

Creating Inclusive Sporting Environments: A Comprehensive Training on Gender Sensitization and POSH Act Compliance for Sports Authorities

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Aims

- to equip sports authorities with the knowledge and skills needed to foster gender sensitivity within sporting organizations
- ensuring compliance with the Prevention of Sexual Harassment (POSH) Act

Objectives- Participants will be able to-

- 1. explain importance of gender sensitivity in sports
- 2. list-out common challenges/ inappropriate behavior/ stereotypes in the sporting world
- 3. tell a story/ present a case-study highlighting successful gender-inclusive initiatives in sports
- 4. present key aspects of the Prevention of Sexual Harassment (POSH) Act
- 5. expound various legal obligations and responsibilities of sports authorities under POSH
- 6. discuss various strategies of building awareness and encouraging reporting mechanism

Methods

- Presentations
- Interactive discussion
- Case studies

Gender

- Sex vs Gender
- Gender- Differing roles, norms, behavior, status and all other social rewards
- The idea/concept/value of 'male' is described through the three Ps: Provider, Protector and Procreator
- 'Female' is an idea/concept/value is described through motherhood, wifehood, Nurture

Problematic

- Problematic- Gender stereotypes are harmful because they take a simple idea and try to say it works for everyone in a group
- Leads to exploitation- exploitation of all types

Why Problematic

- Different roles assigned to boys and girls prepare them differently for future roles as men and women
- Roles women play are valued less
- Societies value men and women differently
- Women naturalise low self esteem for them
- Men naturalise exaggerated high self esteem for them and also aggression for protecting that
- **Both men and women lose their human characteristics**
- Exploitation

Common gender stereotypes and challenges in the sporting world

1. Limited opportunities and under representation
2. **Media Representation**
3. **Unequal Pay**
4. **Gender Norms in Sport Choices**
5. Pressures related to body image, with expectations to conform to certain beauty standards
6. **Stereotypes about Athleticism**
7. **Lack of Female Coaches and Administrators**
8. **Objectification and Sexualisation**

Importance of gender sensitivity in sports

1. increase opportunities for women in all aspects of the sporting world
2. a need for more equitable media coverage
3. not to perpetuate stereotypes based on appearance
4. to address the gender pay gap in sports
5. encouraging diversity in sport choices
6. Promoting individual abilities and training
7. Increasing the representation of women in coaching and leadership positions
8. Awareness against objectification and sexualisation
9. Legal protection

Tell a story/ present a case-study highlighting successful gender-inclusive initiatives in sports in India

- In 2017, the Hockey India Federation, recognized the need for a paradigm shift in the way women were perceived and treated in the sport
- launched the "Equal Goals, Equal Dreams" campaign in collaboration with governmental bodies, corporate sponsors, and NGOs
- the development of state-of-the-art training facilities exclusively for women athletes
- top-notch coaching staff, modern equipment, and sports science support
- the campaign worked towards changing societal perceptions of women in sports
- partnered with influential athletes, both male and female, to serve as ambassadors for the cause

Continued

- partnered with influential athletes, both male and female, to serve as ambassadors for the cause
- Financial support
- secured sponsorships from leading corporations that pledged equal financial backing for men's and women's hockey teams
- remarkable improvement
- clinched medals in international competitions, including the Asian Games and the Commonwealth Games
- a surge in female participation at the grassroots level
- a catalyst for change in other sports as well

POSH- Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (commonly known as the POSH Act)

Definition of Sexual Harrassement

- physical contact and advances; or
- a demand or request for sexual favour; or
- sexually colored remarks; or
- showing pornography; or
- other offensive or derogatory pictures, cartoons; or
- any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Forms of Workplace Sexual Harassment

- Quid Pro Quo (*this for that*)
 - Implies or explicit promise of preferential / detrimental treatment in employment
 - Implied or express threat about her present or future employment status
- Hostile Work Environment
 - Creating hostile, intimidating or an offensive work environment
 - Humiliating treatment likely to affect her health and safety

In short....

