

**SEXUAL HARASSMENT OF WOMEN AT THE
WORKPLACE: A COMPARATIVE STUDY IN
ORGANIZED AND UNORGANIZED SECTORS OF
BELLARY DISTRICT**



'University with Potential for Excellence'

**A THESIS SUBMITTED TO
KARNATAK UNIVERSITY, DHARWAD
FOR THE AWARD OF THE DEGREE OF**

Doctor of Philosophy

IN

CRIMINOLOGY AND FORENSIC SCIENCE

SUBMITTED BY

M TEJASHWINI

Reg.No: SS/13-14/148/519

RESEARCH SUPERVISOR

Dr. G. S. VENUMADHAVA Ph.D

Assistant Professor & Co-Ordinator. I/C

Department of Criminology and Forensic Science,
Karnatak University, Dharwad - 580003

**POST GRADUATE DEPARTMENT OF STUDIES IN
CRIMINOLOGY AND FORENSIC SCIENCE
KARNATAK UNIVERSITY, DHARWAD**

2020

CONCLUSION AND SUGGESTIONS

In spite of all the efforts towards raising the status of women in the country, India today ranks 103rd in the gender related index of Human Development Report. The position of women is so damnable not only of domestic life but also of the entire society is clearly evident of it. Despite the legal safeguards provided for women, violence against women continues unabated in our country both inside and outside the home. Women are often terrorised as the damnation so that they do not assert their rights. But the heavens do not darken, the skies do not withhold their radiance and the sun and moon do not turn dark after experiencing the atrocities against women.

A woman has a right of equal employment, the right of equal treatment with men, and to work with a safety environment with all the dignities. But sexual harassment at the workplace place situates the woman in a disadvantaged position. So, there is a need of assistance of a stringent law to protect the security of her economic rights as well as social rights. “Most women in India are ashamed to tell anybody that they have been assaulted. They would rather sweep it under the carpet. And by most women both the uneducated rural woman, the modern urban woman also goes through these harassment”.

Sexual harassment at the workplace has increased in every part of the world and there is no exception to the Indian women. Experience has also shown that the notion of women being empowered as workers or otherwise, working towards any form of social change is still met with suspicion and doubt, making women more vulnerable to adverse reactions or remarks and in India there reveals a startling 98% prevalence of sexual harassment at the workplaces. The educated, modest, developed women from the organised sector and glamorous occupations hesitate to complain about the matter of sexual harassment because of anxiety, fear, disparity etc.

Sexual harassment at the workplace has become one of the “occupational hazards” which every workingwoman has to face. Despite the widespread nature of the problem towards the large number of workingwomen in India, no specific attempt has been made to tackle the problem. In both criminal and civil remedies as available in India the effect is only to initiate the proceeding. But the degree of proof is an uphill task to prove the sexual harassment issues in the court. Women in the unorganised

sector continuously confront and experience sexual harassment at the workplace not just by co-workers, but by employer and outsiders. But there is no shield to protect them. Even the Supreme Court guidelines have ignored the unorganised sector directly.

Regrettably there is still no tangible legislation to tackle the problem of sexual harassment in the workplace. Conversations on this topic, with a broad cross-section of the general workforce in various public and private organisations, disclose a disturbing reality. The majority displayed not only a reluctance to talk about sexual harassment, but also ignorance about the process for addressing the problem. There is no denying of the fact that sexual harassment exists outside as well within the workplace that it needs to be curbed and that women have been at the receiving end of varying shades of gender discrimination. Recent high-profile allegations and incidents of sexual harassment are examples of an entrenched problem.

Almost 90 percentage of the female labour force in India are comprised to unorganised sector. No workplace is free from the heinous crime of sexual harassment against women starting from doctor's clinics, private and public sector organisations, academic institution to judiciary etc. Sexual harassment takes on another hue. The women in the low status workplace, the daily labourers on the shop floor, the vendors and the workingwomen in the unorganised sector are the easy prey of sexual harassment because of their low status economic imperatives. The landmark judgement on sexual harassment at the work place is not a piece of legislation to check the sexual harassment from the work place. The women in unorganised sector are ignored in the guidelines. How the evil of sexual harassment could be checked in the workplace at the bottom level. The establishment of complaint committee is a farcical for that category of workplaces. In fact, a large number of women are still concentrated in the unorganised sectors, especially in the labour force. Sexual exploitation of the women workers belonging to the above category by the contractors or those who engage them on daily wage basis, is a serious problem. Usually in the fear of losing the job, loss of daily bread, prevent the women from doing anything. Restructuring of labour laws and employment contract laws as well as counselling and other extra-legal assistance are some means to arrive at some solution to this problem. Bhanwari Devi, for whom the guidelines passed purely, belonged to the unorganised sector. But in the guidelines the unorganised sector is bypassed. Paradoxically the Supreme Court guidelines have been made with an eye on the woman in unorganised sector.

The woman in India has not notwithstanding how they are described in the legends and scriptures, suffered for centuries. No single religion has spared her. There is a crying need to sensitise more and more people to the plight of the poor and neglected women, those who are victims of the cruelties of an often-heartless society, who are at present beyond the range of government mechanism and out of reach of nongovernmental initiatives". It is very difficult to find out a concrete reason behind the rapid growth of sexual harassment at the workplace. But the conclusion can be drawn with certain root causes after analysing the problem and its impact and necessities etc.

