean that the conduct was welcome.

There is a difference between sexual harassment and harmless flirting; laws do not restrict normal socializing between women and men; people can still give each other compliments or ask someone out on a date but such conduct should cease if a co-worker indicates that such comments or solicitations for a date are not welcome.

Sexual harassment is a behaviour for which there are no apparent boundaries or succinct meanings. It has been described as a conduct that is intimidating, coercive and bullying with sexual overtones. Three decades ago, there was no word or phrase to define certain behaviour or conduct that was sexual in nature and inappropriate to the context in which it was expressed. Lack of opportunity and social spaces to speak about such behaviour made it impossible to categorize and define such acts (MacKinnon, 1979).

Some common elements are evident in the definitions of sexual harassment. Generally speaking, behaviour that constitutes sexual harassment in the workplace must:

- Occur in the place of work or in a work related environment;
- Occur because of the person's sex and/or it is related to or about sex;
- Be unwelcome, unwanted, uninvited, not returned, not mutual; and
- Affect the terms or conditions of employment or the work environment itself (Minnesota Advocates for Human Rights, 2003).

Sexual harassment can range from mild misbehaviour of an irritating nature to sexual abuse and assault, including rape. The critical feature of any behaviour or conduct that is categorised and defined as sexual harassment is based on whether or not it was unwelcome to the receiver and whether it was sexual in nature. (Farrell M. , 2013)

**NOTE BANK:**[Sexual Harassment can be a misconduct outside workplace also](#)

In a landmark judgment, the Delhi High Court has said an office could also mean an employee's place of residence because in a changing environment people have started working from home.

The High Court order came on a petition filed by suspended Director of National Academy of Audit and Account (NAAA) S.K.Mallick, against whom a departmental inquiry was in progress for alleged sexual harassment of a senior woman colleague. Mallick has argued that he could not be accused of sexual harassment at the workplace as the alleged misconduct took place at an official mess where the woman official was staying.

While rejecting Mallick's appeal for stay on the departmental proceedings against him, the court in its order of May 9 2008, took the view that sexual harassment at the workplace included misconduct outside office premises.

The court said advances in information technology had enabled senior private sector officials to do office work at home. "An officer or teacher may work from the accommodations allotted to him. He would not be allowed to say that it is not a workplace," a bench headed by Justice A.K. Sikri said. According to the court, if an officer indulged in an act of sexual harassment with an employee, it would not be open for him to say that he had not committed the act at the workplace but at his residence. The court order found support from sections of the corporate world. (Miglani, 2008)

Although sexual harassment can be towards both women and men around the world, yet sexual harassment is a problem that particularly affects women. Sexual harassment can also include:

- A woman harassing a man
- A woman harassing a woman
- A man harassing a man

## 4.4.2 Type and Form Of sexual harassment

### 4.4.2.1 Types of Sexual Harassment

In the workplace, sexual harassment can be categorised under two broad types:

*i) Quid pro Quo:* Literally translated from Latin, it means “this for that” or “something for something else”. Sometimes, also referred to as “power play”, quid-pro-quo implies seeking sexual favours or advances, in exchange for benefits at the workplace. This can include promises of promotion, higher pay or academic advances. It also implies that the rejection of such an advance is met with retaliatory action such as dismissal, demotion, difficult work conditions. The focus of quid pro quo sexual harassment is on the employer's actions and not on the actions of the victim (Minnesota Advocates for Human Rights, 2003).

Some examples are:

- A supervisor requesting sexual favours from a junior in return for a promotion or other employment benefits
- Asking a person to spend the night in return for a promotion.
- Asking a person to have a sexual relationship in return for an increment.
- Asking a person to have sex or to engage in sexual conduct with promises of out of turn or undeserved favours like a foreign trip.
- A worker is threatened with dismissal for non-cooperation in complying with sexual favours.
- A boss makes intrusive inquiries into the private lives of employees, or persistently asks them out on dates.

*ii) Hostile work environment:* is a more pervasive form of sexual harassment that involves work conditions or behaviour that make the work environment “hostile” for the woman employee to be in. Most sexual harassment complaints are classified as hostile work environment type of harassment. This occurs when sexual conduct in the workplace interferes with a worker’s job or creates a hostile, intimidating, or offensive



work environment for them. Certain sexist remarks, display of pornography or sexist/obscene graffiti, physical contact/brushing against female employees are some examples of hostile work environment.

