

Toolkit on Sexual Harassment at Workplace

An Effort to Enable Workers and Worker Collectives to Address Sexual Harassment

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The toolkit was prepared keeping in mind needs of Workers from the ready-made garment manufacturing sector.

It can easily be adapted for similar working conditions.

It was prepared with inputs and experiences shared by members of Garment Labour Union,

and Munnade Social Organisation from Bangalore over a year in 2017.

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A note for the trainers

Context

The purpose of the toolkit is to support women workers to adopt measures to prevent, report and use redressal mechanisms to deal with workplace harassment, particularly sexual harassment. The purpose of the toolkit is not just to inform workers on the available mechanisms to prevent and report violations, but also to recognise its different dimensions and strengthen each one of us to deal with this crime. In a patriarchal society, women are blamed for a lot of things that are not her fault. As women we too are affected by that thinking, and tend to blame ourselves, or our co-workers when such incidents happen. If all sexual harassment is because of the clothes you wear and the way you talk, then toddlers, and those clothed from head to toe would not be raped. Some common reasons identified by the union members on why even on factory floors with a few hundred workers- sexual harassment goes on?

- Each worker is busy with her production targets and cannot take her eyes off her machine.
- Machines moving on average at 4000rpm/ minutes. Sound levels are high so though there may be 500 workers on the same floor, they cannot hear, see or be in a position to respond a co-worker facing harassment.
- Low wage makes survival the main issue for women workers.
- Family responsibility is high, family support is low.
- Absence of support from co-workers
- Complaining is a risk, and risk-taking ability of women workers is close to nil.

Other contributing factors observed include the absence of a workers' union coupled with the fact that sexual harassment is normalized in the domestic space.

The purpose of the toolkit is to:

- **To inform** workers that sexual harassment is a crime.
- **Familiarize** with the definition of Sexual Harassment as a crime defined by Indian law.
- **Understand** laws and rules against sexual harassment at workplaces. Options available for reporting crime.
- **Discuss** :
 - Reasons for the prevalence and practice of sexual harassment in garment factories. The power relations of a predominantly women work force, but with the dominant supervisory roles taken up by men.
 - How sexual harassment used as a tool to dominate and control workers. Reinforced by the big gap in financial remuneration between floor workers and supervisory staff.
 - Sexual harassment as a crime, supporting the survivor. Shifting the blame away from victim/ survivor to the abuser.
 - Redressal mechanisms available and possible solutions both within and outside the factory is next.
 - Possibilities of individual and collective action.

Analyse case studies/ experiences, actively recording and reporting supervisor behaviour. How to respond from a point strength and taking it up a workers rights violation is the next step.

Strategize based on the group strength on how to find short term and long term ways to address this problem effectively. Systematically gathering evidence of violations.

The training through this toolkit is seen as an empowering exercise for women workers, opportunity to change power relations by personal confidence building, and group solidarity and exercise their rights as citizens of India as women, as workers and just by the fact that they are human.

Toolkit on SH

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Slide I

Q1.1 Defining sexual harassment.

Q 1.2 Recognizing SH

Q 1.3 SH at workplace

What is sexual harassment?

Sexual harassment is a serious manifestation of sex discrimination. It is misuse of power and a show of domination and control. It has nothing to do with love and sexual attraction.

Recognizing sexual harassment

| Unwelcome | Welcome |
|-----------------------------|----------------------|
| Feels bad | Feels good |
| One-sided | Reciprocal |
| Feels powerless | In-control |
| Power-based | Equality |
| Unwanted | Wanted |
| Illegal | Legal |
| Invading | Open |
| Demeaning | Appreciative |
| Causes anger/sadness | Happy |
| Causes negative self-esteem | Positive self-esteem |

Sexual Harassment at Workplace?

- Physical contact and advances
- A demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- Implied or explicit promise of preferential treatment in her employment.
- Implied or explicit threat of detrimental treatment in her employment.
- Implied or explicit threat about her present or future employment status.
- Interference with her work or creating an intimidating or offensive or hostile work environment.
- Humiliating treatment likely to affect her health or safety.

Activity: Understanding Body language

Some examples of the way men and women present themselves/ Affected women workers and perpetrators of sexual harassment are noted below. Examples to be explained through role play.

Workers can do this activity in pairs. Each one should get a chance to play the role of workers being victimized and the perpetrator.

