

(En)Gender(ing) Equality: Valuing Women at the Workplace

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I. INTRODUCTION

The first step in the evolution of ethics is a sense of solidarity with other human beings.
Albert Schweitzer

The twentieth century has no doubt seen a great deal of changes, including a larger number of women entering the workplace, in varied professions and rising to positions of power. And yet, this is hardly a cause to celebrate, especially in the India context, if one were to examine the figures that expose this celebration of women power as prematurely celebratory and therefore misplaced. If at all, it can be considered as a step in the right direction, even if it is basically a very small step at that.

Although we would like to believe that a large number of women are working today, an article entitled 'Why Indian Women Leave the Workforce' published in *Forbes* states "women make up 24% of the workforce in India, which boasts of one of the largest working populations in the world. Only five percent of these reach the top layer, compared to a global average of 20%." So also, according to the International Labour Organisation's Global Employment Trends 2013 Report, "out of the 131 countries with available data, India ranks 11th from the bottom in labour force participation." Ironically of these it was estimated in 2009-2010 that 26.1% of these were rural workers and only 13.8% were urban workers. Moreover, a recent study by Booz and company says that if men and women in India were to be equally employed India's GDP could go up by 27 percent.

And given this as the reality of almost a century or more, the need of the hour is to examine why women, despite their capabilities, which have been proven in diverse fields, given that one can today compile a list of successful women professionals, which include Naina Lal Kidwai and Kirithiga Reddy, still find themselves in the minority at the workplace, at the tops rungs of professional space and why they feel compelled to often drop out of the running. According to an article bearing the title 'India Needs More Women in the Workforce' in *Centre for Strategic and International Studies*, 48% of the working women in India drop out of the work force. Why go very far, if one were to consider politics, as a field from where policies emerge, how many women have risen to the top? How many women do we remember as Chief Ministers of States or the Prime Minister of the Country? Why did India take so long to put in place a woman President?

The primary cause if one were to examine it closely lies in attitudes determined by culture. Being a part of a world order that has treated women as either Goddesses or witches right through myth and literature that one grows up on, the stereotypes we inherit are deep set but not surprising, to say the least. Women are and have been through the ages looked upon primarily as caregivers, who are expected to nurture their home and family as their chief occupation and are expected to pursue a profession and excel in it, if the time permits them beyond this. Else women are largely a part of the workforce today to supplement the family income, due to increasing economic pressures. Given this as the reality underlying the modern day workforce, it is important to admit that women are still and may remain for a long time on the margins of it, as the facts and figures quoted earlier no doubt prove. And in this light men are bound to be in large numbers in the workforce and are thus bound to be the policy and decision makers in the workforce that has a representation of women however little, as home makers are not considered as a part of the workforce, despite how much they work at home and domestic workers, who are a large part of the urban workforce hardly have a voice.

It is not surprising then that women face discrimination at the workplace and despite this doubts are rarely cast as to how ethically women are treated there and more importantly how comfortable they feel in the working environment. Moreover the moment the question of ethics and values in dealing with issues of women at workplace is brought up or thought of the main and often the only thing that comes to mind is the concern regarding sexual harassment, which though extremely important is not the only problem/issue that women face at their workplace.

Issues faced by women at their workplace

The issues that women face at the workplace can be categorised under two heads - issues of sexual harassment and general issues and often one finds an absence of being proactive in dealing with either of them.

If one were to think back about the cases of sexual harassment that have gained media attention and been in the limelight, generating both concerns and debates, one can easily recollect the IIT Madras Professor

and student, Tarun Tejpal and a reporter and the Supreme Court Judge and the Law Intern from the recent past and the Bhanwari Devi case from 1992, which had shaken the nation and brought about some change in the light of guidelines to deal with such issues at the workplace, although these essentially remain on paper. A lesser known case that equally craves our attention given that it has not been resolved despite over a decade of struggle is that of Sabita Lakhar versus a prominent Assam paper's Chief Sub Editor.

Though awareness about sexual harassment at the workplace has increased what people believe constitutes sexual harassment is physical contact – molestation and rape and most other rampant cases of sexual harassment, in the manner of improper behaviour of employees does not get acknowledged as constituting sexual harassment. The Vishaka Guidelines of 1997 that emerged as a result of the Bhanwari Devi vs. the State of Rajasthan case define sexual harassment as unwelcome sexually determined behaviour (whether directly or by implication), which could involve physical contact and advances; a demand or request for sexual favours; sexually coloured remarks; showing pornography; any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

What this means is that sexual harassment involves unwanted overtures, comments and behaviour that women may find offensive or threatening, which may involve stalking, sending lurid or unnecessarily friendly messages or other actions that reflect unwelcomed intimacy.

