

Sexual Harassment at Workplace

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Abstract

Sexual harassment is a recurring problem around the globe. Different nations have taken measures to deal with the consequences of such a problem. Continuous development of policies is observed. Nations or companies are dealing with the topic by either reacting or pro-acting to the salient situations. India is not different than other countries. Sexual harassment occurs in the workplace, but unfortunately there are no public records of the cases. Therefore, this research attempts to close such a gap. A questionnaire has been developed and circulated to that purpose. The expected outcome of this paper is the development of policies and creation of awareness which build on the findings of this research. Findings are also expected to contribute to defining future research work. This research paper shall be focused on 'Sexual Harassment at Workplace'. The spotlight of the paper shall be supported by various other relevant topics including the constitutional provisions, initiatives taken to improve this type of offences/crimes. The paper will be concluded by our opinion about the sexual harassment at workplace and steps required to be taken to provide the help to the general public.

Keywords: Harassment at work, sexual harassment, laws, rules and regulations.

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INTRODUCTION

Harassment and sexual harassment are recognized as a form of discrimination on the grounds of sex and, thus, are contrary to the principle of equal treatment between men and women [1]. According to the U.S. Equal Employment Opportunity Commission [2], **"Harassment"** is defined as "unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

Harassment becomes unlawful where:

1. enduring the offensive conduct becomes a condition of continued employment, or
2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

An unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment" (Para 2). While, **"Sexual harassment"** is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical

conduct of a sexual nature" that interferes with one's employment or work performance or creates a "hostile or offensive work environment" [3]. Another definition for sexual harassment is "where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment" [4].

The expected results and findings shall be used to facilitate the evaluation process of sexual harassment; consequently, indicators have to be developed in relation to women at work. As a result, the designed questionnaire was targeted at national-level business organizations, banks and night life industries for both employers and employees.

OFFENCE

Meaning

Offence is the British spelling of offense, meaning "a punishable act." If you break a law for the first time, it's your first offence. The noun offence comes from the Latin word offender, which means "strike against." Any

time you break a law or a rule it is an offence against that law or rule.

Definition

A breach of a law or rule; an illegal act.

Annoyance or resentment brought about by a perceived insult to or disregard for oneself.

A crime or misdemeanor; a breach of the criminal laws. *Moore v. Illinois*, 14 How. 13, 14 L. Ed. 306; *lilies v. Knight*, 3 Tex. 312; *People v. French*, 102 N. Y. 583, 7 N. E. 913; *State v. West*, 42 Minn. 147, 43 N. W. 845. It is used as a genus, comprehending every crime and misdemeanor, or as a species, signifying a crime not indictable, but punishable summarily or by the forfeiture of a penalty. In *re Terry* (C. C.) 37 Fed. 649 [5].

In the Indian Penal Code, it is defined in Section 40

“Offence”. —Except in the [Chapters] and sections mentioned in clauses 2 and 3 of this section, the word “offence” denotes a thing made punishable by this Code. In Chapter IV, [Chapter VA] and in the following sections, namely, sections [64, 65, 66, [67], 71], 109, 110, 112, 114, 115, 116, 117, [118, 119, 120,] 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word “offence” denotes a thing punishable under this Code, or under any special or local law as hereinafter defined. And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word “offence” has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

In the Code of Criminal Procedure, it is defined in Section 2

"Offence" means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871.

SEXUAL HARASSMENT

Unwelcome sexual advances, request for sexual favour, and other verbal and physical

conduct of a sexual nature. Unwelcome Behavior is the critical word. Unwelcome does not mean "involuntary." A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment, or joke depends on all the circumstances.

Sex discrimination is a behavior. It occurs when employment decisions are based on an employee's sex or when an employee is treated differently because of his or her sex [6].

Sexual harassment is a violation of the American Title VII of the Civil Rights Act of 1964; it is against the workplace policy for any employee, male or female, to sexually harass other employees by

- Making unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's employment; or
- Making submission to or rejection of such conduct the basis for employment decisions that affect the employee; or,
- Creating an intimidating, hostile or offensive working environment by such a conduct [7].

