



## SHRI VAISHNAV INSTITUTE OF MANAGEMENT

(Approved by AICTE, Govt. of M.P. and Affiliated to Devi Ahilya University, Indore)

(UGC - NAAC accredited 'A' Grade Institute)

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### Curbing Harassment at Workplace

#### Policy Document

The current EU definition of sexual harassment set out in the 2006 Equal Treatment Directive (2006/54/EC) is: “where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”. It is found that the colleges and workplace are the most frequent lifetime location for sexual harassment among those polled after public spaces and private homes/residences. The harassment not only cause of psychological damage of victim but also damage business and reputation of institute too.

#### Major Types of Harassment

- **Personal harassment:** One person may pick on another – with dirty comments and inappropriate remarks. Intimidation falls under this type too.
- **Discrimination:** Victims may be bullied or harassed in terms of race, gender, age, or other factors. Such discriminatory behaviour proves to be very unhealthy.
- **Physical harassment:** Physical harassment commonly appears in the form of violence. It involves inflicting physical violence or threatening.
- **Psychological harassment:** Being subjected to constant criticism, being rubbished unduly, and getting their ideas trivialized are a few of how victims may experience psychological harassment.
- **Verbal abuse:** This involves cursing, insulting, or yelling by one or more person. The victim goes through unlimited agony.

- **Cyberbullying:** In addition to sharing or distributing defaming information, cyberbullying may occur in direct messaging, tormenting the targeted person or persons.

In India, before 1997, there were no formal guidelines for how an incident involving sexual harassment at workplace should be dealt by an employer. Women experiencing sexual harassment at workplace had to lodge a complaint under Section 354 of the Indian Penal Code that deals with the 'criminal assault of women to outrage women's modesty' and Section 509 that punishes an individual or individuals for using a 'word, gesture or act intended to insult the modesty of a woman.

Realising the fact that, the present civil and penal laws in India do not adequately provide for specific protection of women from sexual harassment in work places and that enactment of such legislation will take considerable time. Vishaka and Others vs State of Rajasthan was a 1997 Indian Supreme Court case where various women's groups led by Naina Kapur and her organisation, Sakshi filed Public Interest Litigation (PIL) against the state of Rajasthan and the central Government of India to enforce the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India. The petition resulted in "Vishaka Guidelines against Sexual Harassment in the Workplace" and provided the basic definitions of sexual harassment at the workplace and provided guidelines to deal with it. It is seen as a significant legal victory for women's groups in India.

The sections of the **Indian Penal Code** that can be applicable to in case of sexual harassment (which makes it a criminal case):

#### 1. Section 294

Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites and utters any obscene songs, ballads or words, in or near any public space, shall be punished with imprisonment of either description for a term that may extend to three months, or with fine, or with both." This provision is included in Chapter XVI entitled of Offences Affecting Public Health, Safety, Convenience and Morals" and is cognisable, bailable and triable by any magistrate.

## 2. Section 354

Whoever assaults or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

## 3. Section 509

(Word, gesture or act intended to insult the modesty of a woman) This is included in Chapter 22 entitled „Of Criminal Intimidation, Insult and Annoyance“, and is cognisable, bailable and triable by any magistrate. It holds: „Whoever, intending to insult the modesty of a woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture is seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Under the **Indecent Representation of Women (Prohibition) Act** (1987) if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing the “indecent representation of women”, they are liable for a minimum sentence of 2 years. Section 7 (Offenses by Companies) further holds companies where there has been “indecent representation of women” (such as the display of pornography) on the premises, guilty of offenses under this act, with a minimum sentence of 2 years.

### Civil case

A civil suit can be filed for damages under tort laws. That is, the basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.

In order to prevent from sexual harassment as including any unwelcome sexually determined behaviour, the institute constituted Grievance and Redressal Cell to maintain safety and security of the girls and women of the institute under the guidelines and norms laid down by the Hon'ble Supreme Court in Vishaka and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384.

### Objectives of Grievance and Redressal Cell

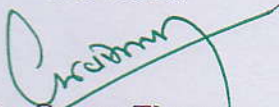
- To listen and understand the complaints of grievances from girl students, female teaching staff and non-teaching staff.
- To inspect all the complaints within specific time.

- To ensure confidentiality and time bound response to the complaints.
- To conduct developmental and awareness programs for the girls students and female staff members.

The Cell deals with the cases / complaints of sexual harassment and any other type of harassment of the female students, teaching and non-teaching women staff of the institute. If the girl students or female employees face any kind of harassment, then they can complain at women grievance and redressal cell. The members look into the issues, gather the evidence, analyze all the facts to develop reasoning, arrive at the findings and if found guilty then strict action is taken as per the sections of the **Indian Penal Code** that can be applicable to in case of sexual harassment.

**Institute follows Effective Strategies to Prevent Workplace Harassment regardless of the legal framework**

- **Regular training and awareness programs:** The Institute conducts regular training sessions on sexual and other types of harassment in the institute. Also to inform them of their rights, what is expected and what is not tolerable.
- **Create an organizational culture that eliminates harassment:** The Institute creates and enforces a culture that ensures every students/employee behaves professionally. The workplace ethics and culture must avoid belittling opinions and social isolation.
- **Provision for complaints and prompt action:** The institute has an easy and clear way to file complaints about inappropriate behaviour or harassment in any form. Act upon the complaints quickly, taking prompt and severe action so that such things do not resurface.
- **Proactive implementation of the policy:** Education not only helps to safeguard against inappropriate behaviour and unwanted advances by clearly defining violations, but it also empowers those who may encounter sexual harassment to recognize and report these cases.



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