Contrapuntally, a section of the women are also brought up to believe that comments on their looks, appearance etc. that may be unsolicited are compliments being paid to them and therefore these often go unnoticed or unreported. So too, even when they are reported they are often dismissed as friendly gestures on part of the men, 'nothing serious' and that women are unnecessarily overreacting to it. At times women who protest are labelled as outmoded or narrow minded or are mocked at saying that they want equality but make too much of every little thing. What constitutes sexual harassment is therefore often ambiguous or is more importantly made out to be so in the current context.

Moreover, what these guidelines also go on to rightly pointing out is that "such conduct can be humiliating and may constitute a health and safety problem", which is bound to affect the family immediately and the society in the long run.

No doubt the Guidelines, which have been put in place in 1997 have been turned into The Sexual Harassment of Women at Workplace Act (Prevention, Prohibition and Redressal Act) in April 2013, but this Act is yet to be notified by the government. This only goes on to show that these guidelines have not been taken as seriously as they should be. Furthermore given that the Indian legal system considers an accused innocent until proven guilty, that all cases need a really long time to be resolved and involve repeated depositions that make the victim relive the trauma time and again, as has been evident in the case of rape victims, whose agonising trials and tribulations have hit the headlines in the recent past, sexual harassment at the workplace becomes a difficult issue to raise and resolve stringently. Additionally, in a patriarchal society, how far the woman would get empathy, either from those trying the matter whether women or men as even women have been pre-conditioned to believe themselves as temptresses/somehow guilty or later by family, friends and the society at large remains an over looming question, in the our cultural context.

What one needs therefore is to bring about a gradual but definite change in the mindset, else as Thomas Edison points out "Until we stop harming all other living beings, we are still savages" and all our development and modernity would in the larger context amount to little or nothing.

While it is important to realise that few of the cases of sexual harassment will ever get reported and still fewer would get the justice they deserve, what largely constitutes harassment and should find purview in the ambit of sexual harassment is seemingly innocuous behaviour, comments, interference and mistreatment of women, since being a part of gender based discrimination it requires the stronger label of sexual harassment.

It is not uncommon for male colleagues to comment on women's haircut, dressing, appearance or cast glances that are obtrusively and unwarrantedly observant of what their female colleagues are doing. Most especially if women are single - either unmarried or divorced - and strong, they are often subjected to the comment, *akeli hai na isliye aisi hai*, as if being married defines the dignity a woman has or the respect she should get. Moreover irritation on the part of women or a strong reaction shown by them, in any context, is often laughed off by male colleagues as 'hormonal imbalance' or 'that time of the month'. Although, all these cannot be equated, they essentially belong to the same type of thinking/behaviour.

While complimenting women or male colleagues is nothing to take objection to, on the surface, the manner and frequency with which it is done can be a cause for objections. It is in fact worth noting how often women pass personal comments about their male colleagues and vice versa. This simple test would in fact be

enough to drive home the point and hardly any woman would really claim to have escaped this kind of harassment at their workplace.

Whereas this would seem disruptive enough, what is more subtle and insidious and therefore harmful is the unfair treatment meted out to women in the context of acknowledging their work through praise or promotions, offering them positions of power or leadership roles, providing them with the freedom and backing to innovate and being stringent in policy implementation, where a little flexibility can go a long way – whether as regards time or during the time they are pregnant or after they deliver a child. This has in fact led a large number of women from the small minority of women that constitute the workforce to drop out from it.

If these can be considered major deterrents or irritants for women, jealousy and lack of simple facilities constitute an uphill and unabated challenge for working women. A humiliating example from about 4 decades ago was of a woman working in a very reputed public sector firm, who was forced to carry her used sanitary pad home, due to the unavailability of a dustbin in the office wash room to dispose it, the reason being that no one had thought of it, since there were hardly any working women in the organisation.

This may sound like a case of long ago, however things are not very different now – from clean washrooms, to improper infrastructure including chairs that are unsuitable and storage that is inaccessible, to unfriendly AC temperatures and unaccommodating colleagues and unfair policies, women have to face it all.

Simple facilities like the lack of lactation rooms, changing rooms, a place to lie down etc. are not available. Moreover, though most companies offer the token facilities, as per rules, possibly out of fear of legal repercussions, basic sensitivity in policies and rules, where a little flexibility can retain a woman in the workforce, is not seen. These include, among many other things, meetings being fixed at odd hours, a six day working week, not praising women for their contribution (while this matters to women, though it may not matter so greatly to all men), not taking their suggestions seriously, holding it against them if they refuse travel or giving in to some other demands made by the office and believing that this nullifies all else they do, lack of equal opportunities and mocking their sensitivity.