Thus, as a definition, sexual harassment is an unwelcome attention of a sexual nature that makes a person feel uncomfortable. It includes a range of behaviors from mild transgressions and annoyances to serious abuses, which can involve forced sexual activity. Sexual harassment is considered as a form of illegal discrimination as well as a type of psychological and sexual abuse [8], e.g., a female supervisor always asks the male employees, in a coed workplace, to move the boxes of computer paper. Or, a male supervisor always asks the female employees, in a coed workplace to plan office parties.

SEXUAL HARASSMENT AT WORKPLACE

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other

verbal or physical conduct of a sexual nature.

Examples of hostile work environment sexual harassment include making offensive sexual comments or jokes, discussions about sex, and the display of sexually oriented materials.

It covers the workplace when it happens:

- At work
- At work-related events
- Between people sharing the same workplace
- Between colleagues outside of work

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC) is the Federal agency that enforces this Act. The EEOC receives and investigates complaints of sexual harassment in the workplace. When investigating complaints of sexual harassment, the EEOC looks at whole records including the circumstances and context in which the alleged incidents occurred and makes its determinations from the facts on a case-by-case basis.

‘Workplace sexual harassment’ as unwelcome sexual advances or conduct of a sexual nature which unreasonably interferes with the performance of a person’s job or creates an intimidating, hostile, or offensive work environment. Sexual harassment can range from persistent offensive sexual jokes to inappropriate touching to posting offensive material on a bulletin board. Sexual harassment at work is a serious problem and can happen to both women and men [9].

Management issue

- Sexual harassment is a division of managing diversity in the workplace.
- Over the past ten years, sexual harassment has become a major workplace issue.
 - Financial Penalties
 - Bad Publicity
 - Negative Workplace Environment

Facts about Sexual Harassment

- 31% of the female workers claimed to have been harassed at work.
- 7% of the male workers claimed to have been harassed at work.

- 62% of targets took no action.
- 100% of women claimed the harasser was a man.
- 59% of men claimed the harasser was a woman.
- 41% of men claimed the harasser was another man.

TYPES OF SEXUAL HARASSMENT AT WORKPLACE

There are two types of sexual harassment recognized by federal law:

Quid Pro Quo

In Latin language, it means “something for something”. Quid pro quo refers to situations where employment decisions such as hiring, firing, or promotions are contingent upon the employee providing sexual favors, e.g., when a supervisor threatens to fire an employee who does not submit to sexual advances or where a supervisor promises to promote an employee in exchange for sexual favors.

Hostile Work Environment

Hostile work environment sexual harassment refers to situations where the employee's work environment is made intimidating, hostile, or offensive due to the unwelcome sexual conduct and the conduct unreasonably interferes with the employee's work performance. This could take the form of unwanted sexual advances by a fellow employee, but it need not involve sexual advances at all, e.g., making offensive sexual comments or jokes, discussions about sex, and the display of sexually oriented materials.

Sexual harassment of a woman in workplace is of serious concern to humanity on the whole. It cannot be construed to be in a narrow sense, as it may include sexual advances and other verbal or physical harassment of a sexual nature.

The victims of sexual harassment face psychological and health effects like stress, depression, anxiety, shame, guilt and so on.

To tackle the problem of sexual harassment, the Ministry of Women and Child Development (“Ministry”), by a Notification dated December 9, 2013 passed the Sexual Harassment of Women at Workplace

(Prevention, Prohibition and Redressal) Act, 2013 (the “**Act**”) which became effective from December 9, 2013. The Ministry also made the rules with regard to the same effective from the same date. These rules are called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the “**Rules**”) [10].

Who suffers this problem?

The sexually harassed can be anyone, male or female, whether a supervisor, a client, a co-worker [11], teacher or professor, a student SAPAC (n.d.), a friend and even a stranger.