Undoubtedly the basic message of the guidelines has not reached near the working women. Implementation apart, it is more agonising is that the workingwomen are not aware about the guidelines. Even though the educated female employee found to be completely in dark about the guidelines. This is regretful and amazing to say that most of the workingwomen are ignorant about the existing Supreme Court guidelines for the protection of sexual harassment at the workplace. The survey conducted by this project reveals that more than 80% of workingwomen who are literate do not know about the Supreme Court guidelines. The situation of the illiterate women workers is inexpressible. They are totally ignorant about their basic rights available in this country. According to the survey conducted by NCW, majority of the respondents were not aware of the recent judgement given by the Supreme Court for specific protection of women from sexual harassment in work place. Few of them were aware that some laws are there to protect women against harassment. They were aware that they can seek the help of law if somebody harasses them. Amongst those who were aware of this law, majority of the respondents were of the opinion that the provisions for prevention and control of harassment given by Supreme Court are helpful in minimising or removing the evil against women. Lack of awareness is one of the major planks behind the proper implementation of the Supreme Court guidelines.

5.1. PROPER IMPLEMENTATION OF THE SUPREME COURT GUIDELINES

Till any law will be enacted the Supreme Court guidelines should be implemented properly in each and every workplace. It should be ensured about the establishment of effective complaint committee at all workplaces headed by women member and the committee should have more than fifty percent women members. A

record of complaints should be maintained and effective consequent action against members involved in harassment should be adopted.

5.2. NEED FOR PROTECTION OF WORKING WOMEN IN UNORGANISED SECTOR

The women workers from unorganised sector supposed to harass sexually more in number as compared to other women workers. The women from the unorganised sector are purely helpless and unable to protest themselves. There is no place for the protection of unorganised sector working women in the Supreme Court guidelines. Whereas recently it has been suggested by the cabinet to amend the Factories Act permitting the women workers during nightshifts. Where the occurrence of the above offence would be more. So the most essential requirement to prevent the evil of sexual harassment is to protect the women workers of unorganised sector.

5.3. GOVERNMENT INITIATIVES TO CREATE AWARENESS AMONG THE WORKINGWOMEN

Lack of awareness is one of the significant factors for the gravity of the problem. It can suggest creating awareness among women to acknowledge sexual harassment as a problem first through public discussions by social activists, organisations, policy makers. Support services should be providing for counselling, emotional support and legal assistance to the women. Training, education programmes should be conducted at Government level for smooth handling and processing of complaint mechanism. The rights awareness and usage measures should be made available to working women. Women should be educated to report all kinds of harassment without any fear and hindrances. The state and Central Welfare Board should offer the counselling training package for the creation of awareness among the working women.

Sexual harassment at the work place is a grave and extensive problem. Millions of women are faced with working environment being contaminated by sexual misconduct. Such conduct interferes with their job performance and their working relationships; it threatens their dignity, safety and health. There is no doubt that sexual harassment undermines the dignity of women; it also implies that their working environment is less conducive than that of men. Sexual harassment, as already submitted, can be described as an unwelcome conduct of sexual nature which might take form of quid pro quo harassment (something for something) or creation of a hostile

working environment. 'Quid pro quo', means looking for sexual favours or advances in exchange for work benefits and it occurs when consent to sexually overt behaviour or speech is made a condition for employment or refusal to comply with a 'request' is met with penalizing action such as dismissal, demotion or difficult work conditions. 'Hostile working environment' is more enveloping form of sexual harassment involving work conditions or behaviour that make the work environment 'hostile' for the woman to be in. Certain sexist remarks, display of pornography or sexist or obscene graffiti, physical contacts are some examples of creating a hostile work environment. Sexual harassment has been recognised as most threatening, most violating form of violence since long in countries like UK, USA and many countries have not only taken note of how degrading experiences of sexual harassment can be for women as well as employers but have adapted legislative measures to combat sexual harassment. We have seen that all the definitions provided under various legislations of various countries define sexual harassment reflecting quid pro quo and hostile environment principle. So it is clear that sexual harassment claims can either be based on quid pro quo principle or hostile working environment principle. All actions in sexual harassment cases cannot be based on discrimination. If a person harasses both male and female employees in a sexual way, it cannot be contended that such an act is discriminatory. It may however be possible to contend that he is creating hostile working environment.

Few provisions under IPC can be construed as dealing with Sexual harassment of women at the workplace namely Section 209, 354 and section 509. Above provisions of the criminal law of our country make gestures or acts intended to insult the modesty of a woman or acts which intrude upon her privacy a crime. But because of the complexities of the procedural laws and the type of proof that is required, make it very difficult to get the accused punished. Thus, it can be said that the Indian Criminal law is not adequately capable of providing specific protection for women from sexual harassment in work place. As for a specific legislation dealing with sexual harassment, it is fervently hoped that Protection of Women against Sexual Harassment at Workplace Bill, 2007 would soon culminate into an Act. This bill contains 22 sections in all. Bill provides for an elaborate definition of sexual harassment including both quid pro quo and hostile working environment categories of harassment. It contains a mechanism of setting up complaint committees much on *Vishaka*'s guidelines. Apart from constitution of an internal complaints committee, the bill contains a provision for a local complaints

committee as well where it is not possible or practicable to constitute an internal complaints committee at the workplace, or where the complaint is against the employer himself, the District Officer may, constitute at every Block, a Local Complaints Committee. However it is submitted that the bill suffers from serious shortcomings. Firstly the definition of aggrieved women under the bill covers only the employer-employee relationship thus it does not cover all the working relationships, secondly the penalty for non constitution of an internal complaints committee is mere Rs.10,000/- which is a meagre amount and would be no deterrent at all. If these shortcomings are not removed, the Bill would turn into a toothless piece of legislation. Whatever be the debate, the fact is that there is an urgent need of legislation in the area of sexual harassment. The present situation of having to file a contempt of court petition in case of violations of the law declared in the *Vishakajudgment* is not a workable and viable solution. Civil law in field of sexual harassment would go a long way in making a gender sensitised environment.