Whether or not a work environment is abusive depends on the circumstances, including the frequency and severity of the conduct, and its effect on the employee's work performance. Hostile work environment type of harassment is typically a repetitive conduct rather than a single episode (Minnesota Advocates for Human Rights, 2003).

Some examples of a hostile work environment are:

- *Conduct that interferes with an individual's work and/ or creates an intimidating, hostile or offensive environment.*
- *Verbal or nonverbal behaviour in the workplace/institution, that focuses on the sexuality of another person*
- *Verbal or nonverbal behaviour is severe or pervasive enough to affect the person's environment, including safety and health*
- *Someone that an individual has dated in the past persists in seeking to continue the relationship or in making sexual advances, comments or gestures, which are not welcome to the individual concerned.*
- *A group of workers joke and snigger amongst themselves about sexual matters, in an attempt to humiliate or embarrass another person*

#### **4.2.2.2 Forms of sexual harassment at the workplace**

We have already established that sexual harassment is a reflection of unequal power dynamics in the work place. It affects the dignity and self-respect of women; and its presence creates a hostile workplace environment. Sexual harassment can range from mild misbehaviour of an irritating nature, to sexual abuse and assault, including rape. It includes unwelcome sexually determined behaviour which can be physical, verbal or non-verbal. Therefore, critical features of any behaviour or conduct that is categorised and defined as sexual harassment is based on whether it was:

a) unwelcome to the receiver and

b) sexual in nature. Sexual harassment is usually categorised under four forms: verbal, non-verbal visual and physical:

<b>Forms of Unwelcome Behaviors Which Can Constitute Sexual Harassment</b>			
<i>Verbal</i>	<i>Non-verbal</i>	<i>Visual</i>	<i>Physical Contact</i>
<ul style="list-style-type: none"> <li>• Derogatory comments of a sexual nature, or based on gender</li> <li>• Sexual or gender-based jokes or teasing, including comments about clothing, personal behavior, or a person's body</li> <li>• Requesting sexual favors, pressure for dates, graphic descriptions of pornography, obscene phone calls,</li> <li>• Telling lies or spreading rumors about a person's personal or sex life</li> <li>• Turning work discussions to sexual topics (using "puns")</li> </ul>	<ul style="list-style-type: none"> <li>• Staring, sizing up a person's body (looking up and down)</li> <li>• Derogatory gestures of a sexual nature</li> <li>• Sexually suggestive looks</li> <li>• Facial expressions of a sexual nature; winking, licking lips</li> </ul>	<ul style="list-style-type: none"> <li>• Presence of sexual visual material, such as posters, cartoons, drawings, calendars, pinups, pictures, computer programmes of a sexual nature</li> <li>• Written material that is sexual in nature, such as notes or e-mail containing sexual comments</li> <li>• Knick-knacks and other objects of a sexual nature</li> </ul>	<ul style="list-style-type: none"> <li>• Unwelcome hugging, sexual touching or kissing</li> <li>• Standing too close or brushing up against another person, leaning over, invading a person's space</li> <li>• Patting, stroking, grabbing or pinching</li> <li>• Blocking someone's path with the purpose of making a sexual advance</li> <li>• Stalking</li> <li>• Rape or attempted rape</li> <li>• Actual or attempted sexual assault, or forced fondling</li> </ul>

**NOTE BANK:**

Consensual relationships in the workplace can turn into cases of sexual harassment in much the same way that consensual sex in a marriage can turn into rape. Irrespective of consent of earlier behaviour, when one of the parties in the relationship does not feel comfortable or is threatened by similar behaviour, persistence on behalf of the other is tantamount to sexual harassment.

For example; two colleagues may go out for dinner or a movie together, after office hours and share personal details with each other. It is a comfortable relationship, as each is enjoying the company of the other. Things take a turn; the man persists in demanding they enter into a sexual relationship, as he has taken the 'date' as a signal for moving ahead in the relationship; the female resists; he persists; he refuses that they end the relationship and pesters her for sex - she files a case of sexual harassment.

