GENDER EQUALITY: MAKING VIRTUAL WORKSPACES HARASSMENT FREE

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Abstract

Background: The author observes, as a practioner along with her team, that shift from offices to online or hybrid system increased workplace harassment complaints especially during Covid 19 pandemic. This was contrary to the expectation given the overall fear psychosis of shut-down of offices as well as the extra effort of imbibing technology.

Objective: The purpose is to ideate the options of saving women at least in the virtual world while they are at work. Indian culture deeply embeds harassment of women mainly because of a patriarchal mindset but technology is an emerging space that is here to stay.

Method: The author follows the case study method sharing real-life complaints handled especially during the covid pandemic that left most office goers with no choice but to work online. These complaints were handled by members of POSHCA (a non-governmental organisation) who work as External Counsels handling complaints under the Sexual Harassment of Women at Workplace Act, 2013

Results: Different situations lead to women making complaints in the cases shared. It can be seen that patriarchy remains deeply embedded and it has easily flowed into the virtual world with quantum jump in use of technology at workplace. There are situations that are more easily avoidable or possible to nip in the bud with stricter corporate governance, trainings especially about etiquettes at workplace, improving technology as an evidence and also revisit 'Privacy Policy' to share data when it corroborates the complainant or respondent's contentions on a case of sexual harassment.

Conclusion: The author makes an attempt to draw the attention of all stakeholders to partake in making workplaces harassment free. The role of the Human Resource Department and Technical Department becomes paramount. It ultimately remains the responsibility of the every individual, supervisor, manager and top management to curb sexual harassment at workplace. Further detailed research can be conducted to create a holistic manual to help organisations push the agenda of creating gender equality thereby making the organisations more productive and saving the sociological fabric within and outside.

Keywords: #workplace #sexualharassment #virtualworkplace #genderequality #POSHAct

1. INTRODUCTION

Sexual harassment has been a part and parcel of every workplace. Scholars do agree that online harassment is an extension of the prevalent patriarchal culture where women are treated as inferior. (e.g., Jane, 2016; Perry, 2001). The same was the conclusion, for instance by Jane (2014a) that gendered online hate is rooted in "old" misogynistic discourses that insist on women's inferiority to men. This was reiterated (Perry, 2001) that gender-based hate is an attempt to reassert the "natural" dominance of men, which emerges in situations when men perceive that they are losing their relative position.

Gendered online harassment is seen as off-line patriarchy on a virtual platform. At the same time, there are some specific challenges to online harassment, among other things related to its potentially anonymous nature and long life-span, as a single comment can travel between forums and be linked to endlessly (Gagliardone, Gal, Alves, & Martinez, 2015).

Another interesting study highlighted 'eight potentially harassing acts —including sexually explicit pictures, content, jokes, misogyny, the use of nicknames, requests for company, sexual favors, and comments about dress'. The respondents felt the comments were more harassing online than in traditional settings where only requests for company were seen as more harassing. In terms of gender differences, women rated online pictures and jokes as significantly more harassing than men. (Doverspike etc. 2022)

In India, the patriarchal mindset is all-persave. It has taken years of social activism and legal interventions but there is still a long road ahead in reducing sexual harassment at workplaces. Even before this could be achieved in the physical world, the pandemic opened a wide vista of technical spaces where there is a lack of awareness and more opportunities that could have been avoided.

As practioners, the authors handle sexual harassment cases across India. The case studies presented are a collective effort of the team to help organisations create "good governance" policies and documents especially related to virtual situations..

2. METHODOLOGY

The author, along with her colleagues helps various organisations like hospitals, manufacturing sector, hospitality sector, hospitals, factories, educational institutions etc. These cases are just a few of the cases that came to fore when the team discussed the rising number of online sexual harassment cases at workplace.

The cases are presented briefly with change of name to maintain confidentiality.