In India, the law specifically related to sexual harassment has been laid down by the Apex court in the landmark judgement of *Vishaka and others v. State of Rajasthan*¹ and others in 1997. Supreme Court in the above judgement played a very constructive role and laid down the law to cater to the pressing and felt need of the society. The public interest petition in the *Vishakacase* was filed to enforce the fundamental right of working women to life and liberty, to equality, and to practise any profession or carry out any trade or business. The judgment clearly holds that instances of sexual harassment in the workplace are a violation of the fundamental rights to equality, right to practise any profession or carry out any trade or business, the right to life and liberty, of the Constitution. In addition, the court referred to the right against discrimination on grounds of religion, race, caste, sex or place of birth, the directive principle to secure just and humane conditions of work, and the fundamental duty to renounce practices derogatory to women. In an attempt at creating a mechanism to deal with sexual harassment, the judgment adverts to Article 51 which enjoins the State to foster respect for international law and treaty obligations, and Article which gives power to Parliament to make laws to implement international treaties, agreements or conventions. The court refers to provisions and has tried to fill in the gap left by the legislature. It defined the term ‘sexual harassment’ in detail. *Vishakaguidelines* apply to both organized and unorganized work sectors and to all women whether working part

time, on contract or in voluntary / honorary capacity. The guidelines are a broad framework which put a lot of weight on prevention and within which all suitable preventive measures can be adopted. It was of the opinion that the employer or other responsible persons or the institutions shall be responsible for these acts. The Court also provided certain preventive steps. It provided that the employers should notify, publish and circulate appropriate steps to prevent sexual harassment and one of the primary steps is to declare that such harassment is prohibited. Appropriate penalties are to be prescribed for the violation of rules regarding sexual harassment. The Industrial Employment (Standing Orders) Act, 1946 should be so amended as to include such rules and regulations prohibiting sexual harassment. This would enable the private employers to take necessary steps against the erring employee. Sexual harassment, to a certain extent, is a by-product of undesirable workplace or work atmosphere. Hence the employer should provide a work atmosphere that would help improving health and hygiene and a hostile environment should be avoided at any cost. An employer should take initiative in taking appropriate action against an erring employee, under the existing criminal statutes. A very significant prescription by the Court is that the employer should ensure that the victim of sexual harassment does not suffer from any discriminatory treatment. The victim shall have the right to get herself transferred or to get the perpetrator transferred. The Court also observed that the employer should initiate disciplinary action against the perpetrator of harassment under the service rules. One very important preventive measure is to adopt a sexual harassment policy, which expressly prohibits sexual harassment at work place and provides effective grievance procedure, which has provisions clearly laid down for prevention and for training the personnel at all levels of employment. The Apex Court also emphasized on a suitable complaint mechanism. A complaint committee headed by a woman was suggested. It was laid down that Employees/workers should have the right to raise such issues in the employer-employee meetings. Awareness should be created in employees about their rights. It provided for publication of guidelines in this regard. It emphasised that the employer or the person in charge should have the right to initiate action even against an outsider if the latter indulges in acts of sexual harassment against an employee. Finally, the Court also asked the Centre/State Governments to initiate suitable measures including legislation to prevent sexual harassment.

5.4 FINDINGS OF THE STUDY

Demographic Profile

1. Majority of the respondents belonged to 30-35 years of age
2. 33.3% of the respondents were graduates
3. Majority 68.9% of them were married and 68% of them belonged to nuclear families
4. Majority 41.3% of the respondents had no children
5. 65% of the total respondent's family income was 25,001 and above followed by 39% of the total respondent's personal income was 20,000 and above
6. There were 2 earning members in the families of 56.5% of the respondents
7. Most of the respondents i.e. 34.0% of them had only one dependent family member
8. Maximum of the respondents i.e. 83.8% agreed that they were working with their family member at the same place
9. Most of them i.e. 61.8% of the total respondents worked in city
10. 55.5% of the respondents were residents of city followed by 77.5% respondents stayed at their homes and majority 63.3% of the respondents were locals
11. Most of the respondents i.e. 81.0% were Hindu and 43% of the total respondents belonged to General, category
12. 56.8% i.e. the maximum of the respondents worked for 1-5 years and Most of the respondents i.e. 45.8% worked in the current organization for 1-5 years
13. 66.0% of the total respondents worked in an organized sector and majority 21.8% of the respondents worked in Government departments
14. 68.8% of the respondents were full time workers and 45% of them were permanent job holders
15. 53.3% of the respondents experienced mixed workplace environment and 77.0% of the respondents, male co-worker were the immediate supervisors.
16. The working hours of 66.0% of the respondents was between 4 hours to 8 hours a day and majority 82.3% of the respondents, was morning shift

17. 58.8% said that the reason behind their working was to support their families.
18. Majority 82.0% of the total respondents said that they had toilet facilities at their workplaces and 74.5% of the respondents agreed that they had separate toilet facilities for men and women.