### 4.4.3 Causes and Impacts of sexual harassment at workplace

#### 4.4.3.1 Causes of sexual harassment at workplace

Some major causes of sexual harassment include:

**Patriarchal Institutions:** The roots of discrimination and inequality of women can be traced down to the strong patriarchal attitudes of male hegemonic institutions of family, market or state which have a deep bearing on women's lives, including their presence in both private and public spheres. The traditional and socially constructed division of labour gave to women the "reproductive" functions, within the confines of the household, while the men of the family played out the "productive" roles in the workplace 'Productive roles' were associated with power and decision making and this was demonstrated in the fact that men had control over and access to resources, trade, property, children, education, as well as mobility, which gave them a cutting edge over women. (Farrel, Pathak, Thekkudan, & Saxena, 2007)

Today, women have entered the workplace in large numbers. Yet within the workplace too, men continue to retain key positions in the organizational hierarchies, as in the family, and most women remain in lower order jobs and subordinate positions. This gives rise to inequality and discrimination in the workplace, which play out more strongly when women (especially at top management levels) do not comprise a "minimum critical mass" to influence processes and systems in their favour. Therefore, they continue to follow the dictates and norms of the male majority in the workplace.

**Power games:** The concentration of power in the workplace based on hetero-normative masculinity, gives rise to a gendered workplace and where men continue to assert power and control over women in many forms, of which sexual harassment is the most subtle and yet the most pervasive (Acker, 1990).

**Culture and Social values:** Many a times cultural practices, perceptions and behaviours constitute a set of prevalent myths that reinforce the notion that acts of sexual harassment are merely a matter of interpretation, and not subjugation. (Luthar & Luthar, 2008) in their study revealed that culture, local contexts, specific regions and nationality plays an important role in shaping the perceptions and behaviors of both males and females in their proclivity to sexually exploit others with less power.

#### NOTE BANK

- ✓ In Bangalore 51% of the workforce admitted to being sexually harassed; of these, half claimed to have been harassed by their female colleagues. Only 32% were harassed by male colleagues at their workplaces
- ✓ In Hyderabad, 29% said they have been sexually harassed by their female bosses while 48% accused their male bosses.
- ✓ In Delhi, 31% have been sexually harassed; of these 43% pointing a finger at their female colleagues and an equal number accusing their male colleagues of sexual harassment.
- ✓ In Chennai, Kolkata, Mumbai and Pune, the figure was 3%, 11%, 5% and 5% respectively.  
(Economic Times Bureau, 2010)

#### Skewed sex ratio

Skewed sex ratio is another factor that attributes to higher incidents of sexual harassment in the workplace. (Jackson & Newman, 2004) using data from the U.S. Merit Systems Protection Board's on sexual harassment, say that if there is a disproportionate ratio of men and women in the workplace then "women are more likely to indicate receipt of unwanted sexual harassment, as their ratio of male co-workers increases, and men are more likely to indicate its receipt as their ratio of female workers increases."

#### Misunderstandings and miscommunications due to the divergent perspectives of men and women

The following myths and misinterpretation of facts sum up precisely the varied reasons that sexual harassment exists and persists in the workplace (Patel, 2005)  
(Dannenbaum, Jayaram, Mukadam, & Patwardhan, 2005)

- ***Women enjoy sexual harassment-*** This is a convenient way of refusing to acknowledge that in reality sexual harassment is humiliating, intimidating, painful and frightening for the person at the receiving end.
- ***It is harmless flirtation, not sexual harassment*** - For those women who object, they are viewed as being without a sense of humour. Moreover if the behaviour is unwelcome and objectionable for one, can it be accepted just because it is "harmless" for another?
- ***Only women who are provocatively dressed are sexually harassed-*** This is the classic way of shifting blame from the harasser to the victim; besides who decides what is provocative? Women like all others have the right to act, dress and move around freely without the threat of attack or harassment. Even women covered in a veil or *burqa*, or in the most traditional of clothes, are harassed. Therefore it is not the clothes of women which is the cause; it is the mindsets of the men, and the society at large that are responsible.
- ***Women who say 'no' actually mean 'yes'***- This 'convenient' argument is used by men to justify sexual aggression and one-sided sexual advances.
- ***Sexual harassment is 'natural' male behaviour-*** There is nothing 'natural' about sexual harassment! It is a behaviour which is learned within the context of a sexist and patriarchal environment that perpetuates control over women's sexuality, fertility and labour.
- ***Sexual harassment is not really an issue and does not hurt anyone-*** This thinking does not consider that persons who are subjected to sexual harassment experience a wide range of physical and psychological ailments. There are economic consequences as well as concerns for the victim's physical and mental wellbeing. Further the organisation's productivity, efficiency and work ethic also take a dip.
- ***Women keep quiet about sexual harassment -it means they like it-*** Women are silent because they want to avoid the stigma attached to being harassed, as well as retaliation from the harasser. They are also afraid that they will be accused of provoking the behaviour, of being further victimized, of being called liars and made the subject of gossip circles.
- ***If women go to places where they are not welcome, they should expect sexual harassment-*** Not only is it a woman's constitutional right to be in a workplace, it is also her legal right to a safe workplace. It is such sexually discriminatory behaviour and abuse that is unlawful.