Submissive body language

(victims body language)

Involves "caving in" gestures and postures. It reflects defensive, withdrawing or insecure behaviour. This means they will try to appear as small as possible and avoid making "a lot of noise". The reasons behind this behaviour are plentiful: fear of command, low self-esteem, insecurity or simply lack of motivation to act.

Examples:

- The body will cringe to appear smaller and less threatening
- The head bows slightly
- Chest caves in.
- Hunched shoulders - show passiveness and even sadness.
- Closed and defensive postures can also be considered submissive and insecure. When you cross your body you hinder your ability to move, and therefore you become more passive.

Dominant body language

(perpetrator's body language)

By adopting a dominant posture even a short and small person can have an aura of command.

Examples:

- Standing tall with open chest and head high
- Taking space – spreading the arms, legs wide apart.
- Exposing vulnerable areas. "Hit me if you dare" – fearless attitude.
- Leaning back with hands behind the back – the "know it all" posture, thumbs protrude.
- Hands on Hips. trying to appear bigger and more intimidating.
- Hands tucked in the belt or in the pockets with thumbs protruding towards the genital area— a dominant body language.

Imagine a policeman patrolling the street, a manager on the factory floor- you get the idea of a self-assured, mostly dominating posture. Thumbs protrude.

Slide 2 Sexual Harassment in garment factories

Q 2.1 Factors that enable sexual harassment of women workers in the garment factories.

Q 2.2 Why do supervisors and production managers indulge in such behaviour?

Factors that enable sexual harassment of women workers in the garment factories:

Even on factory floors with a few hundred workers- sexual harassment goes on, why?

Physical

- Each worker is busy and has to keep looking at her machine.
- Sound levels are high- high speed machines- 4000rpm/ minutes.
- With the kind of production targets workers cannot take their eyes off the machine.
- Though there may be 500 workers on the same floor, they cannot hear, see or be in a position to respond a co- worker facing harassment.

Financial

- Low wage makes survival the main issue for women workers.
- A significant wage gap between men and women workers- first, in the same positions, second, due to the gendered methods of recruitment and promotions.

Relationship

- The relationship between floor workers and the supervisors is- to put it mildly- 'slavish'
- The incentives for supervisors is based on production targets, as long as production targets are met they feel confident that no action will be taken against them on SH by the management.
- The management feel a similar impunity to respond as the workers have no representation or organization/union to represent their interests.

Situations when workers are vulnerable to sexual harassment/ become silent about it

1. Financial stress- a critical need to retain the job.
2. Family responsibility is high, family support is low.
3. Supervisors/ floor-in-charge- those who control the floor tend to dominate and harass.
4. Most workers harassed are 18-35 years: when family responsibilities are high.
5. Absence of support from co-workers- Common comments: she is not careful; the victim is of loose character; she applies make up; she smiles at everyone; her behaviour attracts attention; she should not be talking to the supervisor so much; why does not she share her problems with us.

Some critical factors contributing to this situation

- Absence of a workers' union: For example, in tea estates of Munnar where unions are active for a few decades, issues of sexual violence are not so common.
- Low pay: For example, in the IT industry of Bangalore, where pay is higher, the number of complaints registered are much higher, though the percentage of women workers is significantly lower.
- No family support: Most often workers who are most susceptible are those who have no financial support from their family for expenses such as food and shelter for their children.
- No family support could also mean that sexual harassment is normalized in the domestic space. Often the worker is a victim of domestic violence too. Suspicion of extra marital

affairs of married women, and love affairs among unmarried women is a constant source of domestic violence for workers.

- Power relations: women are much more likely to be victimized because of their vulnerability, insecurity, and social conditioning to accept discrimination in silence.
- Low or no support from co-workers.

Filing a complaint is seen as a risk, and the workers capacity to take risk is nil.

Q 2.2 Why do supervisors and production managers indulge in such behaviour?

Gender based violence is a normalized as part of the management technique, to control workers

Management (HR and Welfare Officers) often make light of sexual harassment as a crime, by saying that “if workers don’t maintain the speed expected, the supervisors have to be strict and scold them at times, part of their job to give the production targets.”

Union opinion

According to Rukmini, co-founder of Garment Labour Union, GLU “When they scold they often refer to our body and looks in the most derogatory way. They also talk lightly about our skills and speed in a gender biased way. The comments and criticism are personal, embarrassing and often shaming us in the most unprofessional and criminal manner.”