3. CASE ANALYSIS

3.1 CASE I

Sumit was promoted and was now to take on the role of a senior manager from March 1, 2021. He was always amongst the top achievers and was being recognized and climbing the ladder rather quickly. The management was thrilled that the organization kept growing despite the covid situation. Sumit was a major contributor to this growth. He now had a larger team under him and all regional managers also reported to him. The targets had been set for the coming year with the 'management by objectives' (MBO) approach where the teams were deeply involved in discussions to set clear achievable targets to push further growth. He was also an active social media user. Every vacation, old school meet, family functions, golf tournaments were promptly shared on all platforms. He followed the big business leaders of the world on twitter and did not shy away from talking about his aspirations of being on the billionaire club.

Within a month of his promotion, a young employee named Shafali made a sexual harassment complaint against him. The allegations levelled were:
1) His insistence on keeping the camera on during every meeting
2) He has given everyone the impression that we are a 'couple'
3) He shared the pictures of the massages he got done during his last vacation on whatsapp.

She said she felt awkward when she was forced to keep to put on the camera in every meeting. The shift to 'work-from-home' was so quick that she did not have time to create a decent working space for herself. There was movement in the house all the time especially her in-laws who were sometimes curious to see what Shafali did on the computer the whole day! This had already created many an embarrassing situation and she was vary of it getting repeated.

Learnings From Case I

This was the case of an over ambitious, aggressive boss who was too enthusiastic about building a team and achieving the targets. This attitude and behaviour of the boss may send wrong signals and is likely to intimidate junior women. In his defence, the boss felt it was just her "perception" and nothing more.

It would go a long way if formal protocols are set for having virtual meetings. Initial months of suddenly moving to the online mode due to Covid 19 may have been difficult. Given the current scenario where organisations are settling with hybrid mode for the advantages it offers, protocols will help. It will help if organization clarifies the timings of meeting, mode of meeting etc. Specialised extensive trainings especially for supervisors and managers who have a team reporting to them must be conducted.

3.2 CASE II

Aftab and Lubna studied in the same class. They had the same subjects and thus interacted online everyday. They started as acquaintances and then became friends. The hours of interaction during and after classes increased slowly. They belonged to the same religious background and felt they could relate well to each other. Soon they were infactuated and started spending long hours chatting and texting each other. The day extended into late nights and early mornings too. The families were often irritated and insisted that the screen time was far beyond normal limits. Date nights were set where they watched the movie together through the apps available dressing up attractively and eating popcorn as if enjoying a movie date night virtually. They also set up study schedules together and exchanged notes helping each other especially during the semester examination.

After a year went by, Lubna suddenly started withdrawing. She did not reply instantly to his messages nor sent the usual 'heart', 'kiss', 'love' emojis she used to send him earlier. This frustrated him and he ended up sending more messages and calling her up often. He tried his level best to please her, understand why she was withdrawing, what mistake he had made. He said he was ready to apologize unconditionally. Lubna received his calls and replied to his messages intermittently. She evaded the question on change in her attitude towards him. When the incessant messaging and calling was beyond her thresh hold, she finally blocked his number.

He started asking his friends to reach out to her on his behalf. She continued to avoid him.

He then started writing about her on the official whatsapp group where faculty members were also a part of the group. Despite being told off by the faculty members and a strict warning from them, he continued. The classmates often wrote on the group "Keep your personal matters aside", "resolve them outside or we will remove you from the group"

On the day that the two were called to have the matter resolved formally in person, Lubna was accompanied by two guardians. She was a resident of Kashmir and was advised by her parents to take her cousins along. Just as they were about to enter the premises, she saw Aftab and whispered and pointed towards Aftab letting them know that that was the boy in question. Aftab quickly moved in their direction and questioned her as to why she had come with 'outsiders' to the college premises. He apprehended that Lubna wanted him thrashed by the two. He confronted them and shoved them back threatening to inform the Dean if they did not leave the college immediately. A scuffle ensued and Lubna fainted. She was rushed to the hospital. Aftab's parents were called immediately.

