Women's Safety at Workplace

Mains: *GS II – Social justice-Issues related to women| GS IV – Ethics*

Why in News?

The National Commission for Women (NCW) has taken suo motu cognisance of the sexual harassment at a Tata Consultancy Services (TCS) BPO unit in Nashik matter and constituted a fact-finding committee.

What is the background of the case?

- **Initial allegation** – The allegations emerged during an inquiry initially linked to complaints regarding religious practices.
- **Deep findings** – Subsequent findings pointed to serious accusations including sexual harassment, rape, and attempts at forced religious conversion involving certain supervisory personnel.
- **Response of NCW** – The National Commission on Women (NCW) has formed a committee to investigate the matter comprehensively.

What are the constitutional provisions?

- **Article 14** – It guarantees equality before the law and equal protection of laws. Sexual harassment is a direct violation of this principle.
- **Article 15(1) & 15(3)** – It Prohibits discrimination on grounds of sex and allows the State to make special provisions for women.
- **Article 19(1) (g)** – It ensures the right to practice any profession, which is hindered by unsafe work environments.
- **Article 21** – It guarantees the right to life and personal liberty, which includes the right to live with dignity and a safe working environment.
- **Directive Principles of State Policy (Articles 39(a), 39(d), 42)** – It advocate for equal livelihood opportunities, equal pay, and humane working conditions.
- **Article 25 –** The state can restrict these rights on grounds of public order, morality, and health.

What are the legal safeguards?

- **POSH Act** – It is also known as Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- This is the primary legislation addressing workplace sexual harassment.
- **Key features:**
    - Defines sexual harassment broadly, including physical contact, advances,

sexually coloured remarks, and hostile work environment.
    - Mandates constitution of Internal Complaints Committees (ICC) in establishments with 10 or more employees.
    - Provides for Local Committees at district level for unorganised sector workers.
    - Prescribes a time-bound redressal mechanism.
    - Ensures confidentiality and protection against victimisation.
    - Holds employers responsible for ensuring a safe working environment.

To know more about ICC click here

- **Indian Penal Code (IPC) –** Now read with Bharatiya Nyaya Sanhita provisions in updated context, but IPC principles remain relevant
    - **Section 354A** – Defines and penalises sexual harassment.
    - **Section 354D** – Addresses stalking.
    - **Section 509** – Penalises acts intended to insult the modesty of a woman.
- **Code of Civil Procedure & Service Rules** – Provide for disciplinary action in service matters.
- Government service conduct rules incorporate POSH compliance requirements.

What are the landmark judicial pronouncements on harassments gender justice?

- **Vishaka v. State of Rajasthan (1997)** – A watershed judgment where the Supreme Court recognised sexual harassment as a violation of fundamental rights under Articles 14, 15, 19, and 21.
- Laid down the Vishaka Guidelines, which became the basis for the 2013 POSH Act.
- Emphasised employer responsibility in preventing harassment.
- **Apparel Export Promotion Council v. A.K. Chopra (1999)** – Reinforced that sexual harassment violates the right to gender equality and dignity.
- Held that even an attempt to molest amounts to sexual harassment.
- **Medha Kotwal Lele v. Union of India (2013)** – Highlighted poor implementation of Vishaka Guidelines.
- Directed stricter compliance and monitoring mechanisms.
- **Nirbhaya Case (Mukesh v. State (NCT of Delhi), 2017)** – Though not a workplace case, it expanded jurisprudence on sexual violence, dignity, and state responsibility.
- **Vineeta Sharma v. Rakesh Sharma (2020) –** Strengthened gender equality in property rights, contributing to broader gender justice discourse.

What are the international conventions and commitments?

- **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979** – Obligates states to eliminate discrimination against women in all spheres, including employment.
- Ratified by India in 1993.
- The Vishaka judgment explicitly relied on CEDAW provisions.
- **ILO Convention No. 19** – Recognises the right to a world of work free from violence and harassment.
- India has not yet ratified this convention but aligns with its principles.
- **Universal Declaration of Human Rights (UDHR), 1948 –** Ensures equality,

dignity, and safe working conditions.
- International Covenant on Economic, Social and Cultural Rights **(ICESCR)** – Guarantees just and favourable conditions of work.

What is the role of (NCW)?

- **NCW** – The NCW, a statutory body established under the National Commission for Women Act, 1990, is mandated to safeguard women's rights and address grievances.
- **Powers** – Exercising its powers under Section 8 of the Act, the Commission has initiated a suo motu inquiry, reflecting its proactive approach in cases of public concern.
- The fact-finding committee comprises members with judicial, administrative, and legal expertise.
- **Functions & Task** – It is tasked with:
    - Conducting an on-site inquiry at the Nashik facility
    - Interacting with victims, police authorities, and company representatives
    - Identifying institutional or procedural lapses
    - Recommending punitive and preventive measures
    - The committee is expected to submit its report within ten working days.

What are the challenges faced by women in IT sector?

- **Gender bias (subtle and overt) –** Even in modern tech companies, unconscious bias still shows up—in hiring, promotions, and performance evaluations.
- Women may be judged more harshly for mistakes or overlooked for technical roles in favor of men.
- **Underrepresentation in leadership –** While entry-level diversity has improved, senior roles (like architects, CTOs, or executives) are still male-dominated.
- This lack of representation can limit mentorship opportunities and role models.
- **Pay gap –** Women in IT often earn less than men in similar roles, especially as experience increases.
- The gap may not always be obvious at first but tends to widen over time.
- **Work-life balance pressures –** The IT industry can demand long hours, tight deadlines, and on-call work.
- Women, who often still carry a larger share of family responsibilities in many societies, can find this especially challenging.
- **Career break penalties –** Taking time off for maternity or caregiving can slow down career progression.
- Re-entering the workforce can be difficult due to rapidly changing technologies.
- **Workplace culture issues –** Some tech environments still have a "bro culture," which can make women feel excluded.
- This might show up as lack of inclusion in decision-making, networking, or even casual team interactions.
- **Harassment and safety concerns –** Though policies have improved, issues like workplace harassment or uncomfortable environments still exist in some organizations, especially where accountability is weak.
- **Lack of mentorship and sponsorship –** Women often have fewer mentors or

sponsors advocating for their growth, which is critical in navigating promotions and high-visibility projects.
- **Imposter syndrome and confidence gap –** Due to systemic factors, many women feel they need to meet 100% of qualifications before applying for roles, unlike men who may apply with fewer qualifications.
- **Skill recognition bias –** Women's contributions—especially in collaborative or supportive roles—may be undervalued compared to more visible technical achievements.

What should be done?

- **Measures** – The following measures could be taken to strengthen safety of women at workplace:
  - Strengthening institutional accountability and audits of POSH compliance.
  - Capacity building and gender sensitisation programmes.
  - Inclusion of informal sector workers through stronger Local Committees.
  - Encouraging whistleblower protection and anonymous reporting.
  - Considering ratification of ILO Convention 190.
  - The working hour for women with familial responsibility could be reduced to maintain work life balance.
  - Implementation of 33% women reservation, to include more women in decision making.

What lies ahead?

- The Nashik case underscores the continuing challenges in ensuring safe workplaces for women.
- While legal frameworks exist, their effective implementation remains crucial.
- Institutional interventions like those by the NCW play a vital role, but long-term change requires organisational accountability, societal awareness, and a culture of zero tolerance towards harassment.
- Women in the IT sector have made major strides, but there are still persistent challenges that affect career growth, work environment, and retention.

Reference

[The Hindu| Prevention of Sexual Harassment against Women]

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