



ISSN NO. 2320-5407

Journal homepage: <http://www.journalijar.com>

INTERNATIONAL JOURNAL
OF ADVANCED RESEARCH

RESEARCH ARTICLE

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

G.S.Venumadhava¹, M. Tejashwini²

1. Assistant Professor & co-ordinator I/c, Department of Studies in Criminology & Forensic Science, Karnatak University, Dharwad.

2. Research Scholar, Department of Studies in Criminology & Forensic Science, Karnatak University, Dharwad.

Manuscript Info

Manuscript History:

Received: 15 March 2015
Final Accepted: 22 April 2015
Published Online: May 2015

Key words:

Social Life, Job, Economic Condition, Family.

*Corresponding Author

G.S.Venumadhava

Abstract

Sexual Harassment is a topic of concern throughout the world. It has been a fixture of the workplace since women first began to work outside the home. Women are the integral part of human kind. In the modern world the contribution of women in the work of all sectors is very remarkable. But at the same time women are harassed sexually by male workers at workplaces, large-scale surveys of working women suggest that approximately 1 of every 2 women will be harassed at some point during their academic or working lives. Sexual Harassment directed against women at workplace by their supervisors, fellow employees, or third parties interferes with the integration of women in the workforce, reinforces the subordination of women to men in society, and violates women's dignity. It is very shameful thing to accept in the modern civilized society. So many laws have been implemented to protect women from the sexual harassment at workplaces. This paper tries to define and point out the laws and guidelines to prevent the danger of sexual harassment at workplace. We must hope that the attitude of the male workers towards the female workers will change positively and the world will be free from this menace.

Copy Right, IJAR, 2015.. All rights reserved

INTRODUCTION

Right from the days when women started to work outside the house we can see the harassment by the employer. Sexual harassment of women is not a new concept. Sexual harassment is a form of offence or exploitation where women experience both physical and mental torture. With the women folk entering the labor force, the form of harassment has taken a new shape. Women in the workplace experience a wide range of sexual harassment at the hands of their colleagues or superiors. Thus the problem of sexual harassment has become a major social problem now-a-days.

In India, sexual harassment is also known as "Eve teasing" and is described as: unwelcome sexual gesture or behavior whether directly or indirectly as sexually colored remarks; physical contact and advances; showing pornography; a demand or request for sexual favors; any other unwelcome physical, verbal/non-verbal conduct being sexual in nature and/or passing sexually offensive and unacceptable remarks. The critical factor is the unwelcomeness of the behavior, thereby making the impact of such actions on the recipient more relevant rather than intent of the perpetrator. According to the Indian constitution, sexual harassment infringes the fundamental right of a woman to *gender equality under Article 14* and her right to *life and live with dignity under Article 21*.

Defining Sexual Harassment of Women at Workplace

When someone falls in love and it is backed by sexual desire of both the sides it will not amount to sexual harassment but when there is sexual desire or urge by one side and the other side is hesitant towards it, we can term such a situation as sexual offence. This is what ordinarily by sexual offence we mean. According to The Supreme Court definition, sexual harassment is any unwelcome sexually determined behavior, such as:-

- Physical contact
- A demand or request for sexual favors
- Sexually colored remarks
- Showing pornography
- Any other physical, verbal or non-verbal conduct of a sexual nature.

Sexual Harassment takes place if a person:

- Subjects another person to an unwelcomed act of physical intimacy, like grabbing, brushing, touching, pinching etc.
- Makes an unwelcomed demand or request (whether directly or by implication) for sexual favors from another person, and further makes it a condition for employment/payment of wages/increment/promotion etc.
- Makes an unwelcomed remark with sexual connotations, like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks etc.
- Shows a person any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/any offensive written material/pornographic e-mails, etc.
- Engages in any other unwelcomed conduct of a sexual nature, which could be verbal, or even non-verbal, like staring to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.

It is sexual harassment if a supervisor asks for sexual favors from a junior in return for promotion or other benefits or threatens to sack for non-cooperation. It is also sexual harassment for a boss to make intrusive inquiries into the private lives of employees, or persistently ask them out. It is sexual harassment for a group of workers to joke and snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person.

Laws against Sexual Harassment of Women at Workplace

Constitution assures equal status to women with men and they also have the right to life and personal liberty. It is also our duty to respect them and let them live in dignity but with the process and development of society this evil offence is assuming new dimension with the passing of each day and the menace is on the rise. Today almost all the working women are facing the same problem irrespective of their status, nature of job etc. Examples are many. At many places the working women knowingly or unknowingly become the victim of the offence. In most of the cases the women preferred to remain silent because of their economic needs. This economic dependence of women helps the male who by virtue of their status are placed in a superior position in this patriarchal social order to exploit and harass women. Each such incident results in the violation of the fundamental right of women guaranteed under the Indian Constitution. But nobody seems in a position to care and respect this provision and the menace is increasing at an alarming rate despite interference by the Supreme Court. So an in depth studies from various angles taking into consideration various aspects is required to counter this gender bias.

