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UNDERSTANDING SEXUAL HARASSMENT: A WORKPLACE EPIDEMIC

-Pallavi Sharma

Sexual harassment is one of the biggest problems facing by our schools and businesses today. It not only affects the mental and physical help of the victim but also hinders the overall growth of the firm or the enterprise with which the victims are associated.

What actually sexual harassment is?

Sexual harassment is any unwanted sexual behavior that makes someone feel upset, scared, offended or humiliated or is meant to make them feel that way. Sexual harassment is a type of sexual violence which is basically means any sexual activity or act that happened without concern¹. It basically means behavior characterized by the making of unwelcome, inappropriate sexual remarks or physical advances in a workplace or other professional or social situation.

Sexual harassment can be verbal nonverbal and physical. Sexual harassments includes a lot of activities such as actual or a attempted rape or sexual assault unwanted pressure for sexual favors, unwanted deliberate touching, leaning over, cornering or pinching unwanted letters, telephone calls, a material of a sexual nature cat cause sexual comments. Sexual stories, kissing sounds, howling and smacking lips, neck massage etc.

Today's world is the world of growth and development but the growth and development are also back with some bad consequences and sexual harassment is one of those. Sexual harassment is mostly seen at work places and schools colleges and these kinds of institutions. The more we inclined towards development the more we are prone to be victims. Daily we heard a lot of cases of sexual harassment at workplace it's now emerging as a workplace epidemic. Sexual harassments have a lot of consequences such as physical and

¹ Rape crisis, what is sexual harassment? (7/6/24, 22:50), <https://rapecrisis.org.uk/get-informed/types-of-sexual-violence/what-is-sexual-harassment/>

psychological distress to the victims of sexual harassment often suffer significant psychological disorders including anxiety, depression, sleeplessness, weight loss, gain, lower self esteem etc.

Sexual harassment is another kind of pollution which is harming the workplace environment. Ideally the environment of workplace should be safe and healthy so that an employee can give their hundred percent to bring significant outcomes. But if they face problems like sexual harassment their performance also degrades. 2 out of 10 people who were sexually harassed at workplace gradually experience ill effects on their work and employment. They take more leaves, avoid participating in activities, they are afraid of building social networks and it also hinders their career progression. Sometimes they even leave the job all together and even left the sector they have built their prestigious career in.

Sexual harassment at workplace is not only limited to a country or a continent but it is a problem faced by the whole world, people around the globe faces this problem often in their daily routine life

It is a common social problem in many developed countries also. Countries like France, Argentina, Romania, Canada and England have reported the highest rates of sexual harassment on job says the international labor office.²

In India the act of sexual harassment at workplace comes in the category of offenses under IPC. According to (Section 354A IPC), Sexual harassment is the:

- Unwelcome touching or other physical contact
- Asking or demanding sex or any other sexual activity
- Making remarks which are of a sexual nature
- Showing pornographic material which may include videos, magazines, books etc.³

There were no specific act regarding sexual harassment it was only covered under head of IPC, but In 1997 women's group filed a PIL against the state of Rajasthan and Central Government of India aimed to enforce the fundamental rights of working women under article 14, 19, 21 of the constitution of India following the brutal gang rape of a social worker Bhanwari Devi for opposing child marriage.

The case is named after a Non-Governmental Organization (NGO) named Vishakha which works for the women's rise in Rajasthan. Bhanwari Devi was a community worker who runs anti-dowry and anti child marriage campaigns to aware people. In 1992 after stopping a child marriage in a gujjar family of Rajasthan she was raped by some influential members of the same village.

² International labor office, Violence on the Job - a Global Problem, (8/6/24, 13:31), //www.ilo.org/resource/news/violence-job-global-problem#:~:text=GENEVA%20(ILO%20News)%20-%20France,of%20violence%20in%20the%20workplace

³ IPC,1860,(S. 354A)

Initially the accused were set free by the court due to lack of evidence but later on Bhanwari Devi and other women file PIL again this issue of sexual harassment.

The landmark Judgment of Vishakha V/s state of Rajasthan is a milestone in the race against sexual harassment. And decision of Supreme Court in Vishakha V/s state of Rajasthan is a landmark one as it laid down elaborated guidelines to deal with the sexual harassment against women at workplace the ruling was delivered by a three judge's bench comprising of judges.J.S. Verma, Sujata. V. Menorah andB. N. Kirpal. The court also states that the sexual harassment causes a sense of depravedness in the minds of victims. Court also said that the act of sexual harassment is against the fundamental right and article 14, 19 and 21. The judgment of the Supreme Court leave a deep impact on Indian society after this case the court issued some guidelines to stop sexual harassment at workplace these guidelines are popularly known as **Vishakha guidelines**.⁴

After 13 years of Vishakha guidelines, The Sexual Harassment at Workplace (prevention prohibition and redressal) act was passed into 2013, it is also commonly known as Prevention of Sexual Harassment Act. This act basically aims toward gender equality and ensures a safe and peaceful working environment for employees all over India. This act contains the detailed meaning of sexual harassment, it lays down complete procedure of filing case and how action to be taken against sexual harassment. It also lays down various guidelines which a firm or a company or any institution need to keep in mind for ensuring the safety and welfare of their employees. According to this act no personal information about respondents' witness should be made public, and this acts also lays down the punishment for false complaints and events. In a zest this act is a weapon against sexual harassment at workplace.

Eradicating sexual harassment at workplace is not just a legal obligation but a moral obligation also it needs regular efforts, vigilance and commitment to foster equality and safety for all the employees. Besides seeking legal help an individual can take up several measures to address and combat sexual harassment. Self education is most important step to avoid or to fight against sexual harassment understanding about right and understanding about the type of harassment should be the initial steps. In a working environment where colleagues feel comfortable discussing issues and concerns is safe from sexual harassment. Instead of sitting quietly the action should be taken against the molester and the harasser so that adequate punishment should be given to them on time. We should create a healthy working environment where we support our colleagues listen and believe them if a colleague confides in you about harassment listen them without being judgmental and believe them account them to navigate the reporting process and provide emotional support. As an employer, establish some clear policy that clearly define what constitutes sexual harassment, provide example and outline the consequences for sexual behavior. Communicate those policy to all the employees provide training and education to the employees so that they can fight against any of

⁴ AIR 1997 SUPREME COURT 3011, 1997 AIR SCW 3043, 1997 LAB. I. C. .

such condition. Create a proper reporting mechanism, add multiple easily accessible ways for employees to report harassment such as dedicated hotlines, online reporting systems and designated HR personnel. Protect the confidentiality of the complaint to the extent possible to encourage reporting and protect them from retaliation, provide support to the victims including council services, medical assistant and legal advises if needed. Follow up with victims after the resolution of complaint to ensure the feel safe and supported strength formed about local state and federal laws regarding sexual harassment and ensure compiles be prepared to cooperate with legal investigation and provide necessary documentation if required. Employers should not only comply with legal requirement but also demonstrate a commitment to create a save respectful and inclusive workplace for all employees this proactiveness approach helps to prevent incidence of sexual harassment and build a positive environment where every individual feels safe and protected. Sexual harassment in the workplace is the pervasive issue that undermines the dignity well being and professional growth of employees; under visual it creates a toxic work environment that affects not only the victims but also the overall productivity of the organization. Addressing and fighting against sexual harassment requires concerted effort from individual's employers and society as a whole if we work together as a community we can definitely fight against sexual harassment and create a healthy working environment which will promote the growth of the society.