What makes the perpetrators of such behaviour bold enough to indulge in such behaviour is that till date they have reason to believe that:

- They will never be penalized.
- No complaints against them will be registered.
- They will not be terminated, lose payment, or be fined.
- In fact the perpetrators of violence often threaten workers against the risk of complaining- “You will lose your job and bear the shame!”

Yashodha, the General Secretary of Munnade: “Reporting Sexual harassment has never been equated to Mitigation, Redressal, Justice or Support. Supervisors experience impunity- starting with small acts they keep getting more confident about getting away with harassing women at work- sexually and otherwise.”

GLU member Raju – “Supervisors and batch managers – identify workers’ with main vulnerability: ex. single, outstation husband, go to the workers’ home and harass and humiliate them. They extract this information directly from the worker or through co-workers, in the context of showing concern.”

Activity:

Role play. In pairs, each group makes a 10 second scene of an act of violence they have witnessed.

Slide 3 Examples of Sexual Harassment in Different Forms

Verbal Form

- Sexual or gender-based jokes or teasing
- Unwelcome sexual overtone in any manner- such as over telephone
- Requesting sexual favours
- Telling lies or spreading rumours about a person's personal life or sex life
- Pressure for meeting/dates.
- Comments about clothing, personal behaviour, or a person's body
- Graphic descriptions of pornography

Non-Verbal Form

- Startling
- Sizing up a person's body (looking up and down)
- Derogatory gestures of a sexual nature
- Facial expressions of a sexual nature; winking, licking lips
- Stalking

Visual Form

- Exhibiting sexual visual material such as posters, cartoons, drawings calendars, pinups, pictures, computer programs of sexual nature
- Written material that is sexual in nature, such as notes, SMS, E-mail containing sexual comments
- Objects of a sexual nature.

Physical form

- Forcible physical touch or molestation
- Unwelcome hugging, sexual touching or kissing
- Standing too close to or brushing up against another person; leaning over; invading a person's space
- Patting, stroking, grabbing or pinching
- Blocking someone's path with the purpose of making a sexual advance
- Actual or attempted sexual assault, or forced fondling.
- Rape or attempted rape

Activity 2-

Distribute chart paper strips.

Each person writes verbal abuse words in chits of paper- one per chit.

It is all gathered in a box

1. Each one picks up a chit—and shouts it loudly. The chits are then put up on a board. The abusive words can be consolidated into a reference list for what constitutes sexual harassment.
2. Record, play back and discuss.

Purpose: Shift the blame; workers feel more confidence; identify and isolate the culprit –not the victim.

Slide 4 Why is Sexual Harassment wrong?

What are the legal grounds for complaints and legal action?

What does our Constitution say?

Sexual harassment is a serious manifestation of sex discrimination at the workplace and a violation of human rights as well as fundamental rights enshrined in the Constitution of India.

The following Fundamental Rights are most relevant:

Article 14- Equal rights and opportunities for men and women in the political, economic and social spheres;

Article 15- Prohibition of Discrimination on the grounds of sex; Article 15(3) empowers the State to take affirmative measures for women;

Article 16- Provides for equality of opportunities in the matter of public employment;

Article 19(1) (g): Freedom to practice any profession.

The following Directive Principles are most relevant:

Article 39-Enjoins the state to provide an adequate means of livelihood to men and women and equal pay for equal work;

Article 42-State to ensure the provision for just and humane condition of work and maternity relief.

International conventions ratified by India:

United Nations Convention on the Elimination of all Forms of discrimination against Women, International Covenant on Economic, Social and Cultural Rights, Universal Declaration of Human Rights, Beijing Platform for Action, ILO Conventions etc.

A special law

In 2013, the Government of India notified the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (referred to as Act hereinafter). The act places an obligation on workplaces, institutions and those in positions of responsibility, to uphold working women's fundamental right to equality and dignity at the workplace. Three key obligations imposed on institutions to meet that standard, namely: **Prohibition. Prevention. Redress**

The Act provides a civil remedy as well as support for other access to other redressal mechanisms to women and is in addition to other laws that are currently in force. Any woman who wishes to report a case of sexual harassment at the workplace has the right to take recourse to non-judicial grievance mechanisms (NJGMs), civil and criminal proceedings.

