

Victimization of Women by Sexual Harassment at Workplaces in India: An overview

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Abstract: Women's are one of the vulnerable categories and also easily target to victimize by the perpetrators. Women are not safe even in workplaces. Sexual harassment of women is a very common issue in places where women working in all the governmental (public) and private (un-organized) sectors. Victimization of sexual harassment of women includes unwelcomed and unwanted sexually determined behavior such as undesirable physical contact and advances, request or demand sexual favors, making sexually colored remarks, displaying pornography at workplaces, and other uninvited physical, verbal or nonverbal behavior of sexual character at all the workplaces. Most of them get away and un-reported. Apart from various special legal provisions for women protection in India, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 emphasized to special attention to protect the women from all types of sexual harassment at their working places in public and private sectors. The Ministry of Women and Child Development announced all the private or un-organized sectors should be made the annual report to concern authorities regarding if there any harassment against women at workplaces in private sectors. The main problem is in our country laws has been only implemented but not properly executed. In this juncture, this paper makes an effort to make some implications to the government should pay the special attention to properly executed the existing legal implementation along with NGO's, and all the stakeholders those who are concern with special interest and instigate to prevent the victimization of harassment of women at work places especially in private (un-organized) sectors. In this backdrop, this paper has been

adopted descriptive research methods along with related and necessary sources from books, journals, statistics related to women harassment, and online sources.

Keywords: Pornography, Sexual Harassment, Victimization, Violence, Vulnerable.

Introduction

“Sexual Harassment” involved a person or group of persons of the following unwelcome activities or behavior (whether directly or by implication), such as physical contact or advances, a demand or request for sexual favors, making sexually colored remarks, showing pornography, any other undesirable physical, verbal or non-verbal conduct of a sexual nature frequent circumstances that start off unintentionally end up in unfortunate and immoral behaviors. It is highly necessary to reflect on that sexual harassment at the workplace is sexual, unwelcome or unwanted and experience is subjective. It is the impact and not the intention that subject and it constantly happens in an environment of power. It is likely that a woman may practice a distinct occurrence of sexual harassment or a progression of happening over a period of time. It is highly significant also to consider that each case is distinctive and should be examined in its own circumstance and according to the neighboring situations as a whole (Handbook on Sexual Harassment of Women at Work Places, 2015). The impact of globalization led to a stable increase in employment opportunities for women in the organized sector. However, it has several evil things for women such as physical and sexual violence against women especially sexual harassment on women at workplaces. The appraisal report of the International Labour Organization (ILO) estimated that approximately one-third of the women in the industrial sectors were sexually harassed at workplaces at universal (Srivastava, S.C, 2004)

The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which was implemented by the UN General assembly in 1979 and which was adopted by Indian government often described as an international bill of human rights for women, it encouraged for the women equality and men in requirements of human rights and fundamental freedoms in the social, economical, political, cultural and civil subject. It emphasized that inequity and attack on women’s dignity violate the standard of equality of rights. Moreover, no doubt there has been a stabled increase in the rate of women employment in the organized sector in the widespread subject and in numerous folds with the beginning of quick

industrialization, modernization, economic development leads to globalization. But it has led to many evil practices such as physical and mental harassment, gender discrimination and more specifically sexual harassment at workplaces even in government and unorganized sectors. (Rouf Ahmad pad and Anita Despande, 2017, p.14362),

Types of Sexual Harassment

According to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, categorized several types of Sexual harassment prominent itself in the different structures such as verbal, non-verbal and physical. The fourth kind is called “Quid pro quo”. Many examples indicate the following types of violence against women as physical violence, rape or attempted to rape, physical contact, e.g. unwanted touching, patting, stroking, grabbing pinching, hugging, Blocking someone’s path with the intention of making sexual progress. Further, Verbal conduct classifies clarification on a worker’s appearance, age, private life, etc. In addition, Sexual commentary, stories, and jokes, Sexual advances (unambiguous or embedded) repeated unwelcome societal invitation, insults based on the sex of the worker, patronizing or paternalistic remarks, telling lies or scattering rumors about a person’s individual or sex life. Besides, another type of harassment such as non-verbal conduct comprises the following categories display of sexually explicit or indicative material, sexually suggestive sign or gesture, preliminary, aggravation, whistling, etc. As per Guidelines for Sexual Harassment of Women at Work Places in India, it includes unwanted SMS/e-mail and sexual comments.