5.5 TESTING OF HYPOTHESIS

As the study has targeted to understand and learn about nature, scope, prevalence and impact of sexual harassment, types of sexual harassment, policies and guidelines present in the organisation this section of the chapter discusses about the achievements of objectives of study. Researcher also assumed some tentative statements whose fulfilments are discussed below.

Hypothesis 1: Types of sexual harassment mediated through harasser's profile and prevalence of sexual harassment significantly impacts Victim's reaction to sexual harassment

The above-mentioned hypothesis is analysed in two sections by using correlation tool. From the data it is evident that types of sexual harassment have significant impact on reactions of victims to sexual harassment and also, prevalence of harassment has high significant impact of reactions of victims to sexual harassment. Therefore, the hypothesis is accepted.

Hypothesis2: Support provided by Organisation, Co-workers and family significantly impacts Victim's reaction to sexual harassment

The above said hypothesis was tested with correlation to check the degree of association between the moral support from co-workers and reaction of victims to sexual harassment. From the results it is revealed that reactions of victims to sexual harassment are highly dependent on support from co-workers, family and organisation. Therefore, the hypothesis proposed is accepted.

Hypothesis 3: Victim's reaction to sexual harassment significantly physically, professionally, psychologically, and personally affects the victims

The association between two mentioned variables in hypothesis are tested with correlation. The test indicated that the reactions of victims to sexual harassment are highly dependent on professional life, personal life, psychological health, and physical health of the victims. Therefore, the said hypothesis is accepted.

Hypothesis4: Physical, Professional, Psychological and Person effects on victims mediates the relationship between Victim's reaction to sexual harassment and the Quality of victim's life

The data when analysed using correlation test, it is revealed that there is a significant negative relationship with quality of life and reactions to sexual harassment. Meaning, quality of life of the victims has decreased as the reactions, professional, personal, psychological and physical impacts which mediate the relationship between victim's reaction and their quality of life, increases. Hence, the hypothesis mentioned is accepted.

5.6 SUGGESTIONS

Sexual Harassment of women at workplace is a serious menace which needs to be eradicated from the workplaces so that women will feel free and focuses on the work productivity. The Researcher discussed all the relevant issues regarding the concept of Sexual Harassment, its meaning, constitutional framework, legislative framework, recent judicial trends, and preventive policies regarding the same. After having a thorough reading to all these things, the researcher came out with some valuable suggestions.

Following suggestions can be useful in combating sexual harassment of women at workplace in India-

5.6.1 Need for a Legislation on Sexual Harassment -The first and foremost suggestion is that a legislation to prevent sexual harassment of women at work place should be brought in place. The legislation must include all forms of working relationships moreover it should employ stringent punishments for all the organisations that do not provide for proper mechanism of complaints channel. The aim of the legislation must be to create gender sensitized environment.

However legislation alone cannot achieve much. Sexual harassment is all about expression of male power over women that sustain patriarchal relations. It is used to remind women of their susceptibility and dominated status. In a society where violence against women, both understated and direct, is borne out of the patriarchal values operating in society, force women's compliance to gendered roles. These patriarchal values and attitudes of both men and women pose the greatest challenge in resolution and prevention of sexual harassment. Patriarchal attitudes and values are the biggest

challenge in implementation of any law concerning women in our society. Fighting and combating these attitudes of men, women and the personnel responsible for implementation of laws and systems is most crucial in prevention of unwanted sexual behaviour. Preventing and avoiding sexual harassment involves cooperation of all levels of persons in any organisation- employer's employees, colleagues, management and bodies like trade unions. Combating sexual harassment involves developing understanding of what is sexual harassment and change of attitudes in all- be it employer ,employees, colleagues, friends, administrators, employers or the law makers.

A policy or a procedure designed to deal with complaints of sexual harassment should be regarded as only one component of a strategy to deal with the problem. The prime objective should be to change behaviour and attitudes, to seek to ensure the prevention of sexual harassment.

5.6.2 Role and Responsibilities of an Employer - Employers play the most important role in fighting with sexual harassment at the work place. Employers have to understand that as an employer it is their legal responsibility to provide safe working environment for women free from sexual harassment and discrimination and that they can be held liable for sexual harassment by employees.

- Far reaching consequences of sexual harassment must be known to the employers, that sexual harassment can have a devastating effect upon the health, confidence, morale and performance of those affected by it. The unease and stress produced by sexual harassment commonly leads to those subjected to it taking time off work due to sickness, being less efficient at work, or leaving their job to seek work elsewhere.
- Employers must understand that an absence of complaints about sexual harassment does not necessarily mean an absence of sexual harassment. It might also mean that employees have no faith in the complaint system of the organisation or they may even fear reprisals or they feel that their complaints may be trivialised or ridiculed
- Employers must recognise the tangible and intangible expenses and losses organisations experience which may involve costly investigation and litigation, negative exposure and publicity, increased absenteeism, lowered employee

morale, reduced productivity, decreased efficiency, higher employee turnover, tarnishing of public image of the firm etc

- Focus has to be put on responsibilities of an employer to combat these problems. Government must make employers aware of the *Vishaka* judgement. Similarly, all the employees must be made aware of the above judgement. There must be regular newspaper features, radio shows, television shows, workshops, and seminars, discussions, and help groups etc at small and large levels to make employers sensitive towards need of the women workforce. The best way to prevent sexual harassment is to adopt a ‘Comprehensive Sexual Harassment Policy’.
- The aim is to ensure a sexual harassment free environment and in cases, where sexual harassment does occur, it must be ensured that adequate procedures are readily available to deal with the problem and prevent its recurrence (Neeta Raymond, 2003).

