

Shouting and getting work done, constitute to Sexual Harassment? What the Hon'ble Court said?

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Relationship with the Team Leader / Supervisor / Manager is always an everyday challenge for a worker/employee. What happens in the shop floor/workplace in each manufacturing facility or an office portrays the culture of the organization. Where the worker/employee is matured enough to mind their job and perform to the expected level, there will not be any friction between such worker/employee with his/her reporting person.

Where there is compromise in Quality or Productivity or Timeline, there always exists a struggle between two individuals, which may percolate to the other team members or other teams too.

The amenities / infrastructure / tool / atmosphere/ supporting team etc, provided to such individual, matters, for the performance and the final delivery. Where a Reporting person is accountable of provision for such facilities for the worker/employee to deliver the desired result, non-provision may hamper the expectation.

Post the enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, many men, who have women team members are little hesitant to even question the negligence and lack of discipline among such women employees, when the deliverables are not to the expectation. Such under performance if not questioned, will spoil the production/service delivery of the department/segment/organization on whole.

A Supervising person, if shouts or even if he raises his voice against his team member on poor performance, such person if she is a woman employee, it was considered as “highhandedness” or “arrogant behaviour” or “rude behaviour”. Whether this can be raised as “Sexual Harassment” against the individual Supervising person?

Scolding a women employee, while extracting the expected work, is Sexual Harassment?

It is No, as per the recent Judgment by the Hon'ble Madras High Court in UOI vs. Rema Srinivasan Iyengar, it was clearly stated that

“Therefore, a solitary allegation of intemperate language against a female employee does not constitute an offence under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.”

In the Final order, in the Judgment delivered, states,

Every office must maintain a certain decorum and women employees cannot be allowed to go scot free without completing their assignments.

The Administrative Head or the Chief has every right to extract work and he or she has his or her own discretion and prerogatives.

If a woman employee is discriminated against due to her inefficiency or for any other official reasons, the recourse for her is not the one taken by this complainant.

Though the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is intended to have an equal standing for women in the workplace and to have a cordial workplace in which their dignity and self-respect are protected, it cannot be allowed to be misused by women to harass someone with an exaggerated or non-existent allegations.

Please click the link to get a copy of the abovesaid Judgment

http://www.hrvidyalaya.com/2020/02/26/posh_honble-madras-high-court-judgement_use-of-intemperate-language-while-extracting-work-from-women-employee-is-not-sexual-harassment/

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