Legal provisions for Sexual Harassment of Women at Workplaces in India

Sexual harassment of women at the workplace is expected destruction of women's right to equality, right to life and the right to liberty. It constructs lacking confidence and an aggressive work environment, which discourages women's effective participation in work, thereby harmfully affecting their social and economic empowerment and the aspiration of complete growth. With this thought, the government prepares the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. Before the implementation of this special act for working women, the involvement for such legislation was observed first time by the Supreme Court, in Vishaka v The state of Rajasthan. In the scarcity of any law at that time

providing actions to check the evil of sexual harassment of working women, the Supreme Court, in implement of authority available under Article 32 of the Constitution, structure procedure to be followed at all workplaces or institutions, until legislation is performed for the reason. The Supreme Court integrated fundamental ideology of human rights protection in Constitution of India under Article 14, 15, 19 (1) (g) and 21, and requirements of Convention on Elimination of all forms of Discrimination Against Women (CEDAW), which has been authorized in 1993 by the Government of India. The guidelines laid down by the Supreme Court were to be a delight as the law confirmed under Article 141 of the Constitution (Shah Ushman, 2019). Apart from that, In India, Sexual harassment violates women's fundamental rights under articles 14 and 21 of the Indian constitution. Now we have a distinctive act for restriction of Sexual Harassment of Women at Workplaces which has been reviewed. Other legislation which tries to prevent sexual harassment is Indian Penal Code, besides, the Indecent Representation of Women (Prohibition) Act, 1987, the Industrial Dispute Act, 1947 and the Factories Act, 1948. The Protection of the Human Rights Act, 1993 should also be measured as the rights of women are also human rights and need to be protected at any cost. Other than these preparations from the aforesaid Acts, therefore, the victims of sexual harassment who can approach civil courts for tortuous actions such as mental distress, physical harassment, depression, and loss of employment (Legal service in India, online n.d).

Post Vishaka Judgement

The first case before the Supreme Court announcement after Vishaka in this respect was the case of Apparel Export Promotion Council Vs. A.K Chopra. In this particular case, the Supreme Court emphasized the law laid down in the Vishaka Judgment and upholds the discharge of a higher officer of the Delhi based Apparel Export Support Council who was found culpable of sexually harassing a lower female employee at the workplace. In this verdict, the Supreme Court enlarged the definition of sexual harassment by ruling that physical contact was not essential for it to amount to an act of sexual harassment.

Furthermore, a letter written by on behalf of NGO's person Dr. Medha Kotwal of Aalochana highlighted a number of personal cases of sexual harassment established that the Vishaka Guidelines were not being successfully implemented. Transfer the letter into a writ petition, the Supreme Court took cognizance and undertook to monitor the performance of the

Vishaka Guidelines across the country by directing state governments to file statement highlight on the steps taken by them to properly implement the Vishaka Guidelines. Here its verdict, the Supreme Court observed that “the execution of the Vishaka Guidelines has to be not only in form but also in intended and strength so as to make the available safe and secure environment for women at the workplace in every stage and thereby make possible for working women to work with dignity, courtesy and due respect or admiration.’ Finally, the Supreme Court asserts that in case of nonconformity or non-adherence of the Vishaka Guidelines, it would be open to the concerned workers to move toward the respective High Courts (Nishith Desai Associates, 2019).

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 deals with the issue of workplace sexual harassment faced by women.

This Act identifies the right of every woman to a protected and makes safe at workplace situations irrespective of their age or employment/work status. Therefore, the right of all women working or visiting any workplace whether in the competence of customary, provisional, adhoc, or on a daily basis income is sheltered under the Act. It comprises all women whether occupied directly or throughout an agent includes a service provider, with or without the knowledge of the chief employer. They may be working for payment, on a voluntary or unpaid basis or else. Their provisions of employment can be articulates or disguised. Further, she could be a co-worker, an agreement worker, probationer, learner, apprentice, or called by any other such name. The Act also covers up a woman, who is working in a residential place or house. The Act defines and also includes the unorganized sectors as any endeavor individual by a person or self-employed workers engaged in the manufacture or trade of goods or make available services of any kind such as an enterprise which employs less than 10 workers (Wikas media, online n.d). The special legal provision for women harassment emphasized that constitute the Internal Committee at governmental and private sectors. The POSH (Prevention of Sexual Harassment Act) necessitates an employer to set up an ‘internal committee at each office or branch, of an organization employing ten or more employees, to pay attention to redress grievance pertaining to sexual harassment. If they have a failure to constitute the Internal Committee should be an imposition of a fine under the POSH Act (Nishith Desai Associates, 2019).