5.6.3 Policy Pertaining to Sexual Harassment – It is a must for every workplace to have an effective policy to fight sexual harassment to combat this menace.

- a. **Adopting a Policy** - A basic policy should set forth an express commitment to eradicate and prevent sexual harassment and express prohibition of sexual harassment. It must include -
 - A proper definition of sexual harassment including both quid pro quo and hostile work environment giving examples, cases etc.
 - A clear and unambiguous explanation of actions which could be taken or penalties (including termination) the employer will impose for substantiated sexual harassment conduct.
 - A comprehensive outline of the grievance procedure the aggrieved employees should use.
 - A lucid understanding and strict rules regarding harassment of or by third parties like clients, customers etc.
 - A ready list of persons available for support and consultation; and an express commitment to keep all sexual harassment complaints and procedures confidential and time bound.

- Provisions for training of employees at all levels.
 - Protection against retaliation to complainants, witnesses, Complaints Committee members and other employees involved in prevention and complaints resolution.
 - Policies and procedures should be adopted after consultation and negotiation with employees' representatives. Strategies to create and maintain a working environment, in which the dignity of employees is respected, are most likely to be effective where they are jointly agreed.
- b. Policy Must be Communicated** - An effective communication of the 'Anti Sexual Harassment Policy' is as important as making of the policy. The policy, in addition to the Vishaka judgement, must be made known to all the employees either through the employee handbook or in memo form or with pay packets or with appointment letters. Employees must acknowledge that they have received and read the policy. The policy can also be displayed at the notice boards or some other places of prominence in the workplace. The policy must be discussed with all new employees. It must be ensured that third-party such as suppliers and customers are aware of the Sexual Harassment Policy. The Policy must be reviewed with the employees on a regular basis and must be made a necessary part of all training curriculums.
- c. Enforcement of the Policy** – The 'Anti Sexual Harassment Policy' has to be properly enforced. The complaints regarding sexual harassment must be immediately attended to. Thorough investigation must be made and accurate records must be maintained. Confidentiality of the complainant and time bound treatment of the complaints must be ensured. It becomes important to keep the name of complainant confidential to make sure that no retaliatory action is taken against her. If after a thorough investigation it is found out that a false complaint is made, strict action must be taken against the complainant to ensure that policies made for protection of women employees are not misused by them for personal gains.
- d. Complaint Channel** - A proper Complaint Channel must provide different routes that women employees can take to file complaints; i.e., contacting the responsible authority for sexual harassment, a supervisor, calling a helpline,

complaining through email, fax etc. A policy is useless unless people use it, and it is only a small fraction of employees that ever say or do anything about harassing behaviour. Informal methods of resolving complaints have to be focussed on. They must be part of the complaints resolution mechanism as the objective is to end the harassing behaviour at the lowest possible. Many complaints can be resolved successfully and positively through informal methods. Informal options prevent the office environment getting uncomfortable for all, if employees can be advised as to how to handle the situation before it gets out of hand. Platforms to resolve complaints or to stop harassing behaviour must be provided before the complaints escalate into full-blown, formal complaints. The Supreme Court guidelines impose an obligation on the employer to set up a Complaints Committee to deal with the cases of sexual harassment. Such a committee should be headed by a woman, have half its members as women; include a third-party representative from an NGO or any other agency conversant with the issue of sexual harassment (to prevent undue pressure from within the organization with respect to any complaint). A third party representation is a must as many a time it is the employer only who has subjected the victim to the harassment.

- Formalise and publicise complaint procedures that are easy and non-threatening.
- Provide safety for friends and supporters of the complainant.
- Appoint complaints officers-one man and one woman- to serve as the first point of contact.
- Complaint officers should be members of the Committee. One of them should be the outside expert.
- Complaint Officers should have the authority to resolve the issue without the committee's intervention. If unresolved to the complainant's satisfaction, the complaint should go to the Committee.
- Use a cheerful, comfortable, airy room for meeting the complainant.
- Ensure that your body language communicates complete attention to the complainant and the accused.

- Treat the complainant with respect.
- Discard pre-determined notions of how a victim or accused should look or behave. Beware of stereotypes.
- All sexual crimes are committed in private, so there may not be any eyewitnesses. This is an important point that the Committee would do well to remember at all the times.
- Consult the complainant for punitive action.
- If the management does not accept the recommended action, it should give cogent and valid reasons.
- Help the complainant regain his/her self-respect.
- Do not, under any circumstance, get aggressive
- Do not insist on a detailed description of harassment. This could increase the complainant's trauma.
- Do not allow for interruptions when talking to the complainant and/or accused.
- Do not try and determine the impact of the harassment on the complainant. Let the complainant determine it. Help the complainant, if necessary.
- Do not discuss the complaint in the presence of the complainant or the accused.
- Remember, this is a human rights issue, therefore, (a) do not give too much weight age to intention, focus on the impact, and (b) 'proof beyond reasonable doubt' is not required, a strong probability is sufficient (Neeta Raymond,2003)

Employees training programs apart from regular job training must also include discussions on Anti Sexual Harassment Policy. Gender sensitization modules should be incorporated in the training programs. The idea is to create a gender sensitized environment. Employees must be made aware on how to tackle any incident of sexual harassment. It must be ensured that their complaints would be paid due attention to.