How does the Act shift response and responsibilities in prevention and redressal of cases of SH?

- Shifting the onus of responsibility from individuals to employers/management to prevent and redress workplace sexual harassment
- Prioritising prevention
- Mandating a uniquely structured complaints forum– 50% women, a woman chair and external 3rd party experts.
- Non- intimidation of witnesses and complainants
- Upholding confidentiality in the complaint process

Activity:

Read the preamble of our constitution together.



THE CONSTITUTION OF INDIA

Preamble

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY, this twenty-sixth day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

The Preamble to a Constitution embodies the fundamental values and the philosophy on which the Constitution is based. The importance and utility of the Preamble has been pointed out in several decisions of the Supreme Court of India.

Slide 5 The Act

Who can file a case?

All women workers

- Engaged directly by the employer or through an agent or contractor
- With or without the knowledge of the principal employer.
- Working for remuneration, or on a voluntary basis.
- Their terms of employment can be express or implied.
- She could be a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name.
- The Act also covers a woman who is working in a dwelling place or house.

Today, all workplaces in India are mandated by law to provide a safe and secure working environment free from sexual harassment for all women.

Filing a Complaint at the Local Police Station under the Indian Penal Code (IPC)

Assistance must be provided to the aggrieved should she choose to file a complaint in relation to the offense under the Indian Penal code or any other law. When an instance of sexual harassment amounts to specific offence under the Indian Penal Code, or under any other law, the employer shall initiate appropriate action in accordance with the law by lodging a complaint with the appropriate authority.

Choosing the Grievance Mechanism

- **Check the rules and procedures for each mechanism you are considering.**
- Research how well the mechanism has functioned, how it has handled similar cases, how long the process tends to take and whether there are rules that you **cannot adhere to**, such as confidentiality requirements.
- It is possible to file complaints with more than one grievance mechanism.
- The appropriate grievance mechanism for your case depends on a number of factors including your resources, the desired outcome and your broader (campaign) strategy.

So in choosing between- ICC- Committee Against Sexual Harassment, CASH committees, LCC-local complaints committee, approaching the local police station, the union, brands, or effectively threaten the culprit, or just leaving/ shifting jobs.

Another Factor to be considered: Lack of provision for action during pendency of inquiry.

It is a common feature in most sexual harassment cases that the employer or the person complained against retaliates against the complainant through counter-complaints, dismissing the services of complainant, creating a hostile work environment etc. There is no concrete provision in the Act or the Rules addressing these issues. Thus, it is a tough call for women to approach the mechanism under the Act. Though section 12 of the Act provides for the transfer of the complainant or the respondent or additional leave for the woman to provide some immediate relief, it is not adequate or appropriately applied.

Note: Non-judicial grievance mechanisms are not a substitute for taking legal action, and severe human rights abuses should still be taken to court whenever possible.

Slide 6 Filing a complaint checklist

Writing a FIR – a checklist

- What information do you want to convey?
- In what capacity are you providing the information?
- Who is the perpetrator of the crime?
- Who has the crime been committed against – victim /complainant?
- When was it committed (time)? Where was it committed (specific place /locality/area)?
- Which way (actual process involved) was it committed?
- Were there any witnesses? (Names will be required here.)
- What were the losses? (Money /valuables/ possessions /physical damage etc.)
- What were the traces at the scene of the crime? (Weapons/evidence if any.)

*Note: If there was a perception of threat, or any reason for the crime that the victim is aware of, it should be mentioned in the complaint.

After completion, you MUST carefully read the document add date and sign it.

Writing the complaint. Checklist for complaint to the Internal Complaints Committee

Question to be answered?

- **Who** (or what) is harmed by the action/s- violations? Who was the perpetrator?
- **How** has the action harmed the complainants or co- workers?
- **What** activities or behaviour that occurred constitutes Sexual Harassment or work place harassment?
- **Why** are the activities a violation of the Guidelines?
- **When** did the alleged violation(s) occur?
- **Where** did the alleged violation(s) occur?

Activity:

1. **Writing a complaint. FIR** formats attached: to be done as group work.
2. Role play- Scene of a police station when presenting the complaint.

To be done in groups of 4 [2 members act as the police and 2 as complainants]

Note : A woman if she chooses to do so may both file the FIR with the police and complaint with Complaints Committee simultaneously.

