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Field Notes from a 'PoSH Trainer'

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There is much to learn from unlikely places about the working — and promise — of the law against sexual harassment at workplaces.

The Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act (SH Act), is almost a decade old now. Passed in 2013, its predecessor was the Vishaka guidelines, enacted in 1997 by the Supreme Court in the landmark judgement of Vishaka vs State of Rajasthan. The guidelines came after a series of protests and petitions filed by activists. The SH Act itself emerged along with the Criminal Amendment Act of 2013 in the wake of the 'Nirbhaya' rape case of December 2012.

The impact of the SH Act has been manifold in terms of addressing sexual harassment in the workplace. Its strengths and weaknesses have been much debated. In this piece, I reflect on my experience with the act, as a trainer and also as an activist.

The act has opened up a plethora of opportunities for organisations and businesses which provide skill or compliance training to corporates. There is a long queue of firms hired by corporates to provide a range of services including training employees, managers, and Internal Committee (IC) members; consultation on the nature and filing of a complaint, making annual reports, and even providing advice on external members (the law requires having at least one external member on the IC).

Training for the prevention of sexual harassment, or 'PoSH training' has seemingly turned into a commodity, with each section of the act diligently converted into a professional service for the capitalist workplace. This kind of outsourcing felt like an attempt to abscond from the fundamental responsibility of a workplace to create a safe space for women.

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I work with one such organisation, as a manager for legal content and development. My job entails everything I have mentioned above and more. My previous experience with the act was limited to the political spaces of a few youth organisations. As I was a survivor of sexual harassment in a political youth organisation, I had familiarised myself with this act. I spent much time debating its provisions with fellow activists and allies and frowning upon the law's loopholes and lacunae. When I took up my profession role, my greatest fear was that my job would further distance questions of justice from gender equality.

But on the contrary, I was pleasantly surprised by the commitment and sincerity at these corporate houses on the issue of sexual harassment. I had been of the firm belief that any corporate house would be inclined to use its Internal Committee to hush up or dismiss complaints. Instead, I encountered genuine queries from women IC members. They wanted to know about the extent of their powers. Could they, for instance, go in for a lie detector test or a 'narco' test on the accused?

On the other hand, in many political movements, conversations about sexual harassment create considerable unease among most of our allies. Some have even said that these issues were dispensable for the sake of the "greater" cause that they were devoted to.

Answers for this apparently paradoxical situation are not too hard to find.

The act places a weight of accountability on the corporate world. Companies have to file an annual report to the district collector's office, replete with pictures of trainings and awareness campaigns. They have to have increased gender diversity in their workspace in order to make their brand look better to the public. In light of these long-term profit goals, it did not hurt to budget for such training and services. In such workspaces, the presence of an IC might be a boon to women employees, who can maintain their confidentiality and demand equitable treatment without compromising on their means of livelihood.

Political organisations have a moral responsibility to prevent acts of harassment, discrimination, and abuse, not just within their own cadres, but in society at large. However this aim can create contradictory tendencies, since no political party would want to acknowledge the presence of harassers in its ranks. Consequently, the successful treatment of cases by an IC in a political organisation

becomes a sign of the failure of the party's responsibility, a failure which must be denied even at the cost of providing justice to the survivor. Thus, rather than just try to mechanically copy-paste the PoSH Act into the structure of political organisations, there has to be continuous dialogue and debate against patriarchy.

I have been surprised by the quality of the questions I encountered as a trainer in different work places. The most common line of questioning taken by audiences comprising white-collar males appears to come from a place of insecurity. Here are some typical questions. "What if our friendly compliment is received to be a sly comment?" "Why are complainants also allowed to go to the police to lodge their complaint under the IPC, when there is already a law and a committee in place for the same in the work place?" "If women register an FIR. under IPC and the company also terminates the accused under the act, is not the person being punished twice for the same crime?" These are obviously questions from a defensive male point of view, but they deserve to be addressed.

There is much to learn from unlikely places and a long way to go for those of us who have been politically active and wish to see the PoSH Act make a dent in contemporary society.

On one occasion, I conducted a session amongst factory workers and labourers in the warehouse of a manufacturing company. The warehouse was in Jhajjar, Haryana, and the workers were predominantly men. Some of them illiterate. I feared that a conversation on sexual harassment, consent, and gender stereotyping might create a sense of apprehensiveness, if not hostility, in this group.

I was happy to be wrong again. Not only did the workers actively engage in the entire session, but also none of their queries came from a place of insecurity (as I had previously experienced with the white-collar male employees). Against my expectations, the workers were happy to know that such an act existed. They wanted to learn more about how they could safeguard their women from getting exploited by the "lala" — the boss. Their questions included: "what if the accused is a friend of our lala," and "how can the IC go against the lala's wishes." It was hard to convince them that the very constitution of the IC, being a committee with over half the members women, with an external member from a known organisation, and with its annual reporting system, could make it more powerful than their lala.

That day made me realise the magnitude of exploitation faced by women labourers and the degree of frustration and helplessness felt by their male co-workers against the "lala." This degree of helplessness is unlikely to be experienced by a male manager. More often than not, he is inclined to be sympathetic towards the accused, because that is where he stands and because he identifies himself by his gender and his class. On the other hand, I saw that the workers would stand beside their female colleagues (as a class) against the common oppressor, the lala.

If my experience is anything to go by, there is much to learn from unlikely places and a long way to go for those of us who have been politically active and wish to see the SH Act make a dent in contemporary society.

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