Training programs are a must for people belonging to the Complaints Committee as well to better equip them in handling complaints of sexual harassment and to carry on investigations and maintaining accurate records. There must be all round awareness in the organisation that sexual harassment won't be accepted. Periodical

meetings must be conducted between the employers and the Complaint Committee to review and improve the policies and procedures adopted for fighting sexual harassment.

5.6.4 Steps to be Taken by Employees - Most women themselves fail to recognise sexual harassment and treat it as trivial and routine. Such has been the internal coping mechanism, that ignoring offensive behaviour or denying its existence are the most common ways women deal with sexual harassment.

a. Steps to be taken -Martha Lengelan provide a list of very effective steps to combat sexual harassment.

- “Do the unexpected: Name the behaviour. Whatever he's just done, say it, and be specific.
- Hold the harasser accountable for his actions. Don't make excuses for him; don't pretend it didn't really happen. Take charge of the encounter and let people know what he did. Privacy protects harassers, but visibility undermines them.
- Make honest, direct statements. Speak the truth (no threats, no insults, no obscenities, no appeasing verbal fluff and padding). Be serious, straightforward, and blunt.
- Demand that the harassment stops.
- Make it clear that all women have the right to be free from sexual harassment. Objecting to harassment is a matter of principle.
- Stick to your own agenda. Don't respond to the harasser's excuses or diversionary tactics.
- His behaviour is the issue. Say what you have to say, and repeat it if he persists.
- Reinforce your statements with strong, self-respecting body language: eye contact, head up, shoulders back, a strong, serious stance. Don't smile. Timid, submissive body language will undermine your message.
- Respond at the appropriate level. Use a combined verbal and physical response to physical harassment.
- End the interaction on your own terms, with a strong closing statement: 'You heard me. Stop harassing women'.”

- b. Speaking Out** - The most effective tool in combating sexual harassment is speaking about it. By doing this, the problem becomes visible, it is acknowledged that it exists, and this in turn leads one to take effective measures against it. It helps in changing attitudes of people towards this issue. Speaking about it creates an enabling environment for the victim to speak out. It mobilises public opinion against it. It makes it difficult for a potential harasser to commit the crime. It equips people with information as to what is to be done in such a case. A ‘no’ said clearly, firmly is the best way to let the harasser know that his behaviour is offensive. Objecting to the behaviour when it occurs helps an employee if she decides to file charges later. Saying an emphatic, ‘no’ when one is asked to go places, do things, respond to questions, or engage in situations that make one fear possible incidence of sexual harassment can really help. One should not worry about offending the other person or hurting his or her ego. Being quiet or stoic about sexual harassment lets it continue. One must talk to other co-workers. A woman must not blame herself for such harassment and should not delay in making complaints or taking actions. The harassed women must report sexual harassment to the appropriate person in the organization.
- c. Keeping Records** - Proper record must be maintained by a woman of the incident of sexual harassment. Instead of getting nervous and feel helpless she must make a track of time, place and date of incident. This record can be very helpful in the event of her making complaint.
- d. Taking Help of the Union** - Trade or labour unions can play a very constructive role in fighting with sexual harassment. If a woman is a member of a union, she must talk to the union representative about the happened or feared incident of sexual harassment.
- e. Helping in Formulation of the Policy** - The women must approach the employer and push for a redress mechanism / sexual harassment policy, if there is not one in place already. If the organisation does not have a policy, women working there must ensure that the employer formulates an Anti-Sexual Harassment Policy and carries out all the connected tasks. Even if there is a mechanism in place, it must be ensured that it complies with the Supreme Court guidelines. A non-government organisation working on the issue can be

contacted to organise an awareness/training programme at the workplace to help create a policy for the workplace.

5.6.5 Suggestions to the Public

- Public must develop an awareness against the crime of sexual harassment.
- Public must also be aware about the laws put forth against the crime of sexual harassment.
- Public should never stigmatize the victims.
- They should help the victims cope up with the victimization and lead a normal life.
- Acceptance in no form should be given to the criminals or the harassers.
- Public should join hands for the eradication of sexual harassment to create a healthy societal and work place environment.

5.6.6 Suggestions to the Law Makers and Government

- Laws against sexual harassment should be made severe.
- It should be seen that the law is carried out flawlessly.
- It should also be seen that the harassers are punished without fail.
- Awareness about the existing laws against sexual harassment must be popularized so that even the common people have the courage to seek the help of law.
- The punishments against the harassers should be made severe so that no one dares to sexually harass a woman.
- Recognitions and rewards can be given to the victims or any public person who fights effectively against the harassment

5.6.7 Suggestions to the Victims

- The victim must develop the courage to act against being victimized.
- The victim must complain any form of unwanted sexual interference to the management.
- The workers must join together to form a union so that they can jointly fight for their safety.

- The victim must remove any feelings of being demoralized or used.
- Victims are suggested to practice Positive Therapy at least once a day for effective coping.
- Victims must have the courage to fight till the end till they get justice.
- Victims must develop knowledge about the laws prevailing in favour of the victims of crime.
- Once victimized, they should be willing enough to create awareness among their co-workers to avoid further victimization.