The apparatus for dealing with sexual harassment was first spelt out in 1997 in the so-called **Vishakha Guidelines**. It was first in case of *Vishakha and Others vs. State of Rajasthan and Others*, that Supreme Court declared sexual harassment at workplace to be unconstitutional. It was in the ruling for the first time, sexual harassment at workplace recognized as a violation of human rights. The Supreme Court laid out the guidelines making it mandatory for the employer to provide for a mechanism on gender equality. Sexual harassment is considered to be violation of Article 14, 15, 19(1) (g) and 21 of the Constitution.

The atrocious gang rape of a social worker in Rajasthan in 1997 brought to the attention of the Supreme Court of India, the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all work places. The Supreme Court of India in a Public Interest Litigation, defined sexual harassment at workplace, preventive measures and redress mechanism. The judgment is popularly known as Vishaka Judgement. In April 2013, India enacted its own law on sexual harassment in the workplace - The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Almost 16 years after the Supreme Court's landmark guidelines on prevention of sexual harassment in the workplace (known as the "Vishaka Guidelines"), the Act has endorsed

many of the guidelines, and is a step towards codifying gender equality. The Act is intended to include all women employees in its ambit, including those employed in the unorganized sector, as well as domestic workers.

This Act has identified sexual harassment as a violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution; as well as the right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment. The Act also states that the protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India.

In 2013 The Criminal Law (Amendment) Act, introduced changes to the Indian Penal Code, making sexual harassment an expressed offence under Section 354 A, which is punishable up to three years of imprisonment and or with fine. The Amendment also introduced new sections making acts like disrobing a woman without consent, stalking and sexual acts by person in authority an offence.

Guidelines to Prevent Sexual Harassment of Women at Workplace

- The law applies to women harassed in the workplace including women working as domestic workers, daily wagers, temporary or permanent, full-time or part-time, as well as volunteers. The women may or may not be employed and can be of any age. The law is only applicable to women and women only.
- The act of harassment can occur in the workplace and also if a woman is harassed while visiting a place arising out of or during the course of employment including transportation provided by the office, a complaint can be filed under this Act.
- All workplaces should set up Internal Complaints Committees to address the issue of sexual harassment. There will also be a Local Complaints Committee for each District where complaints can be filed.
- In case of malicious complaints or false evidence, the Committee may take action against the woman/person. However, simply not being able to prove an allegation will not mean that it is a false/malicious complaint.
- The inquiry has to be completed within 90 days.
- The identity of the aggrieved woman, respondent, witnesses as well as other details of the complaint cannot be published or disclosed to the public/media.
- Such incidents should be prevented by placing a duty on employers to hold regular workshops/awareness programs as well as, to display the consequences of harassment in the workplace. Every employer has a duty to provide a safe working environment to all employees.

Conclusion:

In the modern world the contribution of women in the work of all sectors is very remarkable. But at the same time women are harassed sexually by male workers in the workplaces. It is very shameful thing to accept in the modern civilized society. So many laws have been implemented to protect women from the sexual harassment at workplaces. The laws are very crucial considering, the rapid increase in the number of crimes against women in the recent years. Though we cannot predict whether the number of crimes against women will come under a check but one thing that we are, at least, sure of is – it will serve to improve awareness about the obligations of employers and rights of employees in case of an offence of sexual harassment at workplace. We hope with this new law in place, the large number of offences against the women, which mostly remains unnoticed, will decrease in time to come. We must hope that the attitude of the male workers towards the female workers will change positively and the world will be free from this menace.

References:

- Aanchal Kapur,(Edtd) Women Workers? Rights in India: Issues and Strategies? A reference guide ILO, New Delhi.
- Rajashri Dasgupta (Edtd) The Politics of Silence, Sanhita, 2001
- Gender Just Laws Bulletin, No.2, April 1998, Published by India Centre for Human Rights and Law
- SAAD (News Letter), Publication by Bilancho Saad, Goa

- Articles on the web:
 - Sexual Harassment Law in the Technology Era By Douglas M. Towns
 - SEXUAL HARASSMENT: How to avoid it, how to handle it By Scott Lochard (503) 698-2438
 - An Employer's Quick Guide to Preventing Sexual Harassment in the Work Place By Sean Halloran, Esq.