

Sexual Harassment at Workplace: Causes, Impact and Prevention

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ABSTRACT

India is gradually emerging as a powerful land since women began playing significant role for the development of the nation. Women are considered as masters in the art of home making as well as in other areas such as education, sports, politics, and media. There is no arena which remained unconquered by Indian women. In 21st century we all talk of gender equality, female education and empowerment but it has not achieved in reality. Though well educated employed women faces a lot of challenges and problems in work place by the people of authority. Employers try to take sexual favors from women employee in return of other benefits and promotions. A few women wave off ignore and move on. But few women revolt and face many difficulties. They are forced to keep quite because, if they will raise their voice they are subject to face sexual abuses and harassment and women are discriminated socially, economically and even legally in today's India. So the prevention of sexual harassment is necessary. Harassment does not appear on its own. In fact it is more likely that when the problem is not addressed, the harassment will worsen and become more difficult to remedy as time goes on. The burden of preventing sexual harassment rest on the employers. Employers are responsible for providing their employees with a work environment that does not discriminate and is free of harassment employers are therefore, required by law to take steps to prevent and deal with harassment in the work place. In this paper we are discussing about the causes, impact and prevention of sexual harassment.

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INTRODUCTION

The status of women in India has been subject to many great changes over the past of few millennia. With a decline in their status from ancient to medieval time, to the promotions of equal rights by many reformers, the history of women in India had been eventful. In modern India, women have held high offices including that of the president, prime minister, speaker of Lok Sabha, leader of the opposition, union minister, chief minister and governors. Women are doing their best in every field. To mark her identity, to be independent, to earn a living, to run her family or to support her husband run the family. There are numerous reasons today women step out of their home to work and to earn. Breaking of her traditional image of home maker, women today are taking up new roles and challenges of work and career. In 21st century, all of us talk of gender equality and women empowerment but the devaluation of women and social domination of men still prevails in India. Women of India face victimization through sexual assault, sexual harassment, acid attack, dowry killing and the forced prostitution of young girls. Harassment is the main problem faced by working women, as they are considered as easy target by the male colleagues. Sexual harassment in the workplace refers to an verbal or physical act with a sexual nature, performed in recruitment or in the workplace by a boss, manager employee, client or customer of a working unit, that is unwelcome by the person receiving it and has caused the person to feel violated, insulted and being in an unbearable hostile environment. A workable definition would be : sexual harassment is unwelcome or unwanted definition of a sexual nature from someone at work, that cause discomfort humiliation offence or distress and /or interferes with the job. This includes all such actions and practices of sexual nature by a person or a group of people directed at one or more workers. Sexual harassment manifests itself in different forms. According to The Supreme Court definition, sexual harassment is any unwelcome sexually determined behavior, such as:-

- ✦ Physical contact
- ✦ A demand or request for sexual favours
- ✦ Sexually coloured remarks
- ✦ Showing pornography
- ✦ Any other physical, verbal or non-verbal conduct sexual nature.

Sexual Harassment takes place if a person:

- ⇒ Subjects another person to an unwelcome act of physical intimacy, like grabbing, brushing, touching, pinching etc.
- ⇒ Makes an unwelcome demand or request (whether directly or by implication) for sexual favours from another person, and further makes it a condition for employment/payment of wages/increment/promotion etc.
- ⇒ Sakes an unwelcome 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 unwelcome 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.

QUID PRO QUO SEXUAL HARASSMENT

One part forces the other party to offer sex in return for recruitment promotion or salary raise within the first party's powers, and threatens to demote , at the salary or event fire the second party if rejected.

HOSTILE ENVIRONMENT SEXUAL HARASSMENT

When one party interferes with the work performance of the victim in an unreasonable manner or intentionally leaves the victim in an intimidated or hostile work environment or exposes the victim to a rude, lead and uncomfortable work environment sexual harassment.