5.7 SUGGESTIONS FOR FURTHER IMPROVEMENTS

- Clear policies and complaint procedures should be developed and maintained by the employer.
- The committee should consist of non-managerial members on whom the victims can trust.
- The committee should work on an independent way and should have the rights to take action.
- There should be a counselling psychologist in the campus at the disposal of the workers so that they can open up at any time.
- The company's attitudes should be transparent to the workers and they should have trust in their employer.
- The employer should strictly follow the proceedings of the complaint committee.
- The harasser must be punished severely so that others get a warning against the crime.
- The employer must conduct workshops against the sexual harassment so that, everyone gets awareness about the severity and the evil nature of the harassment.

5.8 SUGGESTIONS TO THE OTHER RESEARCHERS

- The study time can be extended to make sure that the effectiveness of the therapy is confirmed.

- The sample can be extended to include victims from various fields so that the validity of the research is maintained.
- Regular and periodic follow ups can be arranged with the victims to check how well they cope up and also to avoid relapse.
- Study area should be broadened to include many more variables and problems faced by the victims of sexual harassment to add value to the research.

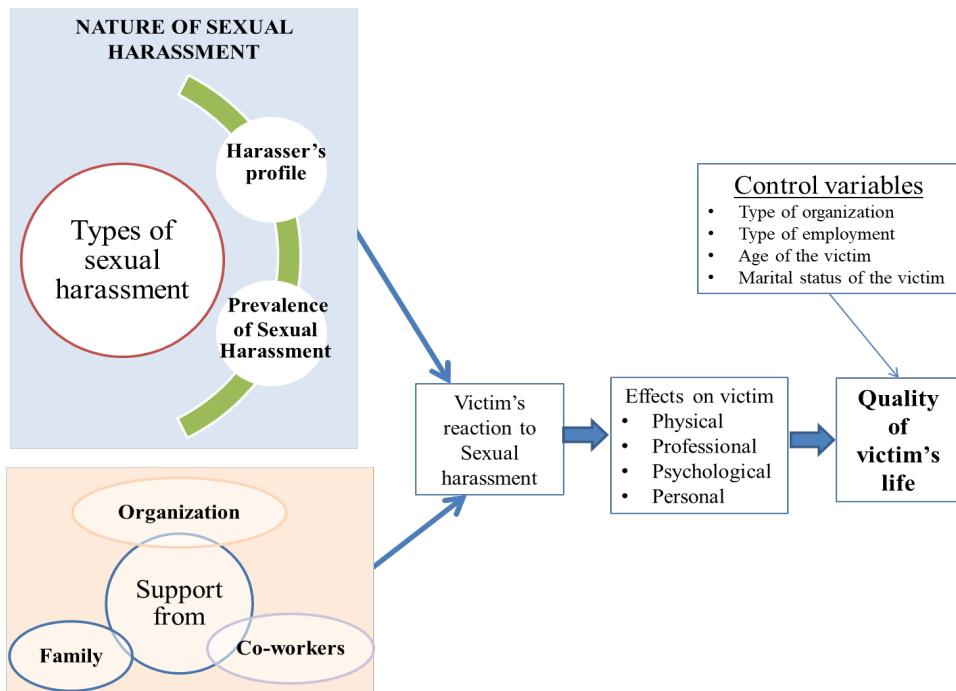
5.9 LIMITATIONS OF THE STUDY

The difficulties encountered at the time of data collection by the researcher are as follows

1. It was very difficult to get impartial response as majority of the respondents were threatened to disclose their personal and emotional opinion
2. Group interaction was not feasible due to busy schedules
3. The cases on sexual harassment were kept confidential by the institutes due to which approaching the victim was a tedious task.
4. Permission to visit the victims through proper channel was needed which was sometimes difficult for the researcher to get.
5. As this is a sensational issue to be discussed most of the respondents initially did not open up as they thought if they share their experiences it may create a taboo against them in their working place.
6. Interviewing the respondents personally was sometimes not entertained by the authorities or the respondents' themselves.

Despite of all these limitations researcher has tried to get the maximum data from the related resources.

A Model for Quality of Life for Sexually Harassed at Workplaces



5.10 CONCLUSION

Sexual Harassment is a serious threat to healthy working environment. It has been practiced since the advent of waged labour; however, it has only been in recent years that women have had a name of their experiences of it. Sexual Harassment cannot be termed as a new phenomenon but definitely, fast changing workplace equations have brought this dark underground reality to the surface. India is no exception to the same but this issue has become ubiquitous in every part of the world.

More or Less, it covers every part of the world within its shackles. Because of the silence surrounding the issue, it is not often discussed, but its presence can be felt in almost every workplace where women have entered. In other words, we can say that no sector remains untouched by this problem.

After having a thorough study of the concept of sexual harassment of women in India, the researcher wants to conclude that this issue is a very sensitive one. It is not what most people commonly tend to think of it like verbal comments, inappropriate touching or sexual assault. It has various forms and ways; and with new technological era, its varied forms also came into existence. It may also include indecent proposals, writings or display of sexually graphic pictures, SMS or MMS, comments about one's dressing sense, body or behaviour, derogatory looks or any other inappropriate conduct.

