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Sexual Harassment at Workplace

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Introduction:

Sexual harassment at workplace is a serious violation to human dignity and the gender equality. This creates hostile, unsafe, and intimidating work environment which affects the mental and physical well being of female employees. Workplace harassment harms the individual victim and also negative impact on the productivity, professional growth, and organizational culture. The issue gained legal attention after the landmark judgement in the case of Vishaka V State of Rajasthan, which gave the formulation of the guidelines for preventing workplace harassment and resulted in the enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, also known as the POSH Act.

Sexual harassment is a violation of constitutional rights guaranteed under the Articles 14,15, and 21 of the Constitution of India. The law recognizes the right of women to work with dignity and equality in a safe environment. Despite these legal safeguards many incidents remain unreported due to the fear of social stigma, retaliation, lack of awareness, and ineffective implementation of the laws.

Definition of Sexual Harassment:

Sexual Harassment is any unwelcome act, conduct or behavior of sexual nature which creates humiliation, discomfort or intimidation for the other person. According to Section 2(n) of sexual harassment of women at workplace act 2013, it includes not friendly behavior either directly or through implication.

Supreme court in the case of Vishaka V State of Rajasthan who defined sexual harassment as the unwelcome sexual determined behavior which violates the fundamental rights of the women at workplace.

Sexual harassment happens when individuals who give work and individuals who perform work interact, or when individuals working together and individuals visiting the working position are involved. Experts claim that sexual harassment exists within various professional relationships because the law describes two distinct types of workplace harassment. Two main categories of workplace harassment are identified by legal authorities.

Quid Pro Quo Harassment – where working position benefits are provided when sexual favors are requested.

Hostile Work Environment – where the presence of repeated improper conduct creates an atmosphere that is threatening or aggressive.

Forms of Sexual Harassment:

Sexual harassment shows itself in several ways that start with small behaviors and go to very clear bad behavior. Many people believe that sexual harassment appears in many forms within society. These specific groups show how sexual harassment is categorized for understanding.

1. Physical Harassment:

Touching, hugging, or patting the body of a human being without their permission defines Physical harassment. Experts claim that physical harassment includes any movement of the hands or body which the other person did not choose. Private room of a person is invaded when physical harassment causes feelings of terror or distress.

2. Verbal Harassment:

Speaking about sex, sharing bad jokes, or telling opinions about the beauty of a person creates Verbal harassment. It has been observed that verbal harassment exists when people ask for dates too many times or make phone calls that are not clean. Ordinary talk is considered verbal harassment because the person who hears the words does not want the words.

3. Non-Verbal Harassment:

Staring at someone with bad eyes or showing pictures that offend the heart makes up Non-verbal harassment. Researchers say that non-verbal harassment happens through sending bad electronic letters or small digital faces on the internet. Because the world uses digital talking machines more now, non-verbal harassment is experienced by a large number of people.

4. Psychological or Emotional Harassment:

Continuous negative comments, scary threats, or the making of a bad surrounding harm the inner peace of the person who suffers. Many people believe that psychological harassment causes deep sadness and low self-value in the person who is targeted. The mental health of the victim is often damaged when harassment continues for a long time. Because the surrounding is toxic, the person feels anxiety even though they try to work.

5. Quid Pro Quo Harassment:

Quid pro quo harassment happens when a boss asks for sexual favors so they can give a promotion, more money, or job safety. Experts claim that harassment of this kind relies on the power of the superior over the subordinate. Refusing these requests leads to lower positions or moving to a different place. Unfavorable treatment is often received when these sexual favors are refused by the worker because the boss holds the power.

6. Hostile Work Environment:

Bad sexual behavior creates a hostile work environment when this behavior makes it hard for an employee to do their working position well. It has been observed that a hostile work environment reduces the dignity of the employees who work there. An intimidating and offensive atmosphere is created because of inappropriate conduct in the office. Even though the employee wants to focus, the environment becomes degrading while the harassment continues.

Causes and Impact of Sexual Harassment:

Causes of Sexual Harassment:

1. Gender Inequality:

Many people believe that patriarchal views and unequal power relationships among men and women cause harassment in the workplace. Harassment in the workplace happens because female employees are often viewed as weaker or lower in rank by their colleagues. Because female employees face these views, professional environments become difficult for them.

2. Abuse of Authority:

High-ranking officials often use their power to harm those who work under them. It has been observed that the fear of losing a working position or facing damage to a career prevents individuals from reporting bad behavior. Reporting bad behavior is hindered when people feel their survival is at risk.

3. Lack of Awareness:

Workers in a working position often lack knowledge about their legal rights or the rules of their company regarding harassment in the workplace. Experts claim that educational programs are missing in most organizations. Because these educational programs are missing, workers are kept in a state of ignorance.

4. Ineffective Complaint Mechanisms:

When Internal Complaints Committees (ICC) are not present and secrets are not kept, victims avoid sharing their pain. Many people believe that the POSH Act is not used correctly in many business places. The POSH Act is ignored in many establishments which leads to a lack of safety.

5. Social Stigma and Fear:

Those who survive such acts feel terror because they might be shamed or judged by their neighbors and work friends. It has been observed that this terror leads to fewer people telling the

truth about what happened. Silence regarding harassment in the workplace is maintained because of the pressure from society.