Workplace Sexual Harassment is when the behaviour is

- Unwelcome
- Sexual in Nature
- A Subjective Experience
- Impact not the intent matters

Workplace Defined

- Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer
- Covers organised and unorganised sector
- Govt organisations
- Pvt sector organisations
- Hospitals/nursing homes
- Sports institutes, facilities
- Dwelling or house

Workplace.. extended

- Office parties
- Off sites
- Out bound trainings
- Client meetings
- Training sessions
- Travel for office purpose
- Any place where one visits in the course of due to employment

Employer defined

1. Workplace of Central Government / State Government/ Local Authority/Body

The Head or the Officer Specifies

2. Private Workplace

The Person responsible for the management/supervision/control

3. Dwelling House

The person who employs /benefits from the employment

The Employer shall

- Create and communicate a detailed Policy
- Ensure Awareness and Orientation on the issue
- Constitute Complaints Committee
- Ensure that the Complaints Committee is trained in skill and capacity
- Prepare Annual Report to be submitted to the DO
- Report in the Directors Report

ICC/LCC

- Members to hold office for a term not exceeding three years
- ICC for each branch, offices if there are multiple
- Functions
 - To educate and sensitize employee about the issue
 - To address the compliant, conduct enquiry etc.
- Operates as a Quasi Judicial Body with powers to
 - Summon and enforce attendance
 - Call for evidence, documents

Who can make the complaint

- ➡ The woman herself
- ➡ In case of mental incapacity
 - ➡ Her relative
 - ➡ Friend
 - ➡ Special educator
 - ➡ Qualified psychiatrist/ psychologist
 - ➡ Guardian under whom she is receiving care
 - ➡ Any person who has information about incident with written consent of any of the above

Who can make the complaint

- In case of Physical incapacity
 - Her relative / Friend / Co-worker
 - Officer of the National / State commission for women
 - Any person who has information about incident with the written consent of woman
- In case of death any person who has information about incident with the written consent of legal heir
- In any other case, by any person who has information about incident with the written consent of woman
- is unable to make complaint due to death or physically or mentally incapacity, her legal heir or a person authorised by her may make the complaint

Recommendations of ICC

- **Binding Nature:** The recommendations made by the ICC are typically binding on the employer. Employers are required to implement the recommendations provided by the ICC in cases of sexual harassment.
- **Disciplinary Action:** If the ICC finds an employee guilty of sexual harassment, it can recommend disciplinary action against the perpetrator. The employer is obligated to take appropriate action based on these recommendations.
- **Non-compliance Penalties:** Failure to comply with the recommendations of the ICC can result in penalties for the employer. This may include fines or other actions as per the provisions of the POSH Act.
- **Confidentiality:** The POSH Act emphasizes the confidentiality of the proceedings related to sexual harassment complaints. Employers are required to maintain confidentiality during the inquiry process and while implementing the recommendations.
- **Right to Appeal:** While the recommendations of the ICC are generally binding, there is provision for the accused and the complainant to appeal the decision to a court, if they are not satisfied with the outcome.

POSH and Sports- Some recent initiatives

- Recently Sports Minister has briefed Rajya Sabha that-
 - ✓ POSH Act, 2013 (Sexual Harassment at Workplace) is applicable to all sports federation of India
 - ✓ in the last three years, only four NSFs have reported complaint of that nature
 - ✓ applicable to any entity defined in the Act
 - ✓ The NSFs are bound to take action in terms of all legal provisions

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- The Ministry has also issued instructions to all NSFs from time to time on the prevention of sexual harassment in sports
- The instructions also include a woman coach to be mandatory to be part of the contingent with female athletes during domestic and international camps and competitions
- Appointment of a Compliance Officer in all national coaching camps and foreign trips
- Pre- camp sensitization modules
- The ministry has again written to IOA and NSFs in January 2023 to re-examine their structure and policies in terms of POSH and make necessary changes
- SAI has recently issued instructions
- SAI also runs a 24x7 helpline

Expound various legal obligations and responsibilities of sports authorities under POSH

1. Disseminate the policy to all members, athletes, coaches, and staff associated with the sports organization.
2. To sensitise all concerned about the concept of extended workplace- any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto
3. Conduct regular training programs to educate individuals within the sports authority about the prevention of sexual harassment.
4. Establish clear procedures for the investigation of complaints related to sexual harassment

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- Maintain confidentiality throughout the investigation process to protect the privacy of the individuals involved
- Take prompt and appropriate action when a complaint of sexual harassment is substantiated
- Implement corrective measures, which may include disciplinary action against the perpetrator
- Prohibit retaliation against individuals who file complaints or participate in investigations related to sexual harassment.
- **Designate a person or a committee responsible for handling complaints and conducting investigations impartially.**

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- Regularly monitor the implementation of the anti-sexual harassment policy.
- Report on the effectiveness of the policy and any actions taken in response to complaints.
- Ensure compliance with all relevant local, state, and national laws related to the prevention of sexual harassment.
- Maintain records of all complaints, investigations, and actions taken.
- Retain records in accordance with legal requirements.

Thank You