Slide 7

A report about reporting SH in Bangalore India

<http://www.livemint.com/Industry/fwx2oUpWRTir9OD7xVMLnL/Wipros-sexual-harassment-case-points-to-larger-problem.html>

Two-thirds of companies in the Nifty, the 50-stock benchmark index of the National Stock Exchange, reported cases of sexual harassment in the fiscal year 2014-15 and an examination of the annual reports of 46 firms showed that 80% of these were IT and banking firms, The Economic Times reported on 23 September. The report said Wipro, with 100 cases reported in 2014-15, topped the list.

One reason sighted was fewer women in senior leadership roles in the IT firms. The law requires companies to set up internal complaints committees (ICCs) headed by a woman, with at least half its members being women. But given that there are few women in leadership roles, companies find it hard to fill these roles, said Veena Gopalakrishnan, senior member, human resources law practice, Nishith Desai Associates.

According to a 2015 EY survey of 120 companies on Reining in sexual harassment at the workplace, 18% of the companies surveyed did not set up an ICC. Even out of those who did set up an ICC, 63% of the respondents said their companies had not conducted the ICC training mandated by law. The report said that of those surveyed and without an ICC, 50% were automotive companies and 40% were IT firms.

That's changing. Firms such as Deloitte and EY are now seeing more enquiries for training, investigating and complying with the law on sexual harassment at the workplace.

"We get at least four to five enquiries a month with regard to investigation, compliance, assistance on policy/ communication/ training etc. These are from companies across varied sectors — IT, financial services, e-commerce, technology and even manufacturing; and this is growing multi-fold," says Rohit Mahajan, partner and head of the forensic practice at Deloitte Touche Tohmatsu India LLP. Typically, companies with a healthy gender balance and a large number of employees report more sexual harassment cases, he adds. IT firms fit the bill.

Activity

Discussion: Why Complain?

List your desired outcomes:

- Change the behaviour of the concerned entity
- Prevent or stop similar activities
- Gain compensation
- Achieve a fact-finding mission to establish violations
- Bring attention to your case
- Raise public awareness and increase pressure by the public on a company

For the monitoring organizations it could be to encourage divestment in the company by investors that prioritise sustainable development and adherence to social and environmental standards.

Slide 8

Problems faced by the Worker in Using the Act

A class dimension to the implementation of work-place harassment

Though the prevention of sexual harassment at work place, has factored in remedial measure to deal with gender based harassment, it does not factor in class and wage gap and the retaliation of the offender and management against the victim.

Problem Solving through group discussion

| Problems | Short term response | Long term response |
|---|---------------------|--------------------|
| What can the law do in absence of complaints? | | |
| What can the survivor (worker) do? | | |
| How can the law help those who cannot complain? | | |
| How can the union help those who cannot complain? | | |
| How can co-workers help those who cannot complain? | | |
| How can other organizations help these cannot complain? | | |
| How can the management help? | | |

Slide 9

Long term measures – points for discussion

9.1. How can the government help?

9.2 Indicators to measure compliance

Measures to facilitate reporting of sexual harassment:

- Establishment of external complaints committee in business centres and worker's neighbourhoods. (external committees that are not aligned to a particular factory/management)
- Organizing women at work-place into collectives.
- Increase of wages.

How can sexual harassment at the workplace be redressed by women's organizations and unions?

- What can they do to equip women workers to deal with this?
- How can redressal go beyond the law?
- Women's organizations can help working towards an attitudinal change on the responding to SH.
- Organizing of women workers can help in creating solidarity and changing attitudes.
- Unions can create factory level committees to promote worker solidarity.
- Make workers aware about the practise of false promises of marriage by married men and sexual harassment that follows.
- What are the additional, supportive possible strategies?
- Use of the police stations.

How can co- workers help?

- Ensure that they project a sense of solidarity.
- Shift the guilt from survivors, blame and shame perpetrators,
- Participate in institutions that build solidarity among women co- workers.

The company

- Can break barriers of hierarchy between CASH committee members and worker.
- Improve familiarity of workers with the functioning of the committee.
- Company develops a feed- back mechanism which may report and track trends, rather than personalize complaints
- Support workers who opt for a police complaint,
- Training of workers to engage with the mechanism and provide leadership.
- Engagement in ICC as an aware worker, Labour court, factory committees.
- Top management should express their intolerance for sexual harassment on 26 January celebrated as Factory Day every year, also when a complaint is filed or proved, management should prominently express intolerance through their action.
- A company policy that promotes employment of women and promotes them to builds a healthy gender-balanced workforce. This would in turn also help and facilitate the composition of bodies such as the ICC if there are women in senior positions.

