

Awareness Levels on Prevention of Sexual Harassment at Workplace (POSH) Act among University Teachers in Andhra Pradesh

By

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ABSTRACT

Sexual Harassment (SH) in the workplace is evidenced to decrease employees' productivity as well as negative impact on financial performance of an organisation. The Prevention of Sexual Harassment at Workplace (POSH Act-2013) defined SH in the workplace and outlines a complaint mechanism that organisations must implement. It requires that an Internal Committee (IC) be set up within every establishment that has 10 or more employees to examine and investigate SH related matters within the workplace. According to the Act, SH training is mandatory for Indian organizations with more than 50 employees. It requires every employee to complete training on the topic of workplace SH at least once in every year (Ministry of Women & Child Development, GoI, 2013). Considering the widespread prevalence of SH in the workplace and the negative implication of it for employees, organizations and society at large; there is an urgent need to address this problem.

Key Words: Sexual Harassment, POSH Act, Employees, University, Attitudes.

Introduction:

The United Nations General Assembly defined Sexual Harassment as “such unwelcomed sexually determined behavior as physical contact and advances, sexually colored 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 grounds 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.

The European Union and the council of Europe defined sexual harassment as illegal behavior. The European Commission of the EU defined sexual harassment as “Unwanted conduct of a sexual nature, or the other conduct based on sex affecting the dignity of women and men at work. This includes unwelcome physical, verbal or nonverbal conduct.”

Sexual Harassment at work place cannot be termed as a new phenomenon as fast growing workplace equations have brought this stark ground reality to limelight. Sexual Harassment at work place has become universal in every part of the world and in India. Due to the silence accorded to the issue it is not widely discussed and its presence can be felt in almost every work place where women have entered to work. Be it organized or unorganized, private or public, service or education or professional, no sector is untouched by this phenomenon.

Working women are facing many problems of which sexual harassment at work place has become a serious one. This crime against women, which outrages the modesty of women, has not been addressed properly. Until 1990's the concept of sexual harassment has not be recognized by Indian Courts. The right to work encompasses the right to work free of sexual harassment. It is clear that India entered into a new era of economic development. This rapidly increasing change in work environment also reinforces the increasing importance of zero tolerance towards sexual harassment against women in work place. This concept has been observed in Higher education institutions too.

According to a Study, especially in Higher Education Institutions, female students prudently observe and avoid the faculty or staff who has a history of harassing the females. Because, these female students tend to lose their confidence when their own teachers subject them to harassment. As a result, these male faculties make them disenchantment with the academic environment. Such pervasive sexual harassment is also observed between male and female faculty. The male faculty tends to use abusive vocabulary, derogatory remarks and gender specific stereotype actions towards female faculty to show their male domination.

The paramount objective of POSH Act 2013 is to provide a safe, dignified and congenial working environment to the female employees. Therefore, the coverage of the Act extends to all females of whatever age group, of whatever type of employment and whatever nature of employment. Within its purview the Act provides due coverage to all educational institutions, as well. Today it has become a challenge to register and monitor complaints of sexual harassment because elusive type of sexual misdemeanors are showing a definite increasing trend in the “work from home” system and many employees not even notice that something like sexual harassment is existing there. Whatsapp queries containing inappropriate messages unwarranted

chats about what is the type of cloth that she is wearing on or how she is spending time and adding insult to injury through prolonged gazing during online personal meetings in the work from home situation has become a new form of harassment. In addition, inappropriate phone calls or unwarranted messages beyond office hours during night, being rampant, also have been a cause of concern.

University Grants Commission (UGC) has addressed sexual harassment issue by constituting UGC regulation, 2015 recognizing helpless women and girls and seeks protective measures to put in place for such helpless groups. UGC has taken steps to make the HEI's gender neutral while dealing with the cases of sexual harassment in respect of students.

