

A STUDY ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

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Abstract

In olden days, women were worshiped as Shakti and respect was given for them. Even in mythology, Lord Shiva has given half of his body to Shakti viz., Arthagini. At later state, women were ill-treated. Due to technology advancement and education, it is expected that people in 21st century would behave well with women and this would lessen the crime rates like sexual harassment of women and protect women. But, the situation has not been improved and further worsened. Sexual Harassment are increasing. Even babies are being harassed now. Nowadays, we hear more news about killing women, acid attack, etc. if they don't love the men or boy. Harassment is intolerant especially in workplace. To give better opportunity to their children and to live in standard way, it is essential that both men and women have to work. Due to family situation, most of the women can't complain about it, as it may lead to losing of job.

Keywords: women, sexual harassment, workplace, intolerant, education.

Introduction

The blatant and widespread phenomenon of rape and sexual assault are the more commonly recognized forms of violence against women based on gender, while the more subtle issue of sexual harassment can be more repressive and intimidating¹. Sexual harassment is an act of harassing the other person with sexual intention which is abusive and unwelcomed by the victim. Generally, women are being harassed when compared to male. Especially in workplace women are being harassed when it is male dominant or the higher official is a male who is more

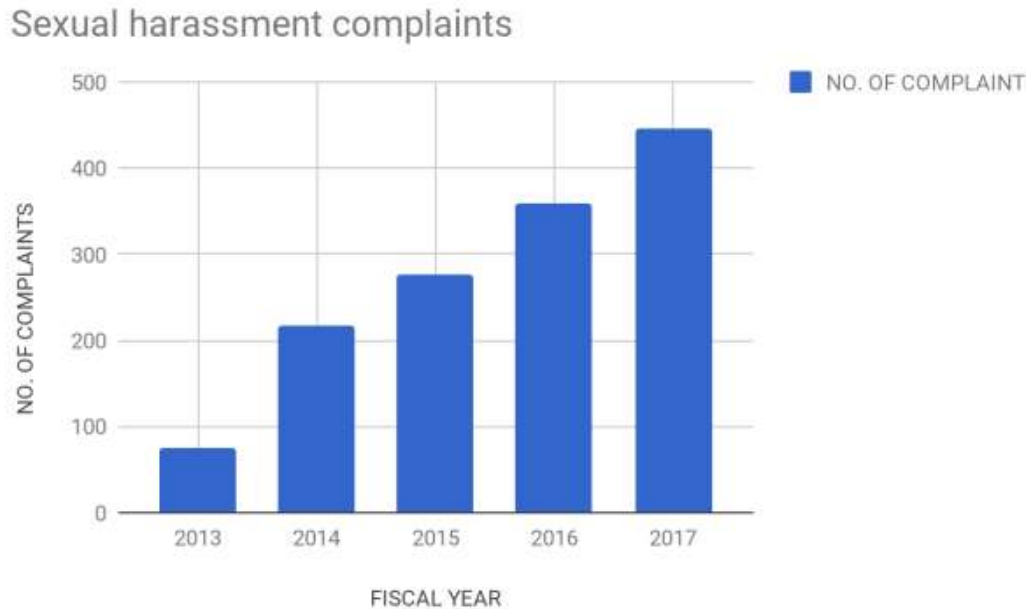
¹ Ritu Gupta, *Sexual harassment at workplace: A detail study of the sexual harassment of women at workplace (Prevention, Prohibition and Redressal), Act, 2013 (1st ed., 2014).*

into sexual intentions. Even though, it is high, the women generally do not report it due to their situations and circumstances. Women, even small girls are being raped everyday but many of such cases are not being reported since people who are poor can't afford it or they feel that their prestige gets affected if everyone comes to know about such things and on the other hand many other female also keep quiet since it will affect them badly in front of the society if such issues come out. These issues were mainly broken by the Vishaka case, which brought out the sexual harassment of women in workplace as an issue and the court formed certain guidelines² from this case, which has to be implemented by every employer for the safety of the every female employee working under their control and the sexual harassment against female workers in workplace should to controlled. The Act which was laid down by the court was Sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013. The main aim of this research is to study about harassment of women at workplace and to study about the implementation of Sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act,2013.