As for the harasser, he/she does not have to be of the opposite sex; he/she may be completely unaware that his/her behavior is offensive or constitutes sexual harassment or is perhaps completely unaware that his/her actions could be unlawful. The sexual harassers choose their victims based on characteristics such as, age, perceived passivity, lack of assertiveness, poor education, low self-esteem and other areas of vulnerability [12].

The victim of sexual harassment may be either a man or a woman. The harasser may be either a man or a woman as well. The victim and the harasser do not have to be of the opposite sex. The victim does not have to be the person to whom the sexual conduct is directed but could be anyone affected by the offensive conduct.

"Men are as vulnerable to sexual harassment as women" in India [13]. Justice Verma Committee which was constituted to recommend reforms to sexual harassment laws in 2013 had proposed gender-neutral language for sexual offences in India [14].

Sexual harassment has many implications both on individuals and organizations alike. Exhibit 1 shows a summary of such implications on organizations; while Exhibit 2 shows implications on individuals.

Exhibit 1: Implications on organizations.

- It decreases productivity and increases team conflict. Decreases success and meeting of financial goals.
- Decreases job satisfaction.
- Sexual Harassment per missal can undermine ethical standards and discipline

in the organization which will lead to disrespect and trust among employees and their seniors.

- The image of the organization will suffer financially, and reputation-wise when complainants take the issue to court.
- Increases loss and absenteeism of staff members and expertise.

Exhibit 2: Implications on individuals.

- Decrease in work and/or school performance.
- Loss of career and income; dropping out of school.
- Personal life has been exposed to public viewers which could lead to depression, anxiety, shame and guilt and loss of motivation.
- Humiliation and objectified by gossip and scrutiny. Loss of trust in the environment and people.
- Extreme stress upon relationship with others.
- Being discriminated from a workplace or school. Re-location to another surrounding.
- Loss of references and recommendations

RESPONSIBLE FOR THIS

“Employer's responsibility”

- The employer may be held liable for sexual harassment committed by their employees whether or not the employee is in a supervisory position.
- The employer may also be held liable for sexual harassment committed by non-employees.
- Therefore, it is in the employer's best interest to prevent sexual harassment in the workplace and, if sexual harassment occurs, to take remedial action as quickly as possible.
- Employers should establish a policy for the prevention, reporting, investigation, and punishment of sexual harassment in the workplace.

DUTIES AND RESPONSIBILITIES OF EMPLOYERS

There are two main actions that employers must take to avoid liability for sexual harassment:

1. Take all reasonable steps to prevent sexual

harassment from occurring.

2. If sexual harassment does occur, take appropriate remedial action.

To prevent sexual harassment, an employer should have a sexual harassment policy, implement it as fully as possible, and monitor its effectiveness. Moreover, in order to remedy sexual harassment, an employer should have appropriate procedures set up for dealing with complaints once they are made (ibid). A similar approach is also recommended by Jones and George (2007), whereby, they identified the steps managers can take to eradicate sexual harassment. Exhibit 3 depicts such steps.

Steps to Eradicate Sexual Harassment

- Develop and clearly communicate a sexual harassment policy endorsed by top management.
- Use a fair complaint procedure to investigate charges of sexual harassment.
- When it has been determined that sexual harassment has taken place, take corrective actions as soon as possible.
- Provide sexual harassment education and training to organizational members, including managers.

Under the Sexual Harassment of Women at Workplace Act, 2013, all employers have the following duties and responsibilities:

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4 of the Act providing that every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices;

3. Organise workshops and awareness program
4. Programs at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
5. Provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an enquiry;
6. Assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
7. Make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made under sub-section (1) of section 9;
8. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
8. Cause to initiate action, under the Indian Penal Code, 1860 or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
9. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

Monitor the timely submission of reports by the Internal Committee [15].

Resolution of Incidents

- Interview both employees.
- Evaluate situation.
- Interview witnesses.
- Determine if it is Sexual Harassment.
- Take action/ discipline.
- Support harassed employee.
- Monitor work environment.