Learnings From Case II

The students who were in their teens were overwhelmed with the restrictions in Covid 19. The result was that the virtual world became their real world. Their infatuations and friendships became limited to the electronic medium alone. There were a number of similar cases reported from educational institutions after the pandemic slowed down and physical classrooms became accessible. The institutions should take the onus of having more friendly activities that keep students away from screens. It is equally important to have training on etiquettes of social media as well as on consent and boundaries. Cyber bullying is leading to increased incidents and the reported cases of students harming themselves when they are unable

to deal with such issues is a cause for concern. Specialised trainings by professionals, psychologists and mentors is a must to help students in their teens. The informal chat groups that classmates earlier used amongst themselves have become a norm today.

3.3　CASE III

Continuous messages day and night from Ted were giving her stomach spasms. Kate had already told him politely to keep time-bound work schedules. She felt inundated with work. Ever since the company had announced 'work-from-home' policy, the clear division between 'work' and 'home' had blurred.

Ted would send a message anytime and define a deadline of a few hours for completion of the task. She had reiterated that she needed time to take care of her two young children aged 11 and 8 years respectively. The messages did not cease.

Kate requested for a one-on-one meeting with Ted. Ted obliged immediately. Kate started talking of the difficulty she was facing but he laughed it off even before she completed her first sentence. He said, "Is that all you wanted this meeting for? You are a perfect combination of beauty with brains. Satisfy me if you want fixed working hours. Think over and let me know."

Learnings From Case III

Trainings on sensitivity while listening to a junior is essential- more so if it is a woman. Power equations are a big deterrent when it comes to filing a complaint. On the other hand, it is equally important that women know when to file a complaint. There are two kinds of sexual harassment at workplace- hostile work environment and quid pro quo. Thus, if women know when it is a more serious situation of quid pro quo, they should immediately file a complaint. Norms about working hours should be communicated to all. Virtual meetings may be recorded if official. Superiors may take stock of meetings held online on a weekly basis to keep a check the late-night meetings and be convinced as to whether the matter was urgent enough. This may act as a deterrent.

3.4　CASE IV

A manager of a buying house, Shweta, was hired to run the unit independently. She was to choose her own team. She appointed a Marketing Head, Rimmi, after a series of interviews. Rimmi's core job was to search for foreign garment buyers, collect the orders, place it with the appropriate manufacturer and then give the necessary support to the manufacturers and buyers. Shweta already had a Merchandising Team Head (to follow up with product processing) and a Quality Assurance Head (to ensure quality maintenance). They had been her colleagues from the previous organization.

Rimmi was professionally qualified and had experience of working with globally known brands. She passed the interview rounds with confidence and Shweta was convinced that Rimmi would be able to handle the work she was being hired for. With most official work being carried on online, the production of course happened in the factories. Rimmi reached out to lot of her old contacts who were her buyers and kept searching for new ones online. She also looked for new suppliers and vendors and local factory owners, followed up on orders etc. virtually. Being a dedicated resource, the results of her effort were visible quickly.

The rest of the employees including the Merchandising Head and Quality Assurance Head worked more from the office premises. The two of them, along with Shweta, were good friends and were often posting on social media about their parties, trips, fun at office, family get-togethers etc.

Rimmi knew about their being friends from the previous organization. She was focused on her work and family life. She usually sent 'likes' and happy comments about their posts. Rimmi rarely posted on social media herself.

Shweta once talked to her after the virtual meeting was over (when a shipment was getting late) and commented that she needed to be "out there on social media more often". She said it was important to

build a 'sexy and happy image' so that buyers stay hooked to her and thus to their organization. Rimmi said she was confident about her relationships and work delivered and thus did not need to build a relation through social media posts.

Shweta insisted that Rimmi should change her dressing sense to wear skimpier clothes, visit salons and get her hair coloured, wear nail paint and be 'more like the Merchandising Head and Quality Assurance Head'.

Learnings From Case IV

Passing casual comments and encouraging or persuading colleagues to use personal social media foR professional gains is certainly not done. Keeping a clear difference between the two would go a long way in creating a healthy work-life balance. Clarifications, written mails, trainings etc. are all means that may help organisations in reducing cases of sexual harassment. It is a foregone conclusion that the costs attached to complaints of sexual harassment are indeed huge with millions of dollars being shelled out by well-known organisations all over the world.

