

Sexual Harassment of Women at Workplace: Present Scenario in Bangladesh

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Abstract

Working in a hazard free environment is not only the choice but the right of all employees. Today, as more and more females are being the part of workforce in Bangladesh, employers and companies need to ensure that women are placed safely and companies are established well so that their female employees feel secure and can work at ease. One of the major threats to combat this feeling of security is sexual harassment at workplace. The challenges associated with this practice are immense and can have adverse consequences if are not handled carefully. This paper is here to check the root cause of this practice being adopted at workplace. Women have been suppressed and their rights were ignored for centuries, and now when they are promoted to come forward and take part in the development of the humankind they are forced to face such new challenges. Present paper makes an attempt to find the correlation between social history and harassment of women at workplace. This presents an overview of the practice being held in different places and also the role of unconscious bias into this.

Keywords: workplace, Hazard; Harassment; Unconscious Bias.

Introduction

In general terms, Gender Inequality may be defined as the discrimination between the two genders where women are set vulnerable because of their sex. Women are traditionally considered the weaker gender in comparison with men. They have been accorded subordinate position whereas men are set as their masters and protectors. In the name of given protection they are often exploited, degraded, victimized and discriminated both in the homes and in the outside world. Social relations based on patriarchal customs determine the basis for gender discrimination. These patriarchal values have perpetuated women's dependence on men, who are considered to be physically and logically more powerful than women. The most brutal form of discrimination against women is the harassment they have to face at workplace. Sexual Harassment is a hazard encountered in workplaces across the world that reduces the quality of working life, endanger the well-being of women, undermines gender equality and imposes costs on firms and organizations. Sexual harassment at workplace not only creates an insecure and hostile working environment for women but also hinders their ability to perform in today's competing world. In

addition to interfering with their performance at work, it also inauspiciously affects their socio economic development and puts them through physical and emotional pain.¹

Women constitute about half of the population in Bangladesh. But, no efforts were made to elevate the status of women till independence. It was only after we achieved freedom that efforts were made to remove their social and economic disabilities by providing those opportunities to develop and legal protection. As a result women in Bangladesh are getting gainful employment outside the home. It will be agreed that the levels of economic equality and independence are the true indicators to determine the status of women. Employment of women, therefore, is a necessary corollary to achieve gender equality and gender justice. As at present, millions of women are engaged for employment in the agriculture, industry and services. They are found in both organized and unorganized sectors of Bangladesh economy. Those women who are working in unorganised sector are exposed to a number of problems related to their employment and working conditions. Serious among these problems faced by women at workplace is that of harassment in general and sexual harassment in particular. Sexual harassment is the main problem, now a day, being faced by a substantially large number of women at work place.² Around the world million of girls and women are facing injustice, like being denied on education, forced into early marriage and made them victims of gender violence in their household and society.³ In a male dominated society women are generally considered to be a victim of sexual harassment or operation. A report of world health organization on “violence against women” states that nearly one third of the world’s women are being subject to sexual violence, 7 percent of women in the world have been a victim of rape regardless of their age. About 84 percent of Bangladesh women are constantly being subjected to sexual harassment.⁴

A jointly study was conducted by the Mansher jonno foundation and Karmojibi nari. The study disclose that 22.4% of women being harassed at and on their way to their workplaces. 42 percent of these incidents included ill-intentioned leering at female workers, 34 percent cases of being groped and 34.92 percent of their private body parts being stared at. Some of 28 percent of all sexual harassment incidents were of female garment workers being touched inappropriately by their supervisor at work place. Almost one third of the female garment workers feel unsafe at their work place.⁵ According to the study conducted by ActionAid in 2015, it states that 84 percent of women and girls from seven cities In Bangladesh face “derogatory comments and sexual colored abusive language”, another study was again conducted by Action Aid in 2017, it states that 54.7 percent of women living in urban areas face violence, including physical, psychological, financial, social violence as well as unwanted physical contact by strangers.⁶

Sexual Harassment: Definition

According to ILO, sexual Harassments as “(1) any physical, verbal or non- verbal conduct of sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable and offensive to the recipient. (2) Where a person’s rejection of, or submission to, such conduct is used explicitly or

implicitly as basis for a decision which affects that person's job.(3) Conduct that creates an intimidating, hostile or humiliating working environment for the recipient.”⁷

Sexual Harassment: Gender as well as Human Right concern

Sexual harassment is a form of gender discrimination, may be a victim of sexual assault but most of the victims are women. In response to the growing awareness of the adverse effect of sexual harassment, efforts are increasing worldwide to not only break the silence on sexual harassment but also to take proactive steps in addressing it.