LAWS MADE FOR THE PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

The sections of the Indian Penal Code that can be applicable to sexual harassment (which

makes it a criminal case):

Section 294 Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings, recites and utters any obscene songs, ballads or words, in or near any public space, shall be punished with imprisonment of either description for a term that may extend to three months, or with fine, or with both." This provision is included in Chapter XVI entitled „Of Offences Affecting Public Health, Safety, Convenience and Morals" and is cognizable, bailable and triable by any magistrate.

Section 354 Whoever assaults or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will thereby outrage her modesty, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Section 509 (Word, gesture or act intended to insult the modesty of a woman). This is included in Chapter 22 entitled „Of Criminal Intimidation, Insult and Annoyance", and is cognizable, bailable and triable by any magistrate. It holds: „Whoever, intending to insult the modesty of a woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture is seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

DIFFERENCE BETWEEN PRESENT AND PAST SITUATION

A woman named Bhanwari Devi was raped, 1992

The district and sessions court in Jaipur dismissed the case and acquitted all the five accused. Five judges were changed, and it was the sixth judge who ruled that the accused were not guilty, stating *inter alia* that Bhanwari's husband couldn't have passively watched his wife being gang-raped on 15 November 1995.

Under pressure from women's groups, the State Government decided to appeal against the judgment. The judgement led to a nationwide campaign for justice for Bhanwari Devi. However, by 2007, 15 years after the

incident, the Rajasthan High Court held only one hearing on the case and two of the accused were dead.

Vishaka & Ors. vs. State of Rajasthan & Ors. (1997 (7) SCC 323)

Filed by NGOs because of the brutal gang-rape of a social worker while she was at work. *The Supreme Court, in this case had held that sexual harassment at workplace is violative of constitutional rights of women (including rights of equality, to practice any profession and to right to life with dignity) and are discriminatory towards women.*

Two Young Men Report Sexual Harassment at New Jersey Grocery Store, 1999

The EEOC filed a lawsuit against the store, claiming that the two men were sexually harassed in violation of Title VII of the Civil Rights Act, which prohibits employment discrimination and harassment on the basis of gender.

The EEOC's lawsuit also claims that the store illegally punished the second employee for complaining about the harassment. If it is not resolved through a settlement, the EEOC will present its case to a jury, which will determine whether the company should be held responsible for the female manager's behavior [16].

Vijay Nair sexual harassment case 2017

Nair unmasked the identity of his stalker; it was discovered that the stalker in question was a woman whom Nair was acquainted with. (Rising incidents against men emphasize need for gender-neutral laws in India) [17].

ACTS

Indecent Representation of Women (Prohibition) Act (1987)

If an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing the "indecent representation of women", they are liable for a minimum sentence of 2 years.

Section 7 (Offenses by Companies) further holds companies where there has been "indecent representation of women" (such as the display of pornography) on the premises,

guilty of offenses under this act, with a minimum sentence of 2 years.

Sexual Harassment Act 2013

Background of this Act

This Act was passed in pursuance of **Vishakha Guidelines** given by Supreme Court in India. (Vishakha & others v. State of Rajasthan, 1997)

Supreme court acknowledge the gravity of Sexual Harassment of working women and laid down guidelines making it mandatory for employers to prevent commission of such Acts. Also, India had already signed and ratified convention on Elimination of All form of Discrimination against Women, (CEDAW) but had no domestic law in furtherance of it. So, this was to assimilate the international obligation in Indian legal system.

Scope

- It extends to all private as well as public areas.
- It covers schools as well as colleges.
- It also covers the transportation taken and places visited by employee during course of employment.
- Here the workplace is not confined to traditional office setup, instead, it goes further to include organizations, department, offices, branches, units, sports complexes, etc. And recently, it shall also extend to Army men, as decided by Armed Forces Tribunal.

Requirement

- To Realize Gender equality at workplaces. It is very important to tap a vast source of human capital
- To get rid of hostile environment at workplaces.

(Very recently a study conducted for international labour organisation revealed that sexual harassment and hostile work environment were the most common reason while women exited work force in Uttar Pradesh).