What often goes unrealised is that among the Fundamental Rights granted to the citizens by the Indian Constitution is the Right to Equality, of which Article 15 talks about prohibition of discrimination on grounds only of religion, race, caste, sex or place of birth, while Article 16 refers to equality of opportunity, in matters of public employment. This mandates that women should be treated equally at the workplace. Given that our Constitution has been in place since 1950, it is ironical that 64 years after that too, women have to fight for this right and even guidelines set up in this context fail to evoke the conscience of people, by shaming them towards taking action; and while 16 years after the guidelines women have managed to get in place the Act in April 2013, they are still struggling to turn it into a notification, to give it actual power. What should thus come naturally as a basic right is also what women have to fight for and struggle against. While hoping that at least the fear of legal action works, it is more important to realise and accept that what is basically going to make a difference is the change in social attitude and a realisation that this is essentially an ethical matter and should be incidentally legal, if ethics fail, and not versa. As Albert Camus puts it, “A man without ethics is a wild beast loosed upon this world.”

II. REASONS FOR WORKPLACE INEQUALITY

In this context, it is important to understand the reasons for workplace inequality, among the genders, for this alone can primarily help to address it. And the reasons, if examined carefully, are many:

One of the chief reasons, as pointed out earlier, is the cultural constitution of the society, where, over the ages, women and men have been made to believe that the gender difference is one intertwined of necessity with inequality and that men constitute the more powerful and better gender and that as a result women are born to serve their needs and thereby contribute to the success of society. An attempt by a woman at being considered a human being and not a person marked by her gender, is thus marked with scepticism, ridicule, resistance and rebuttal. While in more progressive societies, this may take a more subtle form, in the progressing ones the manifestation is often more ugly or even violent. So too, women since they have to work doubly hard to keep in the running and much harder to excel, being aware of their inherent liability are quite often seen doing so and excelling as a result. This in turn leads to women being perceived as a threat, a reaction to which is manifested in numerous forms, from subtle banter that seeks to disrupt to open harassment.

In addition they are often seen as snatching away jobs that *should have* belonged to the men had the women not been in the running and so their competence becomes their nemesis, with people commenting that men deserve/require the job more in order to support their family and that men are a lesser liability to an organisation, as women have family responsibilities and their work may suffer, in an attempt to balance the two;

as also that they would require maternity leave, least acknowledging that these issues arise primarily due to lack of contribution of men to the home.

So too, a report on 'Sexual Harassment in the Workplace', compiled by Lawyers.com and Glamour Magazine in 2004 in the US context shows that the two other reasons for workplace inequality and ill treatment of women are politics and psychology. Politics is explained by the report as a catalyst that results from poor management, workplace bullying, frustration and job/financial insecurity that create hostile environment, which in turn leak into working relationships. This, in fact, constitutes a vicious circle that is compounded by the fact that given the relatively small figure of women, who are in positions of power, the policies are put in place by men, who are essentially the leaders/decision makers and these policies are thus naturally inclined to serve men's needs.

The report defines personal problems on the other hand as symptoms of the effects of life traumas such as divorce or death of someone close. Paradoxically, while men would never be willing to accept this as defining their behaviour, they project this on women, who resist men's attempts to suppress them, as mentioned earlier.

It is not surprising then that the report concludes that no occupation is immune to sexual harassment; however reports of harassment of women is higher in fields that have traditionally excluded them, including blue collar environments such as mining and fire-fighting and white collar environments such as surgery and technology.

Cases in point have been the treatment meted out to Kiran Mujumdar Shaw and Sudha Murthy, one of whom faced tremendous resistance in her attempts to set up her own business and the other who was almost rejected for being a woman by one of the pioneering Indian MNCs. These being the more famous examples, a simple search on the internet reveals many others.

Paradoxically, in India, in addition to what has been revealed by the US based research, women also face resistance in any job that shows intellectual supremacy, including that which is commonly considered a 'female' portfolio – that of teaching. A woman who is seen going beyond merely taking classes to publishing, training and presenting papers, often meets with resistance of varied kinds, whether from their workplace or their homes.

Moreover, most organisations fear acknowledging the presence of gender inequality at the workplace, as they believe that this would tarnish the image of the organisation and cause repercussions at varied levels. Thus, most conveniently, as in the case of most niggling and nagging problems, the issue is conveniently swept under the carpet, in the hope that it will remain hidden, if not go away. This issue however is a time bomb, waiting to explode and organisations that do not take cognisance of the matter and more importantly act upon it are bound to face the proverbial music, sooner rather than later.

