

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

Women across the world have tasted all flavors of life from the glory; respect which she was ascribed in the Vedic period, to the denial and subordination in the post Vedic period and finally to the struggle for equality, recognition and survival in the contemporary world. But one thing that has been common throughout these phases is the disadvantaged status of the women. Harassment is behavior, which has the effect of humiliating, intimidating, or coercing someone through personal attack.

Sexual harassment at workplace has been recognized as the most intimidating, degrading and violating form of violence against women. Within the workplace, it creates a hostile work environment and reinforces the perception of subjugation and suppression of women by men in all areas of their lives. Sexual harassment is considered as a violation of human rights as it is a form of sex discrimination. Women have been made to face all kinds of violence, physical abuse, verbal abuse, emotional distress, economic abuse, denial of right to live, subordination and neglect. However, they all are different parts of what is commonly known as sexual harassment or sexual misconduct. The concept like eve-teasing gained nationwide attention in the 1960's but today eve-teasing has evolved as a huge issue in many metropolitan cities of India. A large number of Indian women have faced or are facing this menace. Another form of violence against women is that of molestation, or what is commonly known as 'sexual abuse' or 'sexual assault'. It is the forcing of sexual behavior by a man over the women. Further, rape is one of the most extreme forms of sexual violence committed against women. No women are born to be treated with an inhuman behavior and to be deprived of her right to life and right to live with dignity. Any sort of violence committed against a woman is a direct attack on her dignity and human rights and is the most shameful violation of basic human rights. It may be in the form of domestic violence, sexual abuse, physical and verbal abuse, rape, trafficking in women and young girls, forced prostitution, dowry related violence, dowry deaths, female feticide or infanticide and other inhuman practices. It is commonly understood as behavior which disturbs or upsets, and it is characteristically repetitive. In the legal sense, it is behavior which appears to be disturbing or threatening. It may be physical or mental abuse. Mental abuse or harassment means any act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment which may degrading the sense of identity, dignity, and self-worth refers to different of physical and verbal gestures, remarks and comments.

India is facing the problem of increasing instances of sexual harassment at workplace that despite numerous laws in place to tackle the menace. Sexual harassment at workplace hampers women's Constitutional and fundamental rights to equality, justice and right to life and dignity.

The present legislation "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" is act no. 14 of 2013 have 8 chapters and 30 sections. The objective of the act is to provide against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

- a) Sexual harassment at a workplace is considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.
- b) With more and more women joining the workforce, both in organized and unorganized sectors, ensuring an enabling working environment for women through legislation is felt imperative by the Government. The proposed legislation contains provisions to protect every woman from any act of sexual harassment irrespective of whether such woman is employed or not.
- c) To comply with the directives of Hon'ble Supreme Court of India requiring all employers to develop and implement a policy for prevention of sexual harassment at the workplace.
- d) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender-based violence at the workplace.
- e) To follow and implement the Act enjoining all employers to constitute an "Internal Complaints Committee" and lay down guidelines for redressal of complaint related to sexual harassment of Women at the workplace.

Women have been suffering the ignominy of sexual harassment at workplace, either because of the patriarchal mindset of society or out of fear of being exposed to further ridicule or threat to leave the job. The following is an indicative list of conduct that could be considered as amounting to sexual harassment:

- a) Unwelcome sexual advances or propositions

- b)* Offering benefits in job in exchange for sexual favors
- c)* Leering
- d)* Making sexual gestures or remarks
- e)* Displaying sexual nature of objects or pictures, cartoons, calendars or posters
- f)* Making or using derogatory comments
- g)* Written communications of a sexual nature
- h)* Physical conduct such as unwanted touching, assault, impeding or blocking movements
- i)* Making or threatening retaliation after a negative response to sexual advances or for reporting or threatening to report sexual harassment
- j)* Eve-teasing
- k)* Sexually tinted remarks, whistling, staring, sexually slanted and obscene jokes, causing or likely to cause awkwardness
- l)* Subtle innuendoes or taunting regarding perfection, imperfection or characteristics of physical appearance of a person's body or shape
- m)* Gender based insults or sexist remarks
- n)* Displaying pornographic or other sexually offensive or derogatory material
- o)* Forcible invitations for meetings
- p)* Physical touch or physical assault or molestation by force
- q)* Suggesting or implying that failure to accept a request for a date or sexual favors
- r)* Explicitly or implicitly suggesting sexual favors
- s)* Behavior of a person
- t)* Physical confinement against the consent of women which destroys her privacy.

A workplace culture that is sexually permeated or hostile will amount to sexual harassment. Some of the factors emerging which may indicate a potentially hostile environment include the display of obscene or materials, general sexual banter, crude conversation and offensive jokes. Employers may limit their liability if they can show that they took all reasonable steps to prevent the acts of sexual harassment. Reasonable steps may include policies and procedures made to create a harassment free environment. It could also include procedures to deal with allegations of discrimination made by employees or customers. To be effective, policies must be well implemented, including through the provision of ongoing training, communication and reinforcement and there is need to implement the laws strictly.