A STATISTICAL OVERVIEW OF SEXUAL HARASSMENT IN INDIA

FISCAL YEAR	NO. OF COMPLAINTS
2013	76
2014	216
2015	277
2016	360
2017	445

² The guidelines issued by hon'ble supreme court were treated as law declared by the hon'ble supreme court under article 141 of the constitution of India.



The above statistical graph is a rising disclosure of sexual harassment cases per fiscal year until last year. As we can see every year the number of cases filed has been increasing in number, it was 76 in the year 2013, 216 in the year 2014, 277 in the year 2015, 360 in the year 2016, and 445 in the year 2017. The number cases filed by women increased year by year, when some of them started taking bold steps other women came forward to stop the injustice.

WHAT IS SEXUAL HARASSMENT IN WORKPLACE?

Sexual harassment, regardless of how it is defined is found in all cultures. It is also wide spread all over organised and unorganised sectors, but it varies from culture to culture in terms of intensity and recognition of such crime. So in general sexual harassment in workplace is any sexually- oriented conduct that may endanger the victim's job, negatively affect the victim's job performance or degrades the victim's personal dignity. It may be physical or psychological. It may include verbal innuendo, inappropriate affectionate gesture or propositions for dates and sexual favours. It is also in blakant and ugly form like leering, physical grabbing and sexual assault or sexual molestation³. This includes unwelcome physical, verbal or non-verbal conduct.

³ *Supra note 3 at 18*

It is gender based because “ it is directed against a woman because she is a woman or which affects women disproportionately.” this includes “ acts which inflict physical, mental or sexual harms or suffering, threats of such acts and coercion. In a Canadian case, Malone J held that the plaintiff’s conduct, which involved “leering, looking at the bodies of female employees in an inappropriate manner and making sexually suggestive comments”, is amounted to “sexual harassment”⁴. The supreme court of India has defined it in the case of Vishaka⁵ as, “ any unwelcome sexually determined behaviour as physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pronography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature”. Thus the above definitions clearly states that any unwelcome sexually coloured behaviour by a male against a female employee will be treated as sexual harassment of women at workplace.

CAUSES AND IMPACT OF SEXUAL HARASSMENT OF WOMEN

The causes of sexual harassment against women is due to the thinking of the male and also sometimes due to his high post in an office. A woman is usually harassed by saying that her dress is not proper, she roams late night, etc but the real reason is that men think they are dominant and also having intention to harass a woman. The impact on the woman is a lot more psychological because if she is being harassed sometimes she can’t say it to anyone which pressurizes her, also that if she says it to other then the society starts judging her as a sexually harassed victim and they start to see on her lowly and many other male try to harass her even more than before because they think she is an easy catch now and totally the women are affected both physically and mentally which leads even to her death due to suicide. The impact on her is more and painful if she was raped, she might even die. Due to this people are afraid to send their daughters out at night or to workplace at night.

SEXUAL HARASSMENT AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013: AN ANALYSIS

With the change in time and increase in work participation rate of women, it was felt that guidelines and norms are not sufficient to deal with the incidents of sexual harassment of women at workplaces. Therefore it became utmost necessary to enact a comprehensive legislation

⁴ *David Dotchin v. Saskatchewan (Worker’s Compensation Board)*, 2002 SKQB279 as cited in Alok Bhasin, “Sexual Harassment at work”, at 11.

⁵ *Vishaka vs. State of Rajasthan*, 1997 6SCC241: AIR 1997 SC 3011.

focusing solely on prevention of sexual harassment as well as providing a faster and easy redressal mechanism. A strong piece of legislation was the need of the hour to deal with this issue and accordingly the Act was enacted in the year 2013. The Act is named as, “The sexual harassment of women at workplace (prevention, prohibition and redressal) Act, 2013”.

Suggestions:

- The employer must strictly follow the Act in the company or any workplace.
- Women must come up and stand against the sexual harassment by filing complaints.
- Co-workers must also stand against such harassment occurring in their workplace and start respecting women.

Conclusion:

Women now are developed a lot since there are women in almost all fields of work nowadays, there is no such field were women don't exel but still the harassment against them are also prevailing with increased positive impact on women since they now come out and file complaint against the male without any fear as per the statistical report. Women are still not safe in their workplace but they have learnt how to handle such situations. Hence null hypothesis is proved.

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