III. SUGGESTIONS

While acknowledging that there are problems in the workplace, as regards treatment of women and that provisions, whether in the form of guidelines or legal ones, are being put in place, what is needed is essentially to implement solutions that are fairly simple and commonsensical and can reduce the problem to a considerable extent.

Primary among the solutions, in the context of sexual harassment, which are fairly simple to implement, have been candidly laid down in the Vishaka guidelines, which suggest the following preventive steps:

- Express prohibition of sexual harassment as defined in the guidelines should be notified, published and circulated in appropriate ways.
- The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
- As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

And in the case of failure of these to forestall harassment, the guidelines also lay down statues for putting in place a complaint mechanism and a complaints committee, initiating criminal proceedings, engaging

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in disciplinary action, engaging in awareness, setting up workers initiatives as also holding accountable people, who may engage in third party harassment.

What is therefore important is that companies take the issue seriously rather than believing either that it cannot afflict their organisation or that acknowledging it would tarnish their image and more importantly make the employees both men and women aware about what constitutes sexual harassment and sensitise them to the issue. Moreover law enforcing bodies that may have to be approached in such situations need to be trained to deal with such matters efficiently yet sensitively. So also, in the eventuality that such a case occurs, the action should be swift and severe, as that it will send out a clear message across rank and file and serve as a deterrent. Additionally, the action taken rather than being hidden should be made public, as this will serve as a model for other organisations and encourage women to come out into the open, in discussing such issues.

Where such initiatives fail, it is necessary to see that the law – the Sexual Harassment of Women at Workplace Act (Prevention Prohibition and Redressal Act), which was enacted in April 2013 is called on to address the situation. However, before this can be done, it is important to ensure that the Act is notified by the government, without which it will not have the relevant amount of power and hold.

This should also be accompanied by consciously striving to change the social mindset for that is what will serve as a long term solution to the matter, a task which can be taken up as a CSR initiative by caring organisations.

Some companies like RPG have already started awareness campaigns grounded in the channel of internal communication, by using video magazines that as Sumeet Chatterjee, Corporate Brand Custodian at RPG emphasises reflect “the need to break the culture of silence surrounding sexual harassment and encouraging employees to speak up without fear of persecution.”

On the other hand, the power of the social media, which is currently being used to expose such cases need to be harnessed to create awareness about the importance of this issue and the means of dealing with it.

However unpleasant and difficult this task may be this no doubt needs to be done; yet, on the other hand, the simple initiatives that can prevent women from dropping out of the working space, not entering it in the first place or then facing regular challenges in daily matters also need to be simultaneously initiated, being more simple to handle and constituting issues, mentioned earlier, that no organisation can claim to be free of. These can include:

- Need to account for/factoring of the otherness of gender and innate characteristics that go along with it in creating infrastructure and drafting policies
- Constitutional change, by changing outdated policies
- Basic mindset change
- Balancing action with policies decisions
- Setting up women development initiatives, that go beyond being cosmetic
- Knowing your employee
- Viewing and treating employees as family persons
- Helping women return to work
- Providing time and opportunities to maintain health, as the Vishaka Guidelines have underlined

IV. CONCLUSION

People spend most of their waking time at work, which in the long term constitutes a large part of their adult life and so it would not be futile to draw attention to the fact that what transpires in the work place is bound to affect the body, mind and spirit of the individual. Therefore, if the atmosphere at the workplace is not conducive, the ramifications are bound to be disastrous, whether the person chooses to ignore them, address them or step away from them and in the long run are bound to affect the functioning and image of the organisation for values are of great consequence, since, as Mahatma Gandhi has pointed out, “Your beliefs become your thoughts, Your thoughts become your words, Your words become your actions, Your actions become your habits, Your habits become your values, Your values become your destiny.”

Although sceptics and a large number of men may argue that in fact the Sexual Harassment Act is dangerous and that women are abusing it in two ways - by simply crying wolf and implicating unsuspecting and innocent men, by invoking the Act against them unfairly or engaging in sexually harassing men, where women are in positions of power, what needs to be remembered is that though both these issues are true, they occur as an aberration and are often hyped by the media, as something unimaginable, and reported by men, without fear

of being blamed for it. And thus, instead of resisting the Act or contemplating revoking it or considering it unnecessary, in the light of these aberrations, it needs to be strengthened and forcefully enforced, if anything.

And it is in this light that the advice offered by Peter Drucker would serve organisations in not merely approaching and dealing with these issues, but also preventing them, "The best way to predict the future is to create it". So organisations instead of shying away from issues related to women should serve as torchbearers and exemplars in creating a value based organisation that can be valued.

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