Impact of Sexual Harassment

1. Psychological Effects:

People who suffer harassment could feel stressed, have mental health problems like anxiety and sadness, have trauma, have trouble sleeping, and have emotional instability. Extended exposure to harassment might seriously affect mental health.

2. Professional influence:

Those exposed to sexual harassment suffer negatively in terms of job performance, production, and progress. Victims might choose to leave their employment or stay clear of job possibilities as a result of their shame and anxiety.

3. Social Consequences:

Harassment can damage personal relationships, therefore causing social exclusion for those so impacted. Many women could be hesitant to completely participate in tasks at work.

4. Organizational consequences:

Companies that get several claims of harassment run the risk of legal problems, reduced employee morale, and reputation damage.

5. Effects on the Economy:

It can have a bad impact on economic involvement and national advancement when women leave the workforce because of dangerous working conditions.

Legal Provisions in India:

To fight sexual harassment in the workplace, India has set up many legal and constitutional safeguards.

1. Legal Provisions:

With the following sections, the Indian Constitution guarantees respect and equality for women:

Article 14 – Guarantee of legal equality

Article 15: Gender-based discrimination ban;

Article 19(1)(g) – Right to pursue any occupation.

Article 21: assurance of life and personal freedom, including the right to live with respect.

A. I. R. 1997 S. C. 3011, the Supreme Court in *Vishaka v. State of Rajasthan*, said that sexual harassment at work violates these fundamental rights.

2. Vishaka Guidelines from 1997:

The Supreme Court created the Vishaka Guidelines before particular legislation to address workplace harassment. Employers were expected under these rules to put preventative and remedial action against sexual harassment into place. Until the 2013 implementation of the POSH Act, they were still legitimate.

3. Sexual Harassment of Women Act at Work

The first legislation dealing with sexual harassment in Indian workplaces is the POSH Act of 2013. It covers formal and informal sectors as well as public and commercial settings.

Essential Elements of the Act

a. Scope of Employment:

The Act's broad definition of "workplace" covers homes where domestic workers are employed, offices, schools, hospitals, sports venues, and employer-provided transportation.

b. Internal Complaints Committee (ICC):

Ten or more staff members organizations must establish an Internal Complaints Committee to address sexual harassment issues.

c. Local Complaints Committee (LCC):

For companies under ten employees or when the complaint is aimed at the employer, local complaints committees have to be established by district authorities.

d. Procedures for Complaint:

Normally, complaints should be sent in writing three months after the event. The committee has power to recommend disciplinary action and do investigations.

e. Confidentiality:

The Act demands that complaints, the processes, and the identities of those involved be kept under wraps.

f. Responsibilities of Employer:

Employers must run awareness campaigns, put on seminars, assist victims, and create a safe workplace.

g. Sanctions:

Failure to follow the rules specified in the Act could result in financial penalties and loss of business licenses in cases of repeated violations.

4. Indian Penal Code Statutes:

The Criminal Law (Amendment) Act, 2013 included rules about Indian Penal Code sexual crimes:

Section 354A – Addressing sexual harassment;

Section 354D: Defining stalking;

Section 509: Handling words, gestures, or acts meant to attack a woman's modesty.

Along with civil and administrative actions, these legal clauses provide criminal remedies.

Preventive Measures:

Stopping sexual harassment at work calls on employers, staff members, and the whole community to share a responsibility.

1. Programs for education and awareness:

Many workshops and awareness campaigns have to be set up to educate staff members on appropriate behavior at work as well as legal choices open to them.

2. Rigorous Organizational Guidelines:

Companies should develop clear anti-harassment policies laying out what counts as misbehavior, the procedure for reporting complaints, and the consequences thereof.

3. Good Internal Complaints Committee:

The Internal Complaints Committee has to run independently, fairly, and confidentially. Its members ought to be sufficiently qualified to carefully handle issues.

4. Promoting Reporting:

Employees have to be encouraged to report cases of harassment free from concern about effects. Anonymous reporting systems can also offer help.

5. Sensitization to Gender:

Promoting gender equality and respect inside companies helps to break down stereotypes and discriminatory attitudes.

6. Strict Law Enforcement:

Government bodies have to guarantee the correct application of the POSH Act. Many studies point out that poor enforcement is still a big problem.

7. Protected Digital Platform:

Organizations should create rules to address cyber bullying and unacceptable internet activity as they grow reliant on digital communication.

Conclusion:

Professional environments' sexual harassment is a major violation of human rights and the sanctity of the workplace. It causes individuals who go through it to feel anxious and humiliated, therefore undermining equality, security, and professional development. India has made great progress with the POSH Act and the Vishaka Guidelines, but putting these ideas into practice still causes trouble. Many women still hesitate to report cases of harassment out of fear, social stigma, and lack of awareness of their rights.

Establishing a safe workplace calls for a change in culture stressing respect, justice, and accountability as much as it does compliance to legal requirements. Employers have to create strong complaint systems, provide frequent training, and make sure that stern consequences are applied on wrongdoers. Employees should also be told about their rights and responsibilities.

To protect dignity, justice, and empowerment for every person, a company free of sexual harassment is absolutely necessary. Only with the combined efforts of society, businesses, and the legal system will workplaces turn into really safe and welcoming environments.