GLU: Union opinion

“For a conducive environment for workers to feel the confidence to complain, the act to be implemented in its true spirit and that cannot be done in isolation. The fact that there is little or no reporting of complaints in garment factories despite its high percentage of women workers is a cause for concern.

Supervisor training on joining should include a checklist of behaviour that will be penalized. If the management is serious about preventing sexual harassment – verbal, visual and physical- what constitutes harassment should be put up prominently, in posters.”

“If we had a salary of about Rs. 20,000 we would have financial security and can think of taking some risks. Complaining is a risk, we might be targeted by the same person or the management, he will take revenge, give us higher targets or post us in units we are not skilled for.

The bottom line is that-our basic human instinct is to survive, and people don’t have resources (time or option or ability) to respond to injustice, whether it is gender based or otherwise, redress. Act of correcting an error or a fault or an evil.”

“Supervisor experience impunity- starting with small acts, they keep getting more and more brave.

When women workers complain, they almost never get a supportive response. What they get in response most often is more stress. The HR/ welfare officer will not take it in writing, they often will change batch, intimidate the worker of humiliation, sometimes even offer to settle and encourage resignation, and if that does not work, threaten with dismissal and humiliation. There is often no response from management. So, for survival workers shift factories, or adjust and agree to sexual favours.

Activity Share case stories of survivors

[Problems from the management: No positive response](#)

HR and welfare officers: Encourage workers not to complain, no action, transfer, target torture for questioning seniors.

[Patterns of Sexual harassment and cheating on the factory floor workers by Supervisors/production managers:](#)

They monitor workers they find attractive, identify worker vulnerability by questioning other workers, showing sympathy, empathy to their needs. Then approach them under different pretexts, if they don’t comply cooperate with his personal demands, they are harassed for higher production, humiliated, called to the cabin repeatedly.

Married male workers will promise marriage to the women worker, then get into a live-in relationship

Slide 10

What can the union monitor regarding implementation?

Points for requesting information through RTI

[For the monitoring organizations like GLU/ Munnade]

- Annual Report under Section 21- Committee to submit annual report Clause 21 (1) form and manner in which the ICC/LCC shall submit
- No. of complaints of Sexual Harassment cases received in the following year
- No. of complaints disposed during the year
- No. of complaints disposed within time frame ☐ Nature of interim relief sought
- No. of cases where the accusation was upheld
- No. of false complains received
- No. of training or awareness campaign against Sexual Harassment undertaken in organizations
- No. of action taken by employer/ district officials
- No. of complaints where conciliation was sought

Penalties to the company

An employer can be subjected to a penalty* for:

- Failure to constitute Internal Complaints Committee
- Failure to act upon recommendations of the Complaints Committee; or
- Failure to file an annual report to the District Officer where required; or
- Contravening or attempting to contravene or abetting contravention of the Act or Rules.

Where an employer repeats a breach under the Act, they shall be subject to:

- Twice the punishment or higher punishment if prescribed under any other law for the same offence.
- Cancellation/Withdrawal/Non-renewal of registration/license required for carrying on business or activities.

Monitoring is critical to measure success in terms of compliance with the Act. Additionally, it highlights those areas, in terms of law and practice, which may require improvement and/or additional information and guidance at both the State as well as the workplace levels.

**** According to Section 134 of the Companies Act, 2013 read with rule 8 (5) of the Companies (Accounts) Rules, as amended in 2018, the Board has to submit a report, which should include a "statement that the Company has complied with provisions relating to the constitution of Internal Complaints Committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013." The non-compliance by a Company can result in imposition of a fine not be less than INR 50,000/ upto INR 25,00,000/- and imprisonment for every officer of the Company who is in default for a term which may extend to 3 years and/or with fine in the range of INR 50,000/- to INR 5,00,000/-.***

Slide 11- Report cards

Steps to Monitor Implementation and report violations/ best practices

- Create evidence- through administering supervisor report cards
- Make a virtual hall of shame and hall of fame of supervisors in 10 companies.
- Strengthen awareness of workers on sexual harassment throughout the supply chain.
- Strengthen awareness of workers on laws being violated.
- Strategic networking within the factory
- Strategic networking to support complainants, and follow up of complaints.
- Get legal services authority to train workers at the factory level.
- Recommend external members for the ICC through friendly companies, stakeholder initiatives and brands.
- The need to sensitize senior staff of companies, that are usually men towards the need of workers and the implementation of the law.

