

1. What is sexual harassment?

The Merriam-Webster Dictionary defines it as uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate (as an employee or student).

Sexual harassment, in India has been defined as making any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

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

2. What is the law regarding SH in India?

The law that governs sexual harassment of women in workplace in India is called the Sexual Harassment of women in workplace (Prevention, Prohibition & Redressal) Act, 2013. This law calls for the appointment of a committee called the Internal Complaints Committee in every worksite to ensure the prevention and redressal for women who experienced SH.

3. Why has sexual harassment become such an issue now? These sorts of things are just part of everyday life and will happen if women and men are brought together – it is just something fashionable to malign men.

Sexual harassment is more about an exercise of power than an expression of sexual attraction. It tends to target women and if women have to be equal partners in the work place and have a right to work in an occupation of their choice, then they need to have an environment that is free from sexual harassment/discrimination. In order to create an equitable environment for both men and women to thrive and achieve their full potential, we need worksites that have zero tolerance for sexual harassment. Societal recognition of this has resulted in the enactment of the law against sexual harassment.

4. What has SCTIMST done about Sexual Harassment?

The SCTIMST has a zero tolerance policy towards SH of women in the workplace. It has amended its service and conduct rules to prohibit sexual harassment of women. (see section 6B of Chapter VII of the Service and Personnel Conduct Rules of SCTIMST dated Dec 31 2009) It

has also appointed an Internal Complaints Committee (ICC) that has the mandate to conduct inquiries into complaints of sexual harassment in SCTIMST.

5. Whom should I contact for more information?

You can contact any of the members of the Complaints Committee.

To know the committee members details, please visit

<http://intranet.sctimst.ac.in/ICC/Members>

6. What should I do if I think I am being sexually harassed?

You should talk to your immediate supervisor about what is happening and how it affects you. You should mention specifically the acts/behavior that are bothering you and ask your supervisor to take remedial measures.

7. My Supervisor is not ready/ keen to provide remedy for my problem, What should I do?

Even if you think you are being sexually harassed but not sure, please start documenting what is happening to you, by whom, where is it happening, when (at what time) is it happening? Are there any witnesses to the event? What are your feelings about what is happening? Write all this in a systematic way and keep it for the record. This will help you to put together a cogent sequence of events, should you want to file a complaint.

8. Can I talk to the person who is sexually harassing me asking him to stop?

Yes, in fact you should tell the person what you think about his actions/behavior. You can either do it orally (preferably with your supervisor present) or if you are not comfortable doing it, you can ask your supervisor to do it for you. If your supervisor is unwilling to do so, you can actually write a letter to the person, describing what happened and what you would like the person to do. For example, if you feel **offended** by a colleague constantly referring to you as “sweetheart” or “chakkare” (sweety) or “kuttathi pravu”, you can write to the person, mentioning what was said, when, where, etc and ask the person to desist from doing so, as it offends you and can be deemed to be sexual harassment.

**9. I am not the affected person, but I think what I am seeing/hearing is sexual harassment?
What should I do?**

You have a responsibility to ensure a safe working environment for women in the Institution. If you see something that you think is sexual harassment, ask the woman concerned if she is offended by the observed action/behavior. If she is and is afraid, offer to bear witness in her dealing with the same – either by way of talking to the colleague indulging in the offensive behavior. Often, people are not even aware that their actions are offensive to women, and will stop once told. If you are not sure or not able to ask the woman, ask the man, if his actions would not invite an accusation of sexual harassment for the reasons you think it is. If he does not recognize it as such and the woman concerned is not offended, then it is not your responsibility. Such an intervention can be done even by a man. You must however, seek clarifications to ensure that the work environment continues to remain one in which both men and women can perform their duties to their best.

10. What should I do if the action/behavior persists and my supervisor is not taking any remedial measures?

Please approach any of the members of the ICC for assistance. Do write a letter to the Chairperson of the ICC, detailing what is happening, providing details of the events/actions/behavior, name and designation of the person involved, names and addresses of witnesses, how this action affects the performance of your duties and request for remedy.