#### 4.4.3.2 Impact of sexual harassment on the workplace

Although both women and men experience sexual harassment around the world, sexual harassment is a problem that particularly affects women. Considering that sexual harassment is an occupational hazard concerning the safety of women at workplaces, it is believed to be one of the most pervasive ways of subjugation, intimidation and discrimination against women at workplaces, as a result of power dynamics existing primarily because of the unequal power relations that exist between men and women in the workplace.

Many organisations tend to ignore the issue of sexual harassment, claiming that it is not wise to blow up such cases. They perceive that these are small parts of everyday life and should be dealt with directly by the two individuals involved. Employers should recognize that sexual harassment in the workplace takes away from the woman her right to live and work with dignity. Often, these small and mundane instances take on accumulative and enhanced patterns, permeating the entire lives of the affected women. It is therefore of crucial importance to define and label these behaviours as sexual harassment, thereby recognising that they do exist and have a negative impact on the environment of the workplace (Thomas & Kitzinger, 1997)

However, the power and control exercised by men who are often in all the senior positions of the workplace creates a “culture of silence” in which the powerless do not speak out against their subjugation and exploitation. “Women in workplaces, lacking such power, collude to sustain such a culture of silence as they are unable to speak out against such behaviour” (Farrell M. , 2013)

The resulting impact of sexual harassment is long lasting, negative and traumatic; with impacts on their personal and work life. Victims of sexual harassment refrain from reporting due to several reasons, some of which are:

- Embarrassment and humiliation about the incident
- Fear that the matter will be trivialised and disregarded
- A fear of being blamed for either 'inviting' or even for raising the issue for addressal
- A sense of insecurity and fear that they could be blamed for lodging false complaints, as very often there is no proof of the incident
- Dread of becoming the subject of gossip and further humiliation
- Hesitation that the institution will not take any action and the perpetrator will be allowed to go free.
- Fear being asked to leave or taking a transfer, even if the harasser is found guilty;
- Fear of negative repercussions and retaliation from the harasser;
- Not wanting to violate social norms, where women are taught to keep silent and to overlook 'bad behavior' by men.
- Fear of being made victim twice over if they raise their voices about sexual harassment, first by complaining and secondly when they are re - victimised for having filed the complaint (Bhagat, 2003).

And it is this silence and the resulting invisible nature of such an act that misleads employers and others to believe that the issue is trivial and erratic and that it does not require to be addressed in a systematic manner within the organisation. But its negative impacts can also affect the other workers in the organization, thus, impacting the workplace by bringing negative consequences such as compromising team work, economic losses and hindering development.



Impact of sexual harassment at the workplace No society or company can afford to condone sexual harassment. (ILO. Sexual harassment at work factsheet)		
Individuals	Employers/Enterprises	Society
<ul style="list-style-type: none"> <li>• Psychological suffering including humiliation, reduced motivation, loss of self-esteem, and loss of trust</li> <li>• Behavioural change including isolation, emotional withdrawal from friends, family, and co-workers</li> <li>• Stress-related physical and mental illness including sleep disturbances, stomach ailments, as well as drug and alcohol abuse</li> <li>• Professional losses, foregoing career opportunities, leaving employment</li> </ul>	<ul style="list-style-type: none"> <li>• Low productivity due to impaired judgment, compromised teamwork, demotivation, absenteeism, and high turn over</li> <li>• Hindered progress and innovation due to lack of trust and team spirit</li> <li>• Poor image of company: No applicants will fill vacancies at workplace where they fear sexual harassment</li> </ul>	<ul style="list-style-type: none"> <li>• Long term rehabilitation costs for the reintegration of the harassed</li> <li>• Unemployment welfare benefits and retraining</li> <li>• Legal and criminal justice expenses</li> <li>• Women's undermined access to high-status and well-paid jobs which traditionally have been male-dominated</li> <li>• Unsafe living and working environment condoning violence</li> <li>• Hindered productivity and development.</li> </ul>