Evidence building: Forms and Formats

1. Factory profile and format for factory report card

Factory name:

Address:

Reported instances of violations:

| Issues | Very good | Good | Bad | Very bad | Comments |
|------------------------------|-----------|------|-----|----------|----------|
| Work- Place harassment | | | | | |
| Sexual violence | | | | | |
| Illegal termination of work | | | | | |
| Safety violations | | | | | |
| Maternity benefit violations | | | | | |
| Wage related issues | | | | | |
| Bonus and PF | | | | | |
| Crèche | | | | | |
| Drinking water | | | | | |
| Toilets | | | | | |

Main labels:

| | | | | |
|--------|--|--|--|--|
| Month | | | | |
| Labels | | | | |

Worker profile

- Total number of workers
- Male
- Female
- Permanent
- Piece work
- Contract labour
- Migrant workers (from which state/ region)-hostel address

2. Supervisor report card on workplace and sexual harassment

Name of supervisor/ floor in charge/ HR:

Factory Name –

Workers' name and contact (*optional)

| | None | Bad | Very bad | Comments |
|----------------|------|-----|----------|----------|
| Verbal abuse | | | | |
| Physical abuse | | | | |
| Sexual abuse | | | | |
| Target | | | | |

Points to analyse

- Problems with case filing
- Reasons for failures or successes.

A decision to complain, means more stress for the worker complaining- it is not mitigating the problem. On the reverse even if a worker complains, HR/Welfare Officers often either (i) not take it in writing, (ii) not support the worker in following up, (iii) most likely change her batch and/or (iv) intimidate and humiliate the worker. That is one of the main reasons that blocks worker from complaining.

Most CASH committees have a document trail which says that there have been no complaints.

GLU: score each factory based on (i) the number of complaints received and (ii) response of factories.

Munnade: A supervisor score card by women of factory floor: score each supervisor on (i) sexual harassment and (ii) work harassment.

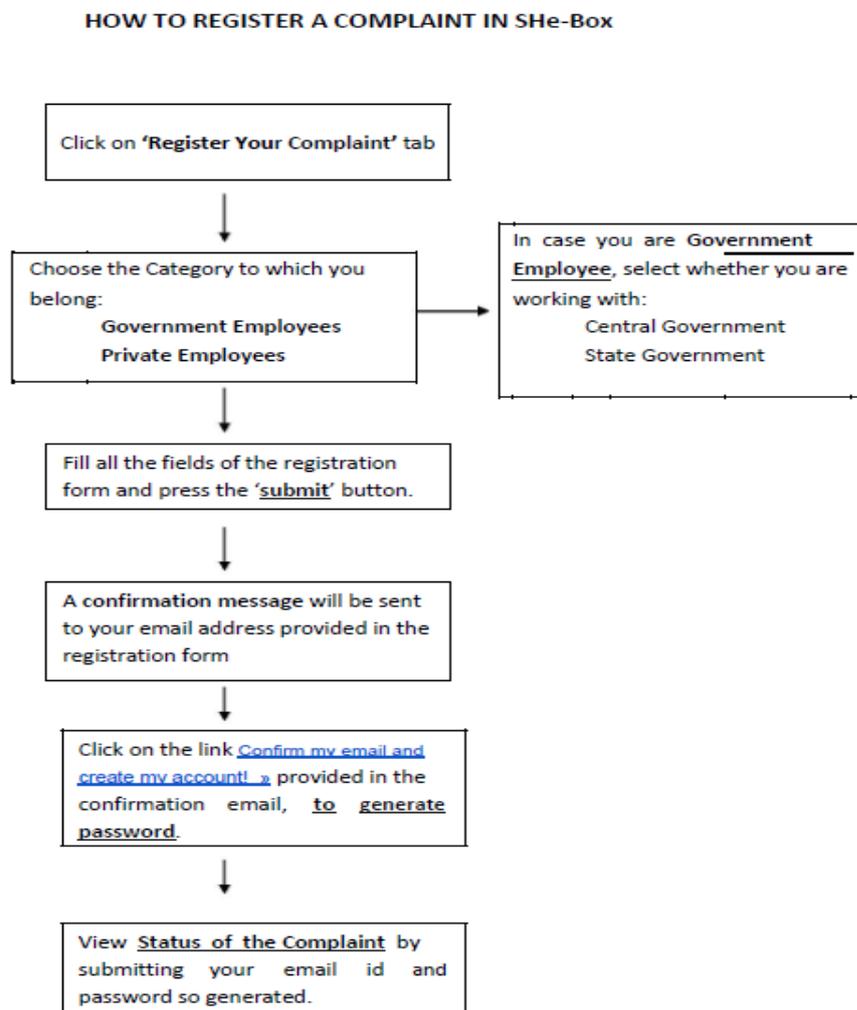
Slide 12 She-Box A Government of India Initiative

