

## **Hostile Environment and Sexual Harassment**

**Blog Series – 43** **May 19, 2020** **PoSH – Vol.22**

What is a Hostile Environment?

A work environment where there is an effect on the woman employee which is intimidating or offensive and unreasonably interfering with her performance.

Any such hostile environment may be due to sexual harassment or non-sexual harassment.

Examples of a hostile work environment which is due to sexual harassment:

1. Any person making offensive remarks about a woman about her physical look, clothing, or her body
2. Asking unpleasant sexual questions
3. Passing sexual comments or overtones
4. Making gestures or sound (whistling) which is sexual in nature
5. Displaying sexual posters, pornographic materials, printouts or telling vulgar or sexual jokes
6. Deliberately exposing private parts
7. Sending or forwarding sexually explicit, letter, messages, notes, posts etc.
8. Interfering with others ability to move freely
9. Persistent, unsolicited requests (eg. Asking for Dine-out, Dates, etc)

Basically, it is to humiliate or distress the woman worker.

Unlike Quid-Pro-Quo, Hostile environment is not created only after a sexual request or sexual favour, was rejected. It can be during the normal circumstances also.

Furthermore, a hostile work environment does not require any employment benefit to be at risk. Since it is found across all levels of employees and not in reference to any particular employment action – favourable working hours, leave, increment, promotion or training etc.

This unwelcome, persistent, frequent and inappropriate behaviour may influence other employees also, who are not the target.

Which hostile environment is not considered as a situation with sexual harassment:

1. Negative stereotypes of nativity of the woman employee or her ancestry
2. Racial slurs, derogatory remarks, phrases or epithets
3. Discrimination of skin color, physical dimension or challenges
4. A general gender-based discrimination shall not be considered as sexual harassment
5. Criticising or commenting on the woman employee's religious beliefs

Ironically, if a woman employee is being harassed at work because her supervisor dislikes women, and the supervisor's harassment is creating a hostile work environment, then the woman employee has the basis for a complaint.

Internal Committee needs to check the basis of the harassment compliant with the following points:

- Is it due to a Supervisor or Manager shouting or using foul language, at a woman employee on getting a task done?
- Is it severe or persistent and creating a hostile or abusive environment
- Whether it is occasional, isolated and sporadic or concerted pattern with routine and repeated harassment
- Where only a single incident is reported, thorough enquiry of intent and impact must be analysed
- Not having a sexual intent, favoritism in the workplace can also constitute hostile work environment, which the Committee needs to consider

Any such inappropriate behaviour is reported, employers are expected to take immediate and corrective action, so that it does not become a situation which spoils the entire work premise. Employer becomes liable and should take all steps to prevent it from occurring.

**Anandan S**

**Feature Writer, Skill Enhancer & Webinar Specialist**