To protect fundamental rights u/a 14, 15, 19(1) (g) and also to realize provisions of Article 42 (which is a directive principle of state policy in which state has been directed to provide just and main condition at work).

Sexual harassment results in violation of right to equality under article 14

15 and right to life and live with dignity under article 21, right to practice any profession or to carry on any occupation, trade or business includes right to safe environment and freedom from sexual harassment.

For inclusive growth and social development.

Main Features of the Act

- It provides for the definition of Sexual Harassment of women at workplace.
- **Definition**—It shall include:
 1. Any physical contact and advances involving unwelcome explicit sexual virtuous.
 2. A demand or request for sexual favour.
 3. Showing pornography against the will of women.
 4. Making sexually coloured remarks.

Who qualifies for protection under this act?
Any woman who is:

1. Employed in an organisation.
2. Is a client, customer, daily wage worker or any work accomplice.
3. Is a student or research scholar in educational institutes.
4. Is a patient in a hospital.
5. Employed in unorganized sector.
6. It provides for redressal mechanism. (Here the redressal shall range from apology to censor to withhold promotions and increments and it will even stretch to termination).
7. Provides for constitution of an Internal Committee, wherever there will be more than 10 employees.
8. Provides for a Local Committee the one at District level and the other at Block levels.

Internal Committee: Earlier internal committee was called as internal complaints committee.

Local Committee: Local committee called as Local complaints committee. But in May 2016 these it has been amended and now there are only internal committee and local committee. So, there

shall be one internal committee and two local committees (the one at district and the other at block level).

9. The committees have to complete the inquiry in 90 days and then send the report to District Officer, who has to take action in 60 days.
10. The act requires the employers to Conduct education and sensitization programmes. And develop policies amongst other obligation.
11. The act also provides for Safeguards against false allegations or any kind of malicious prosecutions. So that no one can take undue advantage of this act.
12. Before initiating the inquiry, if requested by complainant, conciliation (it is a process where a neutral party engages both the parties to the dispute so as to arrive a common conclusion, this process is very commonly used in to resolve the industrial disputes and matrimonial disputes) is to be provided by the committees.
13. The inquiry process under the Act should be confidential and the Act lays down a penalty of Rs 5000 on the person who has breached confidentiality.
14. Non-compliance with the provisions of the Act shall be punishable with a fine of up Rs.50,000. Repeated violations may lead to higher penalties and cancellation or license or registration to conduct business.

Relevant Sections of this Act

Defined under Section 2 (n) and states that any of the following (directly or by implication) shall mean sexual harassment:

- (1) Physical contact and advances;
- (2) A demand or request for sexual favors;
- (3) Making sexually coloured remarks;
- (4) Showing pornography;
- (5) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Section 3, has further widened the definition of sexual harassment by providing that any of the following circumstances, related to sexual harassment, may also amount to Sexual Harassment:

- (1) Implied or explicit promise of preferential treatment in the victim's employment;
- (2) Implied or explicit threat of detrimental treatment in the victim's employment;

- (3) Implied or explicit threat about the victim's present or future employment status;
- (4) Interferes with the victim's work or creating an intimidating or offensive or hostile work environment for her and
- (5) Humiliating treatment likely to affect the victim's health or safety [18].

Civil Matters

A civil suit can be filed for damages under tort laws. That is, the basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.

HOW WILL COMPLAINTS BE FILED AND HEARD?

In India these steps are followed to file and hear complaints against sexual harassment at workplace:

- Any aggrieved woman can file a complaint of sexual harassment to IC (Internal Committee) within 3 months of the incident. It can also be extended to another period of three months.
- If woman is unable to make a complaint due to her physical incapacity, *her legal heir, relative or friend, co-worker, an officer of the National Commission for Women or State*

Women's Commission may make a complaint to the IC on her behalf, with her permission.