3.5   CASE V

Ruchika was working as a secretary to the manager Manoj. She had joined work just before the lockdown was imposed in March, 2020. She had barely gone to office for a week and had still been trying to understand the working style of her manager. During this week, she observed that Vikas started work at 10:00 A.M. on most days, took a very short lunch break and worked till late evening. He took short smoke breaks with some colleagues.

When the mode of working shifted from offline to online, everyone was hesitant and was taking time to familiarize themselves with technology. Ruchika also took some time to adapt to this new mode of working. She was hesitant and sometimes made mistakes in setting up of meetings or sharing screen or storing documents. Manoj would lose his patience and this would show in his mannerisms. This made Ruchika even more nervous. She ended up making more mistakes. Once he commented 'women and technology just don't go together' and then suggested she take extra time to learn technical aspects from him.He also felt the need to make her repeat what she was saying since he did not understand her accent. He had remarked that her Hindi and English sounded more like Bangla language.Ruchika now felt very insecure about herself and her job. She had started sharing her nervousness in front of Manoj with her friends and colleagues.

One day, out of the blue, Manoj generously offered to help Ruchika with technology. He said he would help her understand what he expected her to do during meetings, the templates he wanted her to use, which platform was to be used for which meetings, drafting of minutes etc.

Ruchika was enthusiastic about this solution and readily agreed. The time set was "after the last meeting is over". She waited patiently for the meeting to get over. It was past 10:00PM when he finally came online.

He started on a very warm note and made friendly conversation which put her at ease. He told her "bengali women look sexy in sarees" and asked her why she is not wearing one. He went on to say that he has seen 'most bengali women have long black hair'. Manoj further suggested that she should take sometime to change into a saree, open her hair and then start the meeting after ten minutes.

He left the meeting expecting to begin within ten minutes.

He received a message from Ruchika within a few minutes that there was an emergency in her house and she had take her mother-in-law to the hospital immediately.

Learnings From Case V

Given that technology is improving by leaps and bounds, organisations can have resources that will help them record meetings. It is totally unacceptable that one-on-one meetings are called for and then personal liberties in official meetings. Upgrading technology apart from sensitization sessions will help deter sexual harassment. The very expectation that a junior will dress up as you please in a virtual meeting is unacceptable.

4. RESULTS AND SUGGESTIONS

All the above cases and the suggestions that follow seem much easier to deter than sexual harassment in the physical workspaces- be it offices, educational institutions, hospitals, factories etc.

The awareness sessions as laid down in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), 2013 must be done regularly as part of compliance. Such trainings must enumerate what constitutes sexual harassment, who to approach and what to expect, timelines, minimum to maximum punishment. Trainings must also include difference between hostile working environment and quid pro quo sexual harassment as well as difference between sexual harassment and sexual assault. The number of such trainings held also need to be reported at the end of each calendar year to the District Officer.

Apart from this the suggestion is to have the following to specially combat virtual sexual harassment:
1) Etiquettes of online meetings:
   a) clarifying normal working hours
   b) further clarify timing for meeting with woman colleagues
   c) appropriate formal dressing up for all
   d) appropriate background that is visible if camera is on
   e) comments specifically directed at women
2) Avoidance of social media for work or with work colleagues
3) Stalking colleagues on social media
4) Power-equations must be mindfully thought about even on virtual platform
5) Appropriate content on professional whatsapp groups
6) Upgrading Technology
7) Revisiting "privacy policy"

Some of the above suggestions overlap with physical sexual harassment. It is still important from the viewpoint of the organization to create safe and happy workplaces that are productive.

5. CONCLUSION

Thus what can be concluded is that sexual harassment can be traced back to centuries and does not seem to be improving enough to be visibly stated. Unfortunately, it has flowed into the virtual world as well. It seems more plausible that deterrents introduced as early as possible because virtual platforms are now here to stay.

Further research on sexual harassment and online sexual harassment will always be helpful in understanding the nuances and curbing the menace. However, the virtual medium seems to be easier to control at this nascent stage when India is taking to technology at a much faster pace than could have been imagined had it not been for the pandemic.
The suggestion is to revisit the technical loopholes that can be captured and the 'privacy policy' that can help resolve the complaint.

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