In HEIs, sexual harassment is treated as a civil violation rather than a criminal offence. The focus is on education and correction rather than punishment. The prevention of sexual harassment through gender sensitization is a major responsibility of HEIs. Women frequently express issues that males do not necessarily share; or the men in the proper perspective have not necessarily understood the concerns expressed by women. It is an established fact that females being socially and bodily susceptible tend to encounter security threats, during the course of their service at the work place. It is, therefore, obligatory on the part of her employer to put in place adequate safeguards at the workplace to provide due protection to the women from sexual offences and harassments.

Another study reveals that the employees in HEI's are neither aware of the legal provisions nor have they implemented law in letter and spirit. Even in those cases where they have set up internal committees, there is visible lack of trained members.

The present study focuses on the areas of legal knowledge and understanding of POSH Act with special focus on faculty in HEI's.

Review of Literature:

The following is the review of literature undertaken by the researcher to write this article. The researcher studied many articles, research papers, materials and reports on SH. Thus, the following review is selected to substantiate the article.

1. *Brown, N. W., Wetzel, R. (2000). Student-generated sexual harassment in secondary schools. United Kingdom: Bergin & Garvey.*

Wetzel and Brown provided data in this study regarding the frequency of sexual harassment among students and its impact on the academic and mental health of teenage boys

and females. The initial assumption that arises when sexual harassment of students is discussed is that the harassers are adults, such as professors. The issue of students harassing other students sexually is one that is frequently disregarded. There are many reasons why this issue receives less attention, not the least of which are the prevalent views held by adults toward children, teenagers, and the concept of sexual harassment.

2. *Widnall, S., Johnson, P. & Benya, F.F. (2018). Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine. National Academies Press.*

This report reviews the literature on the prevalence of sexual harassment against women in the scientific, engineering, and medical domains. It also looks at the data currently available regarding the impact of sexual harassment on women seeking careers in these fields, including its detrimental effects on recruitment, retention, and advancement. Additionally, it identifies and evaluates the laws, plans of action, and methods that have worked best to stop and deal with sexual harassment in these contexts.

3. *Keenan, F. J. F. (2015). University ethics: How colleges can build and benefit from a culture of ethics. Rowman & Littlefield.*

In this book, the argument is made that the mindset and language of ethics proposes logic for recovering the value of truth and credibility for the university. It is time now for us to appropriate that way of living, collectively.

4. *Vandana. (2020). Dalit girls and sexual harassment in the university. Indian Journal of Gender Studies, 27(1), 33-54*

This study discusses the current situation of sexual assault on women in India as well as the various coping mechanisms used by women. For this study, fifteen Indian college students, ages seventeen to twenty-two participated in semi-structured interviews. First, the results of the current situation showed that women are living in risky situations and that sexual assault has a significant impact on women's lives. Second, women mentioned three main strategies for addressing sexual violence: empowerment, avoidance, and safety. In the discussion, we contend that women's use of avoidance and safety strategies are safety behaviours that contribute significantly to the dynamics of society and women's anxiety.

Objectives:

1. To understand the legal knowledge on POSH Act among university teachers.
2. To bring out what the employees understand about the sexual harassment at work place.
3. To assess the ability to identify sexual harassment at their work place.

METHODOLOGY:

Research Design: The present study believes in research philosophy based on positivism which requires an empirical knowledge and evidence to verify the data. Hence the study employed a survey research approach. The current study adopted the first approach of researching a single university.

Sample Population and Participants: The research study target population was university teachers both male and female. The size of the sample is 45 employees were selected to represent the target population based on simple random sampling technique. The employees were selected from various departments such as management, social work, technology, mathematics etc.

Data Collection Method: The participants were provided with a self-administered questionnaire to understand the respondent's legal knowledge on POSH Act, knowledge and attitudes on SH, and ability to identify the SH in their workplace.

Data Collection Method: The data collected was analyzed by using MS excel software.

RESULTS:

The Survey was conducted with 45 employees out of which 68% were female and 30% were male and 2 % preferred not to mention their gender. The employees are employed as teaching faculty or lectures in the university are 98% and lectures from Degree colleges constitute 2%. Majority of the respondents were married (87%) and remaining respondents were either unmarried (6%) or divorced (7%). Respondents with zero or no children were (11%), with one child (66%), with two children (13%) and with more than two children (10%). Majority (91%) of the respondents studied PhD and remaining respondents (9%) completed their Master's degree. The range of income earned by the respondents (94%) was more than 50,000.