The female gender started coming out of house in India with the end of 19th century. The first common place to work together freely was Indian cinema, where in the mid 20th century the mixing of females and male master workers till now there are lot of thing that media exposed, India cinema industry, the stories tale of the cinemas actress reveal the sexual exploitation of female actress and workers by the legend man ---also has been rumors and facts by media. Although there elite lass we can't forget the Monika and Clinton harassment case on also example of females in working place. Justice A K Ganguly is The Former chairman of the West Bengal Human Rights Commission and a former judge of The Supreme Court of India, who delivered judgment in some high profile cases like the 29 spectrum scam. He has been recently indicated by a panel of the Supreme Court for sexually harassing a young law

intern in a hotel room. He was given the clean chit after the intern refused to record her statement before the police. A female colleague accused Tarun Tejpal (editor of the magazine Tehalka) of sexual assaulting her in a lift during a festival in Goa. This kind of behavior happens in every workplace.

CAUSES AND IMPACT OF SEXUAL HARASSMENT:

The causes of sexual harassment vary from person to person and from situation to situation. This discussion can cover only some of the main factors. Many of the causes are interrelated.

- ⇒ Socialization is one of the causes of sexual harassment. The way in which men and women were brought up to see themselves and others strongly influence their behavior. Men who were brought up with macho beliefs like “real man pinch bottoms”, “girls were made to hug and kiss” easily carry these social values into the workplace, and treat their female colleagues accordingly. Such men often even think that women take their harassment as compliment.
- ⇒ The exploitation of females starts from male dominance, arrogance and gratification with perversions. Here the females are targeted and given a loop further they are harassed. The outcomes of these harassments are hidden due to social scenario because the stigma of defameness in the society hinders the reveal.
- ⇒ If women see themselves as dependent on as or lesser value than men, or are unassertive, they find it difficult to handle harassers or to complain. Often women who are breadwinners are vulnerable and fear victimization or even job loss, if they reject advances or complain.
- ⇒ In time of moral laxity, when extramarital affairs and one night stand are broadly accepted, when some people equate monogamy with monotony. It is relatively easy for people to indulge in office flirtations whether one sided or mutual. The prevalence of marital stress divorce in our society means that some men and women come to work in a state of emotional distress that could make them vulnerable to sexual harassment.
- ⇒ Lack of company policy is also a factor of sexual harassment. Women often resign rather than complain. Since, they do not know where to go, or if they do complain, it is either treated as a joke or action is taken by management. If management condones such behavior or if victims end up being blamed, the perpetrator is encouraged to continue the pattern of harassment affecting more and more women.

- ⇒ Some time sexual harassment is also seen as a power game, where man insists on sexual favors in exchange of benefits, he can dispense with due to his position. The 'casting couch' is probably best known example of power game..
- ⇒ Economic and social changes have change power relations between men and women, men are feeling a sense of insecurity, to overcome such as insecurity some resort to harass women in the work place.
- ⇒ Some men feel stressed as even after putting their best, they sometimes do not get proper recognition where as women with little talent are preferred in an organization. This sometimes causes frustration and such men resort to sexual harassment to overcome this stress.
- ⇒ The impact of sexual harassment is very negative. The sexual harassment affects the behavior & confidence of women. Most of the people of society focus on the action of victim & not on the accused. It targets the mental health as well as physical health.
- ⇒ It also diminishes the self confidence. Another kind of harm is called 'emotional injury' or 'pain and suffering' and the emotional effects frequently reported as a result of sexual harassment include anxiety, depression, sleeping disorder, weight loss or gain, loss of appetite and neurological and health disorder in some instances there has been a link between sexual harassment & post traumatic stress.
- ⇒ Career related effects or decreased job satisfaction unfavorable performance evaluations loss of job or promotions drop in academic or work performance due to stress absenteeism changes in career goals.

PREVENTIONS

There is no one way to respond to harassment every situations is different & only you can evaluate the problem and decide on the best response. Many women have found these strategies effective.