The issue of sexual harassment needs assessment, understanding, sensitivity and commitment from all spheres but mostly from the senior managerial authority as their commitment and action can achieve the aim of prevention and effective resolution of sexual harassment at workplace and also a gender neutral, discrimination free workplace which helps the employees to perform their work efficiently and with due attention. After analysis of the daily reports in mass media, it becomes quite clear that Sexual Harassment at Workplace has metamorphosed into a social malaise. The rise in such incidences may be attributed to increased participation of women in almost every field or profession, which were monopolized by men only. This has lead to generating and spreading virus of Sexual Harassment at Workplaces. One of the reasons of Sexual Harassment may be the reason that women are considered to be the inferior sex. Men can exploit women with impunity, in the workplace and outside. The workplace is just another sphere of male domination and another arena, like marriage, where men can exert their power over women. Sexual Harassment is also a cause; its occurrence helps to maintain gender stratification by emphasizing sex role expectation (asserting the women's sex role over her work role). Sexual Harassment is a reminder to women of their status as sex objects, even at work. Feminists place Sexual Harassment parallel to rape or analogous to rape, in fact, they call Sexual Harassment as executive's alternative to rape.

5.10.1 Individual Level

Speaking out about being harassed is an effective tool in preventing sexual harassment. Speaking about the problem provides a chance to bring the issue to light and address it appropriately by providing precautionary and preventive measures.

5.10.2 Family Level

Since family is the primary socialization group, it is the place where the child learns and grows. The child who grows with good values maintains that values throughout life by giving respect to all and do not indulge in illegal behaviours. On the contrary a child who grows with an aggressive attitude involves in violence. Therefore, the socialization process in the family should be strong and parents should teach regarding the respect to be given to female child so that this may in turn reduces the sexual violence.

5.10.3 Organizational Level

- Working women should be informed about the best ways of coping with aggression by means of guidelines.
- Should communicate the policy regarding sexual harassment to all employees
- Managers and supervisors should understand their responsibility in providing harassment free work environment to the working women
- Should ensure that all working women understand the policy and procedures for dealing with harassment.
- Should discipline the employees who harass other employee.
- Take action to eliminate discriminatory jokes and comments at work site
- Sexual harassment training should be organized every two years. It is not enough for an employer to organize sexual harassment training just once for a new employee but should be conducted throughout an employee's tenure.
- The employer should clearly instruct the employee regarding the types of conduct that is prohibited.
- The organization should assign representatives of both genders for employees to report complaints. This is recommended because a female employee may not be comfortable in reporting the sexual harassment to male.
- Women who do not report sexual harassment due to fear of retaliation should be informed that they will not face consequences for coming forward and the issue would be maintained with utmost secret.

5.10.4 Government Level

The statistical data related to sexual harassment at work place is not clearly available. It is therefore recommended that the government should collect the data under separate head and the responsibility of collection, processing and presentation of data be assigned to the National Sample Survey organizations.

5.10.5 Non-Government Organization

NGO's as service providers can provide their support in identifying the problem of sexual harassment in the work place by conducting survey among the working

women. These NGO's can further address the problem to the government in framing more strong policies and laws.

Sexuality at the workplace is a unseen menace. Sexuality has probably always been present at work, although it has been practically invisible. Presumably, in the past, people thought such activities were relatively infrequent and, when they did occur, had only minor repercussions both for individuals involved and for the organisation where they worked. In the male dominated world of work, the women are viewed as sexual. Her presence elicits the expression of sexuality. The issue of sexuality in the workplace became visible and was brought to public attention in the form of sexual harassment. Sexual harassment at the workplace is a severe and pervasive problem that takes an enormous toll on the physical and mental well-being of victims. Not only does such harassment have a direct effect on the working conditions and emotional health of the victim, it also undermines work performance. Thus, conduct that constitutes sexual harassment may create a health and safety problem.

Sexual harassment can be said to be an unwanted conduct of a sexual nature, which can take form of either quid pro quo harassment (something for something or something in return) or hostile working environment. In quid pro quo harassment generally, a job-related condition like promotion, transfer, confirmation etc is made conditional on the assent of the concerned women for fulfilment of a sexual favour. Unlike this direct kind of harassment, creation of a hostile working environment is more prevalent from of harassment, it relates to a situation where no direct sexual favour is asked or hinted but hostile work environment is created by various things like, display of obscene graffiti or passing of sexual innuendoes, jokes or comments or physical touches etc.

Sexual harassment is a recurring problem around the globe. It is an action that is not favoured, not accepted and it is done without the consent of the receiver; an action that can be in the form of verbal, non-verbal, visual or physical (Tengku Omar & Maimunal, 2000). In simple terms, it is a sexually-oriented conduct that may endanger the victim's job, negatively affects the victim's job performance and undermines the victim's personal dignity by creating a hostile work environment. Though the definition of sexual harassment is clear and much research work has been performed, yet in the absence of rigorous qualitative and longitudinal designs, the dynamics of gender, power and harassment remain poorly understood (McLaughlin, Uggen& Blackstone, 2012) to

reduce the risks of sexual harassment it is essential to first understand the nature of the problem and its causes. As men are generally the perpetrators, it is hoped that an insight into background, thoughts, feelings, perceptions and attitude would help understand why this phenomenon does exist. Thus, complex models which focus on interaction of multiple factors are needed to understand the concept of sexual harassment. Hence, to conclude we can say that the ability to truly understand sexual harassment lies in understanding how different variables interact with one another to produce different types of sexual harassment at workplace.