- If the woman is suffering from mental incapacity, *a qualified psychiatrist or psychologist or the guardian or authority under whose care she is receiving treatment or care*, can file a complaint before the IC.
- IC, before it initiates inquiry, may try to reconcile between the parties, if the aggrieved woman requests but monetary settlement cannot be the basis of conciliation. If conciliation is not possible.
- IC will inquire into the complaint and give both parties a chance to be heard and complete the inquiry in 90 days.
- During the inquiry process of being heard, neither party will be allowed to bring their lawyer.

POST INQUIRY

- i. IC will have to prepare an inquiry report giving recommendations on the matter, in 10 days and give a copy of the same to the organization / company and the concerned parties.
- ii. The organization / company will have to act on the recommendations in 60 days. The Act also provides that if a victim is dissatisfied with the findings of IC, she can appeal to a Court / tribunal.
- iii. IC has been assigned with the responsibility to submit an annual report on the no. of cases that arose and got settled during the year to the company and the company further has been mandated to include this information in its annual report.
- iv. In cases of companies which do not prepare annual report, the companies are required to intimate such number of cases to the District Officer.

NATURE OF OFFENCES UNDER THE ACT

Offences under the Act are non-cognizable which means one cannot be arrested without a warrant [19].

Penalties under the Act

If the employer does not comply with the law, they can be penalized with a fine which may extend to Rs. 50,000. On repeated non-compliance, the employer may be penalized with twice the punishment. Non-compliance can also lead to cancellation of license, withdrawal or non-renewal of registration for carrying on business, by the Government [20].

CONCLUSION

Sexual harassment is considered one of the most important issues that might negatively affect an organizational social environment. Consequently, this research has been carried out in an attempt to minimize, if not eradicate, this effect. This paper explores sexual harassment in the workplace mostly in India.

The harasser might be a male or female, and it is not necessary to be from the opposite sex. In the United States, the Civil Rights Act of 1991 has given individuals, especially employees, the means to fight sexual harassment. In 1994, the Equal Employment Opportunity Commission

received 14,420 sexual harassment claims, up from 5,623 cases in 1989. Still, about 90% of the cases are never reported. According to a recent poll by the Society for Human Resource Management, 63% of the companies surveyed view sexual harassment as a real problem. Three-quarters of them offer training programs, and 97% have instituted written policies on sexual harassment.

Yet, and according to the results that have been obtained in this current research, sexual harassment is considered to be a hot zone where the harassed still consider it a taboo. This is due to social environment, culture, norms, and values.

There is only limited evidence of the existence of Codes of Practice dealing with the issue of sexual harassment in India, especially since the legislation upon which courts are based does not explicitly define sexual harassment.

There is also a very low level of apparent coverage of the issue of sexual harassment / harassment based on sex in the aforementioned Codes of Practice to which the responding organizations were party, indicating perhaps, that the specific issue of sexual harassment has not yet achieved a high level of priority within the context of collective bargaining.

RECOMMENDATION

Preventing sexual harassment from occurring is much less disruptive, much less expensive, and much less time consuming as compared to the time spent by supervisors investigating and litigating case-by-case incidents, doing their best to prevent sexual harassment from occurring. Therefore, prevention is the best tool for the elimination of sexual harassment. That's why the supervisor or the manager needs to have some basic education in a number of employee-relations issues, including sexual harassment. As with supervisors and managers, all others should also receive information about sexual harassment. For employees, as a whole, the emphasis should be on expectations for interpersonal behavior rather than on legal and management issues.

It might be more important for employees to solve sexual harassment problems in-house, avoiding lawsuits if possible. Many organizations have established anti-harassment policies and employee-education programs. The Australian Human Rights Commission (2008) contends that effective harassment prevention programs include:

- Issuing a specific policy prohibiting sexual harassment.
- Developing a complaint procedure employee can follow.
- Creating a work atmosphere that encourages sexually harassed staff to come forward, and
- Investigating and resolving complaints immediately and taking disciplinary actions against harassers.

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Cite this Article

Khushboo Mathur. Sexual Offence—Sexual Harassment at Workplace. *National Journal of Labour and Industrial Law*. June 2018; 1(2): 16–25p.