**Effects of sexual harassment on organizations:** For a business, sexual harassment can be very negative and expensive. In cases of quid pro harassment, employers are held directly liable and even in cases of hostile work environment employers can be held liable until they prove that they have taken steps to correct or prevent the harassment:

- Decreased productivity and increased team conflict
- Decrease in success at meeting financial goals (because of team conflict)
- Decreased job satisfaction

- Loss of staff and expertise from resignations to avoid harassment or resignations/firings of alleged harassers; loss of students who leave school to avoid harassment
- Decreased productivity and/or increased absenteeism by staff or students experiencing harassment
- Increased health care costs and sick pay costs because of the health consequences of harassment
- The knowledge that harassment is permitted can undermine ethical standards and discipline in the organization in general, as staff and/or students lose respect for, and trust in, their seniors who indulge in, or turn a blind eye to, sexual harassment
- If the problem is ignored, a company's or school's image can suffer
- Legal costs if the problem is ignored and complainants take the issue to court.  
(Boland, 2005)

## Summary

A workplace is any place where working relationships between employer and employee(s) exist. Since the workplace exists within society, all social biases are reflected in the workplace also. This manifests in the form of gender based discrimination and sexual harassment in the workplace.

As a result, women continue to face discrimination in the workplace (in both formal and informal settings), and despite the fact that there are several legislative measures to combat these varied forms of discrimination. A typical example of this is the “Glass Ceiling” that prevents women to reach the topmost echelons of power and authority. Sexual harassment at workplace is a reality in all types of organisations, unorganised and organised sector and in all countries around the world. It is an outcome of patriarchal culture within the workplace, and a tool for exerting power.

## Glossary

***Critical Mass:*** The concept of the critical mass at 30 to 33 per cent or higher is based on the ground breaking research done by Drude Dahlerup of the Aarhus Institute of Political Science in Denmark in 1988. Since then, 33 per cent representation is believed to be a minimum critical mass that is required to make any significant influence over the rest of the group in case of unequal gender representation. It is only when one-third of any group, committee or organisation comprises of women that conditions for relatively equal and shared influence and power are created.

## Required readings

- The World Bank Group (2014) 'Gender at work: A Companion to the *World Development Report on Jobs*'  
URL:  
[http://www.worldbank.org/content/dam/Worldbank/document/Gender/GenderAtWork\\_web.pdf](http://www.worldbank.org/content/dam/Worldbank/document/Gender/GenderAtWork_web.pdf)

## Recommended for further reading

- Farrel, M., Pathak, P., Thekkudan, J., & Saxena, T. (2007). *Engendering workplaces: A framework for a gender policy*. New Delhi: PRIA.
- Cruz, A. & Klinger, S. (2011) 'Gender-based violence in the world of work: Overview and selected annotated bibliography'  
URL:  
[http://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms\\_155763.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms_155763.pdf)