Me Too Movement in India

Besides, Me Too movement was very essential that empowered women came to report their harassment and molestation by the employers and higher authorities in all the sectors includes cine field. It came to the social light in the month of October 2017 in United States. Further, it was started in the month of October 2018 in India. Simultaneously obvious to the beginning of a demonstration of crying against the occurrence of sexual harassment and, it was anticipated the concluding stage of years of silence over it. Most of them were expressed their view in the hope of justice, but some of them in the hope of being heard and some in solidarity. In India last October, 2018 Me Too movement on social media became a scream, a semaphore, as women articulated their experiences of being sexually harassed at the workplaces by their superior authorities, colleagues or persons they met in the course of earning for their livelihood (Indulekha Arvind, ET Bureau, The Economic Times, 2019)

Statistics on Sexual Harassment of Women at Workplaces

As per the report of National Crime Records Bureau (NCRB), it says that 665 women harassment cases in 2016, down 20% from 833 cases were registered in 2015. The offence could be uttering a word or sound, making a gesture or commit an act deliberate to abuse a woman. Recent statistics reveal that evidenced the cases of sexual harassment of women at Indian workplaces increased 54% from 371 in 2014 to 570 in the year of 2017. In all the cases such as numbered 2,535 were witnessed over the four years ending July 2018 that is almost two cases were reported every day as per government data listed in the Lok Sabha on 27th July, 2018 and December 15, 2017, Over the first seven months of 2018, end of July 27, 533 cases of sexual harassment were reported across the country.

Section 354 A of the Indian Penal Code deals with offenses related to sexual harassment, which includes physical contact, unwelcome and explicit sexual overtures, demand or request for sexual favors, showing pornography to a woman against her will and making sexually coloured remarks. In another set of data, the National Crime Records Bureau (NCRB) categorizes “insult to modesty of women” under section 509 of the IPC. In spite of effectual legislation and suitable preventive mechanisms improved awareness about women rights after Nirphaya gang rape case 2012, around 70 % of women do not report about sexual harassment cases by their superiors and

other male co-workers as per a survey conducted by the Indian Bar Association in 2017. (Chaitanya Mallapur, Anmol Alphonso, 2018). Besides, one more research study conducted by the Federation of Indian Chamber of Commerce and Industry (FICCI) in the year of 2015 revealed that 36% of Indian companies and 25% of multinational companies do not have an internal grievance committee (IGC) which is compulsory for each private or public organization that has ten or more employees as per the Sexual Harassment Act, 2013. Yet there are very few of the research studies found out that even if several companies had an internal grievance committee, the committee members were not legally proficient or even perceptive to deal with such issues. Furthermore, one more study conducted by Ernst and Young in 2015 affirmed that 40% of IT and 50% of announcement and media companies did not even know that the law demanded constitute of Internal Grievance Committee (Yasmin Hossain, 2017, In Ramakrishnan D, 2019).

Impact of Victimization on Sexual Harassment of Women at Workplaces

The sexual harassment victimization and prevalence in workplaces make the physical, psychological sometimes emotional impacts on an individual level and also it leads to consequences in difficult results in the organization.

(a) Impact of Victimization at the Organizational level: Lower efficiency and productivity and employee morale; increased working cost to appoint and instruct to the new employees; High legal costs, penalty and poor community reflection is an alarming result.

(b) In the Individual and working Organization diminishing in work efficiency; lack of encouragement; shortage at work; omitted out on training/endorsement/resignation/removal from organization.

