

Quid-Pro-Quo Sexual harassment at Workplace

In Latin, “Quid-Pro-Quo” means “Something for something”. In workplace, when employment decisions are based on acceptance or rejection of sexual favour, it is termed as Quid-pro-quo sexual harassment. This has been called out in section 3(2) of 2013 Act related to Prevention, Prohibition and Redressal of Sexual Harassment of women at Workplace.

The section 3(2) further states that:

“The following circumstances among other circumstances, if it occurs or is present in relations to or connected with any act or behavior of sexual harassment may amount to sexual harassment –

- Implied or explicit promise of preferential treatment in her employment; or
- Implied or explicit threat of detrimental treatment in her employment or
- Implied or explicit threat about her present or future employment status; or
- Interferes with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.”

Let us understand what it further means:

The key elements of quid pro quo sexual harassment are –

1. Demand for sexual favour
2. A threat of adverse job consequences if the demand for sexual favour is refused.

This condition of adverse job consequences occurs when the respondent is in power and has an authority over the victim.

However, quid-pro-quo sexual harassment can also occur with a colleague of the same rank or position, for example, when a co-worker makes sexual demands for getting a work done / co-operating on a project / commenting on work performance as part of co-worker appraisal etc.

Quid-pro-quo could have “tangible” adverse work experiences which causes a significant change in the employment status. These tangible consequences could be –

- Hiring & Firing
- Not promoting
- Withholding hikes in salary
- Re-assignment with lower responsibilities
- Change in employment benefits
- Demotion with salary cut
- Less distinguished title
- Material loss of benefits
- Significantly diminished responsibilities

Another important point to be noted here is that in quid-pro-quo sexual harassment cases - It is not necessary for a threat of adverse employment to be actually carried out, it is sufficient for the complainant to simply prove that such a threat was made.

Case study

There was a case, where, the complainant's manager was found to have made many inappropriate and offensive remarks and direct threats. On one of the occasions, when the victim and the alleged harasser travelled together, the alleged harasser made comments about her clothes and said, "you have great curves and look sexy". He also called her to his room telling he wanted to discuss something official with her. She was compelled to accept as he was her manager. In the room, he looked at her from head to toe and explained how her body parts looked. She declined to encourage his remarks and showed signs of discomfort to which he told her to "loosen up" and told her that if she did so, he would make the work very easy for her at office. She left the room without saying a word and did not respond to him.

However, he did nothing. Life continued as normal as it was. After few days when it was her time for promotions, he met her again and said that he was not comfortable to promote her as she was not loosening up and laughed out loudly. He said, "you still have time" and he kept his hands on her thighs. The victim said nothing and showed signs of discomfort.

The victim's non-response made the Manager visibly irritated. However, she got her promotion and hefty hike as well.

On another occasion, the victim called her manager to ask permission on some work-related matter. He responded, "I don't have time for you now....unless you want to accept my invitation for a date tonight wearing a skirt coz you have sexy legs". The victim told him she had to go and cut the call. He called her back and told her she has all the permission and can go ahead.

As you can see, in the above case, veiled threats and demeaning comments were made but were not carried out. It has caused adverse employment that has created a hostile or poisoned environment. This can be termed as "Intangible" work experience and a serious case for sexual harassment.

Under the circumstances mentioned in the above case, the ICC found the respondent to be guilty under Quid-pro-quo sexual harassment and a serious disciplinary action was taken against him.

Quid-pro-quo is a serious offence. It is extremely important to be very clear and transparent in all business dealing with employees at workplace. Kindly ensure all the business and performance related decisions are documented and nothing to be left ambiguous.

Let us make the workplace safe for everyone and contribute towards zero tolerance towards any kinds of sexual harassment at workplace. Let us give equal opportunities for all employees to flourish and improve at workplace irrespective of gender.

Metis POSH provides training to committee members on conducting inquiries, related documentation and reporting. For consultation call **9880711690**.