This Sexual Harassment Electronic Box (SHe-Box) is an effort of GoI to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganised, private or public sector, to register complaints related to sexual harassment.

Any woman facing sexual harassment at workplace can register their complaint through this portal. Once a complaint is submitted to the 'SHe-Box', it will be directly sent to the concerned authority having jurisdiction to take action into the matter.

For registering complaints through the SHe-Box, a valid email id is required. The home screen of the website displays a tab "Register your Complaint"

<http://www.shebox.nic.in/home/privateUserRegistration>



Slide 13

Checklist for workers

Timelines as per the Act

| | |
|--|--|
| Submission of Complaint | Within 3 months of the last incident |
| Notice to the Respondent | Within 7 days of receiving copy of the complaint |
| Completion of Inquiry | Within 90 days of the complaint. |
| Submission of Report by ICC/LCC to employer/DO | Within 10 days of completion of the inquiry |
| Implementation of Recommendations | Within 60 days |
| Appeal | Within 90 days of the recommendations |

A checklist to prevent sexual harassment

1. Step 1 Analyse your strength and weakness
 - Remember –Your confidence is not dependent on your appearance.
 - Dress with confidence, work with skill and confidence
 - Decrease your dependence on others approval
 - Take care of your health
 - Address violence in the house and at your workplace
 - Take help if necessary
2. Why is this important?
 - So that we can use our combined strength to reduce your weaknesses and increase your strengths.
 - Sometimes in knowing ourselves we become stronger
 - You can support others who need help
 - Appreciation of clothes, comments, touching and sexual favours are different from love and relationship.
 - Separate personal from professional.

Do not give anyone the right to control your professional or personal life.

Your rights and your responsibilities: Know them, use them

1. *Right to a workplace free of sexual harassment. [verbal, physical or emotional]*
2. *You have constitutional rights and special laws that make sexual harassment at the workplace a criminal act.*
3. *Sexual harassment is not the victim's fault.*
4. *There is a need to change attitude among workers towards the co-workers, especially victims of sexual harassment. Workers' solidarity can stop sexual harassment.*
5. *As workers and union members, we should never share personal information of other workers- Supervisors tend to misuse this information.*
6. *Most workers do not want to accept that they face sexual harassment, the first step to solving a problem is accepting that there is a problem.*
7. *Know your rights to report/ complain to the ICC, LCC, nearest police station.*
8. *If you are a victim of SH, remember that you are not alone, take the support of your co-workers, factory committee, the ICC members/ HR, Union, women organizations to report your case.*
9. *If you are a witness of sexual harassment, support the victim as a witness, help record and report details.*
10. *A complaint to the ICC needs to be made in 3 months.*
11. *Once you complain you are eligible to apply for interim relief- transfer of the accused or yourself, or transfer. Salary will not be deducted for leave granted under this provision. You are eligible for up to three months paid leave under this provision which is in addition to any other leave you are entitled to.*
12. *Join worker collectives, union and regularly attend their meetings to stay updated.*

As empowered women workers

**It is important to be always be alert about our rights,
help ourselves and support others to do the same.**

**To always support each other for a just cause,
To never ridicule or join others who belittle co-workers.**

To spread word about the union,

**To increase membership and workers' solidarity,
Create a buzz about worker's rights in our workplaces.**

Work towards achieving a safe workplace, a safe home, a safe neighbourhood and country.