(c) Victimization on the Individual:

Emotional Victimization: Anger, Disgust, Fear, Disgrace, Shame or Guilt feels, Confusion, Hopelessness,

Psychological Victimization: Anxiety, Nervousness, Hopelessness, and Low Self-Esteem

Physical Victimization: Restlessness, Annoyance, Nausea, Ulcers, High BP. This is to note down that the above sign may not be made only from harassment, but can be the growing result of the harassment, retaliation, consequence, and/or blaming that a distressed woman may tolerate (Gupta & Hajra, 2007, In Rufus D & Dr.Beulah, 2010, pp.21-22).

Beecher, Abel & Skinner (1979), explained certainly, however, women who have been sexually battered bear victimization and more determined individual things and according to Kim Lane (1983) they repeatedly vision their violation as an attack not only victimized among themselves but also their entire families. Women will frequently change their awareness of the threat, mainly if the physical attack happens in a place they previously measured sheltered. So, it can be recognized, how the sexual victimization acting the violent role in the life of women. Furthermore make the inquiries have outstanding diminish self-respect and absence, weaken the job satisfaction, harms to the interpersonal relationship at work or school (Gutek & Koss, 1993). The result of aggravation for employees' and students' stimulating pleasure consist of depression, helplessness, tremendous hopelessness, vulnerability, strong fear reaction, loss of control, be nervous, disturbance of their lives and diminish in motivation (Dansky & Kilpatrick, 1997; Gutek & Koss,1993; Samoluk & Petty, 1994, In Rufus D and Beulah, 2010). Besides, emotional harassment can connect constant proposal of physical connection, concern with restrained hints and foremost to evident necessities for dates or sexual favors. Apart from that, one more Psychological or alarming harassment, such as exhibitionism can cause danger to the individual's performance or reject her sense of individual dignity and self-esteem (Saheli, 1998). Moreover, some physical symptoms have been reported in the literature pertaining to workplace and intellectual sexual harassment: annoyance, sleep disturbance, eating disorders, vomiting, weight loss or gain, and crying spells (Dansky & Kilpatrick, 1997; Gutek & Koss, 1993). All these problems lead to Victims of sexual harassment can display a "post-abuse disorder characterize by shock, emotional numbing, and reconstruction of effect, flashbacks and other signs of anxiety depression (Fitzgerad, 1993; Salisbury, Ginoria, Remick & Stringer, 1986). Victims may require different types of medical treatment and psychiatric counseling services to help them through their restoration period. Some of these services, such as individual counseling, pharmacological and family therapy, group therapy and action or peer support, spiritual counseling therapy, forceful art, etc., may need to be required out as external referrals (Sandra, 1957). Therefore, it is anticipated from the society to offer such assistance to the victims. Thus,

in the above course, the essentials of sexual harassment at the workplace and its impact on victims have been discussed elaborately.

Conclusion

The present paper has been attempted to investigate the facts and types of sexual victimization among the women at workplaces in government and un-organized sectors (Private). Women sexual harassment at workplaces is very common and it has an un-reported character of the crime, generally, these types of crime do not come to the public appearance. In many developed countries, it is the essential rights of people especially women to be proficient to lead their lives with self-respect, dignity and free from all the emotional, psychological and physical torture. A landmark special legal requirement for women protection in India, i.e. the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 highlights the special attention to protect the women from all types of victimization by the sexual harassment at their working places in public and private sectors. In this connection, The Ministry of Women and Child Development announced all the private or un-organized sectors should be made the annual report to concern authorities regarding if there any harassment against women at workplaces in private sectors also. This act also emphasizes that monitoring committees should be appointed in every organization for review the proper functions of internal complainants committee in government and private sectors. The main drawback in our country laws have been only implemented but not properly executed by the concern authorities. In this juncture, this paper attempts to make some implications to the government for paying special attention to properly executed the existing legal implementation along with NGO's, and all the stakeholders those who are concern with special interest and instigate to prevent the victimization by the harassment of women at workplaces especially in private (un-organized) sectors. Besides, social activists, academicians, and media organizations to create awareness about Supreme Court guidelines and supervising duty are essential to investigate within the public and private sectors. If there is any women found who are victimized must be delivered with appropriate medical, psychological, financial and legal assistance as a form of victim assistance should avoid secondary victimization by the Criminal Justice System.

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