11. Will my complaint be made public? Will everyone come to know that I have complained about someone in the Institute?

No, the ICC has the mandate to keep all its documents confidential. Your name will not be revealed to any third party (other than those involved either as perpetrator or as witnesses, who will in any case be aware of the incident(s) /in the know). The law explicitly requires that your name be protected even against an RTI query and the ICC will make every effort to protect your confidentiality.

12. What should I do if I receive a letter asking me to be present before an inquiry by the ICC?

The ICC has the same powers as that of a civil court under the Code of Civil Procedure 1908. This means you have to respond to it like it was a summons from the District Magistrate. In case you have a valid reason as to why you cannot be present, do provide your response to the Chairperson, ICC, providing the reasons for your inability and attaching copies of the justification for the absence (such as wedding/medical certificate indicating ill health of the person summoned/etc).

For Men

1. I often work with women colleagues and students. It requires me to work for long hours in office with them, sometimes in close physical proximity. Can I be accused of sexual harassment?

No. Merely working with women or teaching or guiding women students and working in close proximity does not automatically attract the label of sexual harassment. For an accusation of sexual harassment to be tenable, the moot point is that an action or behavior be 'unwelcome' by the women colleagues/students.

2. I have always been a person making jokes in my group. Wemen have always made jokes amongst ourselves – sometimes even used explicit language as part of it. We do not aim to offend anyone. That is just the way we are. Can I be accused of sexual harassment, as the jokes are sexually colored?

Yes, you can, if your group includes a woman who is offended. The accusation of sexual harassment is valid not on the basis of the intentions of the perpetrator (even if the intentions are noble), but based on the perceptions of the woman. Therefore, if any of the members of the group feels belittled or besmirched by the jokes, a finding of sexual harassment is valid.

3. I have a relationship with a female colleague and generally I am considered a very friendly person by both men and women. Can I be accused of sexual harassment?

No, being in a consensual relationship with a female colleague does not attract an accusation of sexual harassment, provided etiquette of the working place is maintained. Being friendly with women and men alike is acceptable. Sexual harassment is concerned with any action or behavior that is sexually determined and unwelcome.

4. How will I know whether a particular action/behavior is sexual harassment?

Please check your action/behavior against the criteria for sexual harassment listed above. If it seems to you that it falls within the ambit, it probably is. Ask yourself, if my sister/mother/wife/other friends were here to see me, will I do this/act like this? If your answer is no, then you probably are rendering yourself open to accusations of sexual harassment.

5. How can we prevent women from leveling allegations of sexual harassment by a supervisor when they have shirked responsibility and not performed assigned tasks assigned by a male supervisor?

No man will be found guilty merely on the basis of mere allegations. A committee undertakes a full enquiry once a complaint is made. The Internal Complaints Committee consists of peers in your worksite. This enquiry is made with witnesses for both the complainant and the person who is accused. A fair enquiry process will bring out the truth to the extent possible. The enquiry process also seeks evidence, even though the absence of evidence does not necessarily render a

woman's accusation as false. Universal following of due process and heading the principles of natural justice are said to prevent miscarriage of justice. It is expected that it will serve just as well against cases of false accusation.

6. If a woman employee is issued a 'Memo' or awarded a punishment for a mistake committed by her, what can I do if she accuses me of 'sexual harassment' as I am the person responsible for administering the punishment or issuing the 'memo'?

For this to happen, the woman in question will have to submit a complaint that is tenable. A complaint of sexual harassment does not hold merely because you were the instrument for punishing employees. It holds because there is a discriminatory practice that targets women specifically and is sexual in nature. A complaint of sexual harassment based on the evidence of a memo issued or punishment given for misdemeanors in the work place will not be found tenable. Also refer to the answer to question 5.

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