- ⇒ First of all, "do not blame yourself for harassment", say "no" to the harasser.
- ⇒ Tell someone don't keep it yourself. By being quite about the harassment you cannot stop it.
- ⇒ Write a letter to the harasser describe the incident and how it made you feel. State that you want the harassment to stop. Send the letter by certified mail & keep a copy.
- ⇒ Find out who is responsible for dealing with harassment in your organization almost all organization have sexual harassment policies, procedures & individuals or counselors who administer them.

- ⇒ Keep a record of what happened & when. Includes date time places name of the person. Involved & witness & who said to whom.
- ⇒ If you are experiencing severe psychological distress you may want to consult psychologist or other mental health professional who understands the problems caused by sexual harassment.
- ⇒ The burden of preventing sexual harassment rests on the employers. There should be clear management policy. Most successful preventive strategies and plans on sexual harassment require the involvement of all those concerned and a clear statement of intent. The statement of intent should reflect a real commitment from all parties concerned to recognize the importance of the fight against sexual harassment in the work place. This is usually accompanied by the establishment of written policy. Anti harassment policy explain what harassment is, tell all employees that harassment will not be tolerated.
- ⇒ The most effective weapon against sexual harassment is prevention. The newly enacted act in India The sexual harassment of women of the workplace (prevention, prohibition & redressal) act 2013 , builds on the Vishakha guidelines introduced by the Supreme Court of India.
- ⇒ The act defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false malicious charges. The act also covers concept of quid pro quo harassment and hostile work environment as form of sexual harassment if it occurs in connection with an act or behavior of sexual harassment. While the workplace in the Vishakha guidelines is confined to the traditional office setup .There is a clear employer and employee's relationship, the act goes much further to include organizations, hospitals, nursing homes, educational institutions, sport institutes, stadiums, sports complex and any place visited by the employee during the course of employment including the transportation. Even nontraditional workplace which involves tail committing will get cover under this law.
- ⇒ The committee is required to complete the enquiry within the time period of 90 days .on completion of the enquiry, the report will be send to the employer, or the district officer. As the case may be they are mandated to takes action on the report within 60 days.
- ⇒ Every employer is required to constitute and internal complaints committee at each office or branch with 10 or more employees. The district officer is required to constitute a local complaints committee at each district and if requires at the block level.
- ⇒ The complaints committees are required to provide for conciliation before initiating an enquiry if requests by the complaint.

- ⇒ The enquiry process under the act should be confidential and the act lays down a penalty of Rs. 5000 on the person who has breached confidentiality.
- ⇒ The act requires employers to conduct education and sensitization programs and develop policies against sexual harassment, among other obligations.
- ⇒ Penalties have been prescribed for employers. Non compliance with the provision of the act shall be punishable with fine of up to 50,000 repeated violations may lead to higher penalties and cancellation of license or registration to conduct business.
- ⇒ Government can order an officer to inspect workplace and records related to sexual harassment in any organization.

CONCLUSION

Having an anti harassment policy does not mean that there will be no harassments complaints. How ever having an effective policy and procedures coupled with anti harassment training for all staff, will assist in preventing harassment and supports individuals who are being harassed to come forward and ensure that the problem is addressed quickly and effectively.

As the science has been advance we are keeping CCTV cameras and transparency in the workplace that will provide safety to the females in the work place. The amendment in the law those are weapon in the hands of females in the various section related to the sexual harassment and assault. Now the scientific investigation F.I.R and allegation and confirmation have the great role in confirming the crime and conviction. The cyber forensic, DNA examination, medico legal, and odontological examinations, these are the thumb rules and have been provided long way to establish the crime and make the convictions more. The transparency and security in the work place, will provide decrease in the harassment activities

Every woman has rights to work with dignity. Do not ignore the sexual harassment. It should not be tolerated by anyone. We should take strong steps against sexual harassment. We have to must courage and build up confidence to stand up and speak against sexual harassment.

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