Effective mechanism to combat Sexual Harassment:

In Bangladesh sexual harassment is punishable offence under different laws. Section 10 (2) of the women and children repression prevention act 2000 (amended) which states that any man who, in order to satisfy his lust in an improper manner, outrage the modesty of women or makes obscene gesture, will have engaged in sexual harassment and, for this, the above mentioned male will be sentenced to rigorous imprisonment of not more than seven year and not less than two years, and beyond this will be subjected to monetary fines as well. Sexual harassment is also punishable under Bangladesh penal code 1860.⁸

Section 509 of the Bangladesh penal code provides that “whoever intending to insult the modesty of any women, utter any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard or that such gesture or object shall be seen by such women, or intrudes upon the privacy of such women, shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both.”⁹

In the case of Bangladesh National Women Lawyers Association (BNWLA) Vs. Government of Bangladesh and Others, the Supreme Court of Bangladesh defined “sexual harassment” and laid down directives in the form of guidelines to protect women and girl children from sexual harassment at the workplace and educational institutions in both the public and private sectors “to be followed and observed ... until adequate legislation is made in this field.”¹⁰ In April 2010 the high court, directed the ministry of education to take immediate steps to implement the guidelines on sexual harassment declare earlier in BNWLA v Bangladesh, and to ensure that no women working in any education institute public or private is forced to wear a veil or cover her head, and may exercise her personal choice whether or not to do so. The court observes “it is a personal choice of a woman to wear veil. If any person tries to compel a women to wear a veil against her consent or will that amount to a violation of her fundamental right as enriched in constitution.”¹¹ Government servants discipline and conduct rules 1979, rule 27A conduct towards female colleagues, no government servant shall use any language or behave with his female colleague in any manner which is improper and goes against the official decorum and dignity of female colleagues.¹²

Conclusion

An effective implementation of the act can ensure the realization of their will and can be helpful in promoting and providing rights of gender equality safeguard to life and liberty, and also equality in working conditions everywhere in the society. The sense of security will definitely improve the participation of women at work and resulting in their socio-economic empowerment and inclusive growth. But there are hurdles in the same. Though workplace sexual harassment has been presenting serious consequences, women do not report the matter to the concerned authorities in most of the cases as they are afraid of the reprisal from the harasser, losing livelihood for someone, being victim of stigmatization, or from being disrepute at personal level and lose of professional standing. Presenting the full scale of the problem may be helpful in increasing the effectiveness of the law and also in providing a safe and encouraging environment at workplace to women.

Endnotes:

¹ Desai., N. (2018)India's Law on Prevention of Sexual Harassment at the Workplace

² A Research Study On The Nature, Incidence, Extent And Impact Of Sexual Harassment Of Women At Work Place In The State Of Maharashtra., Research Study Report., By Yugantar Education Society Civil Lines, Sadar, Nagpur

³ <https://stories.plancanada.ca/3-social-injustices-girls-face/>

⁴ "Sexual Harassment and Torture", URL <https://www.sajidafoundation.org/sexual-harassment-and-torture/>

⁵ Mehadi Al Amin., (2019), "Over 22% female garment workers face sexual harassment at workplace" URL: <https://www.dhakatribune.com/bangladesh/nation/2019/05/07/study-finds-22-4-of-female-garment-workers-are-sexually-harassed>

⁶ Farhin Nawaz., (2018); Workplace sexual harassment remains unreported, ignored

⁷ ILO., (2013); When work becomes a sexual battleground., URL: http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_205996/lang-en/index.htm

⁸ Sapana Pradhan-Malla., Sexual Harassment In The Workplace In Asia., Forum For Women, Law And Development (Fwld), Nepal

⁹ IPC Section 509: Indian Penal <https://devgan.in/ipc/section/509/>

¹⁰ Writ Petition No. 8769 of 2010 BNWLA v. Govt. of Bangladesh., URL: https://www.law.cornell.edu/sites/www.law.cornell.edu/files/women-and-justice/BNWLA-v-Bangladesh_0.pdf

¹¹ What Is Sexual Harassment? In Bangladesh How Deep This Problem Is Causing Problem? Is There Any Law According To Bangladeshi Justification? If There Is Any Is It Properly Imposed Or Not? – Explain & Illustrate. URL: <https://www.lawyersjurists.com/article/what-is-sexual-harassment-in-bangladesh-how-deep-this-problem-is-causing-problem-is-there-any-law-according-to-bangladeshi-justification-if-there-is-any-is-it-properly-imposed-or-not-%E2%80%93-exp/>

¹² Ibid.