## References

- Acker, J. (1990). Hierarchies, jobs, bodies: A theory of gendered organizations. *Gender and Society*, 4(2), 139-158.
- Alkazi, F., Farrell, M., & Jain, P. (2004). *Gender on the agenda- A training manual*. New Delhi: PRIA.
- Barr, P. (1993). Perceptions of sexual harassment. *Sociological Inquiry*, 63(4), 460-470.
- Baxter, J., & Wright, E. O. (2000). The glass ceiling hypothesis: A comparative study of United States, Sweden and Australia. *Gender ad Society*, 14(2), 275-294.
- Bhagat, R. (2003). *Where the male continues to rule*. Businessline.
- Boland, M. L. (2005). *Sexual Harassment in the Workplace*.
- Cruz, A., & Klinger, S. (2011). Gender-based violence in the world of work: Overview and selected annotated bibliography Working Paper 3/2011. Geneva: ILO Bureau for Gender Equality.
- Dannenbaum, T., Jayaram, K., Mukadam, R., & Patwardhan, R. (2005). *Combatting sexual harassment at workplace- a handbook for women, employers and NGOs*. New Delhi: India Centre for Human Rights and Law.
- Economic Times Bureau. (2010, August 22). Even men aren't safe from sexual harassment at workplace: survey. *Economic Times*.
- Farrel, M., Pathak, P., Thekkudan, J., & Saxena, T. (2007). *Engendering workplaces: A framework for a gender policy*. New Delhi: PRIA.
- Farrell, M. (2010). Minor Research Report. Delhi: Unpublished.
- Farrell, M. (2012). *Engendering the workplaces: A study of gender discrimination and sexual harassment in civil society organisations (PhD thesis)*. New Delhi: Jamia Milia Islamia .
- Farrell, M. (2013). *Ph.D thesis*. unpublished.
- Gothoskar, S. (1992). *Struggles of women at work*. New Delhi: Vikas Publishing House.
- ILO. (1958, June 25). *C111 - discrimination (employment and occupation) convention, 1958 (no. 111)*. Retrieved from International Labour Organisation: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_IL O\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_IL O_CODE:C111)
- ILO. (2005). *Breaking through the Glass ceiling: Women in management* . Retrieved March 25, 2014, from ILO: <http://www.ilo.org>
- ILO. (2007). *Equality at work: Tackling the challenges. Global report under the follow up to the ILO declaration of fundamental principles and rights at work*. Geneva: International Labour Organization.
- International Labour Organization. (2007). *ABC of women workers right to gender equality*. Geneva: International Labour Organization.
- Jackson, R., & Newman, M. (2004). Sexual harassment in the federal workplace revisited: influences on sexual harassment by gender. *Public Administration Review*, 64(6), 705-717.
- Luthar, H., & Luthar, V. (2008). Likelihood to sexually harass: a comparison among american, indian and chinese students. *International Journal of Cross Cultural Management*, 8(59).
- Macdonald, M., Sprenger, E., & Dubel, I. (1997). *Gender and organizational change: Bridging the gap between policy and practice*. Amsterdam: Royal Tropical Institute.

- MacKinnon, C. (1979). *Sexual harassment of working women: A case of sex discrimination*. New Haven, CT: Yale University Press.
- McLaughlin, H., Uggen, C., & Blackstone, A. (2009, October 3). *Sexual harassment, workplace authority, and the paradox of power*. Retrieved from Brandeis University: [https://www.brandeis.edu/investigate/teenSH1/PDFarticles/Uggen-et-al\\_Sexual\\_Harassment\\_Workplace\\_Authority\\_and\\_the\\_Paradox\\_of\\_Power\\_2009.pdf](https://www.brandeis.edu/investigate/teenSH1/PDFarticles/Uggen-et-al_Sexual_Harassment_Workplace_Authority_and_the_Paradox_of_Power_2009.pdf)
- Miglani, D. (2008, June 10). *Sexual harassment can be a misconduct outside workplace also*. Retrieved March 18, 2014, from Legal point: <http://legalpoint-india.blogspot.in/2008/06/sexual-harassment-can-be-misconduct.html>
- Minnesota Advocates for Human Rights. (2003). *Stop violence against women: sexual harassment*. The Advocates for Human Rights.
- Minnesota Advocates for Human Rights. (2003). *What is sexual harassment?* Retrieved March 18, 2014, from University of Minnesota: <http://www1.umn.edu/humanrts/svaw/harassment/explore/1whatish.htm>
- Mukadam, R., & Patwardhan, P. (2010). Sexual harassment at workplace. In B. Barik, P. Kumar, & U. Sarode, *Gender and human rights- narratives of macro-micro realities* (pp. 67-80). Jaipur: Rawat Publications.
- Patel, V. (2005). A brief history of the battle against sexual harassment at the workplace. *Sexual Harassment- Free Workplace for Women*. Mumbai: Maharashtra State Commission for Women.
- Rao, A., Stuart, R., & Kelleher, D. (1999). *Gender at work: Organizational change for equality*. Sterling, VA: Kumarian Press.
- Thomas, A. M., & Kitzinger, C. (Eds.). (1997). *Sexual harassment: Contemporary feminist perspectives*. Buckingham: Open University Press.
- Weiner, R., Winter, R., Rogers, R., & Arnot, L. (2004). The effects of prior workplace behaviour on subsequent sexual harassment judgements. *Law and human behaviour*, 47-67.
- Wirth, L. (2001). *Breaking through the glass ceiling: Women in management*. Geneva: ILO.