Knowledge on POSH Act:

- Knowledge on identifying the perpetrator or harasser, the respondents answered university or college authorities were 67 %; Coworker (13%); Students (6%); Non-teaching or supporting staff (3%) and all the above were 11%.

- Respondents' knowledge on different forms of Sexual harassment were Physical touching (72%), Letters and gifts (2%), Posters and calendars (1%), E-mail (12%), and all the above (13%).
- The Sexual Harassment Act mandates the creation of ICC to assist and enable the security of women safe working environments. The respondents knowledge on how the ICC work shows as follows- ICC may grant up to 3 months of leave in addition to the leave a complainant is already entitled to (67%) ; the employer must act on recommendation of the ICC report within 60 days (9%) ; the ICC can punish the complainant if her complaint is found to be false or malicious (19%) ; and the ICC can punish the complainant if her complaint is found to be false (5%).
- The responses for the question "An inquiry process should follow the principle of what justice" are as follows – Majority (98%) responded that natural justice should be practiced; few responded that partial justice (2%) should be followed. For the statement "A complainant should share the details of the complaint with her superiors and peers", majority (96%) responded the statement to be true and few (4%) responded the statement to be false. For the statement "If the complainant does not want a conciliation the ICC must proceed with the inquiry into the case", majority (95%) responded the statement to be true and few (5%) responded the statement to be false. The respondents explained full form of ICC as follows – Internal Compliance Council (62%) ; Internal Compliance Committee (20%) ; and Internal Complaints Committee (18%).
- Respondent's knowledge on what constitutes sexual harassment is as follows- 59% stated that changing work standards after a subordinate refuse repeated requests for a date, % stated that disciplining or firing a subordinate who ends a romance, % stated that making gestures or staring, and % stated all the above. 55% responded that employees who purposefully misstate a claim of sexual harassment can be disciplined or fired by the company and sued by the accused for slander to be true. 45% stated that the statement is false. For the statement "Have you seen or personal experiences of sexual harassment at work place" 44% stated Yes; 25 % stated No and 31% stated maybe.

DISCUSSION:

With regard to the implementation of the POSH Act majority of the respondents opined that the universities and their affiliated colleges did not have any ICCs constituted in their campuses. Employers and employees remained in perpetual mode of denial. The most common response of the employees was that the complaint details should be shared with their employers as they believe that proper reporting should be done with respective authorities.

Role of a Social Worker:

1. Formation of ICCs in the universities and attend quarterly meetings to upgrade the recent sexual harassment cases at workplace and recent amendments related to the Act.
2. Conduction of Awareness and Orientation sessions on POSH Act 2013.
3. Use conflict resolution strategies, Role plays, and Skit to effectively impart the information on prevention, prohibition, and redresses issues.
4. Attend incident inquiries to provide natural justice as per law using the social work principles of upholding the dignity and worth of the individual, Confidentiality, Non judgment attitude and controlled emotional involvement.
5. Provide interim relief to aggrieved women and provide safe working environment.

Conclusion:

Sexual harassment cases are rampant and the law related to sexual harassment for long was treated and tolerated as a normal activity. However, constitution of ICCs in the universities is vital to address the Sexual harassment at work place issues. The majority of employers initially dispute any incidents of this kind that show an uncaring mindset. Patriarchy mixed with power relations and a culture of silence to cover up wrongdoing until it becomes a threat to spread the wrongdoing. In addition to the stigma that surrounds complaints what keeps them from criticizing is not only their ignorance but also their lack of faith in the system as a whole. Since the people entrusted with carrying out the legislation are ultimately responsible for its success, ICCs can be revitalized by the recruitment of capable and dedicated outside specialists.

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1. Brown, N. W., Wetzel, R. (2000). Student-generated sexual harassment in secondary schools. United Kingdom: Bergin & Garvey.
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