

Harassment of Women at Workplace

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ABSTRACT

Harassment covers a wide range of behaviours of an offensive nature. It is commonly understood as behaviour intended to disturb or upset, and it is characteristically repetitive. In the legal sense, it is intentional behaviour which is very threatening. Sexual harassment refers to persistent and unwanted sexual advances, typically at the workplace, where the consequences of refusing are potentially very disadvantageous to the victims. Sexual Harassment. Women in the Indian society has been considered as the inferior to a man from ancient times. Because of this inferiority, they face many problems in their life. They have to do a lot of struggle to prove themselves equivalent to men.

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INTRODUCTION

A woman is the companion of man gifted with equal mental capacities. She has the right to participate in the minutest details of the activities of man, and she has the same right of freedom and liberty as he... By sheer force of a vicious custom, even the most ignorant and worthless men have been enjoying a superiority over women which they do not deserve and ought not to have. Mahatma Gandhi Women in the workforce earning wages or salary are part of a modern phenomenon, one that developed at the same time as the growth of paid employment for men, but women have been challenged by inequality in the workforce. In India working women still continue to face challenges even in the modern age of 21st century.

Sexual harassment and the absence of a secure working environment for women continue to remain a challenge in most parts of the country¹. Indian women have always been considered to be a downtrodden section of the society. Men have always treated women like dirt under one's feet². A woman is seen in the society with more intense and ridiculous sight, it becomes at a higher level risk of honour killing if she is involved in the love marriage or inter-caste love marriage. Women face a lot of challenges because of the patriarchal society, childbearing and take care of family, deep-rooted cultural norms, etc. in the Indian society. The women do not get the equal rights to do anything outside the home, social freedom, etc. than men. Some of the problems faced by the women are because of their domestic responsibilities, cultural and social specified roles, etc³.

Problems of working women

Working women face many problems at the workplace just by virtue of their being women. A modern day woman struggles to strike a balance between working and family life, often sacrificing the latter to succeed and gain status within a company and society. They are not only faced with these problems but also get paid significantly less than their male co-workers, too.

Here are the most common problems for women still lurking in today's workplace:

Acceptance As Working Professionals

Most Indian men are yet to come to terms with the fact that women are also capable of working with them, shoulder to

shoulder, in any field or professional sphere. They still visualize women as individuals who should be in charge of the kitchen and other domestic affairs. Work is either seen as a temporary evil for women whose husbands do not earn enough, or the domain of women who do not "know their place." As a result, Indian working women do not get the respect they require from their male colleagues in the workplace.

Safety of Working Women

The "nosey questions factor" aside, there is still the concern for safety of working women who need to travel on official business. Women travelling out of their home city for work trips are considered vulnerable and an easy target to fulfill the lewd intentions of their chauvinist male colleagues. Checking into a hotel alone is one of the problems faced by working women, even if the trip is purely official. Many hotels refuse to allot a room to a single woman (under strange pretexts) because of their own safety concerns or if a woman decides to stay alone, she is viewed with suspicion.

Unequal Pay

One of the raging topics of discussion in the context of problems faced by working women (not only in India, but also in many other nations) is that of equal pay. Legally, a woman is entitled to get the same salary as their male colleagues for the same kind of work done by them. However, gender discrimination is rampant as many companies still do not adhere to these guidelines and pay women less than their male colleagues⁴. "Equality is a basic feature of the Constitution of India and any treatment of

equals unequally or unequals as equal will be violation of basis structure of the Constitution of India. The directive principle under article 39(d) of the Constitution proclaims "equal pay for equal work" for both men and women⁵. In *Randhir Singh v Union of India*, the Supreme Court held that "equal pay for equal work" is not a fundamental right but certainly is a constitutional goal and is capable of enforcement through constitutional remedies under article 32 of the Constitution⁶. In *Jeet Singh v Municipal Corporation of Delhi* Supreme Court invalidating the differences of pay scales of drivers in Delhi Police Force and Administration and Central Government, the court has relied on article 39(d)⁷.

Man Oriented Society

No matter how high their position or designation is in the office, women in India are still viewed as the family manager back home. They are expected to return home at a certain time, cook, clean and take care of family affairs. In fact, men who help out around their house are often the butt of jokes by their male friends. This makes life extremely stressful for women who have little help around the house and have to do it all. In society men does not like any women working better than a man so he feels jealous when a woman's efficiency is better and she gets reputation in the society⁸.

ISLAMIC CONCEPT OF EQUALITY OF WORKING WOMEN

One crucial, unequivocal verse in the Qur'an lays the ground for the concept of equality between men and women: "The believers, men and women, are allies (awliya) of one another. They enjoin the 'common good' (al ma'ruf) and forbid the bad (al munkar), they observe prayers (salat) and give charitable alms (zakat) and obey God and his Prophet"; Qur'an, 9:71. Munkar refers to all that is rejected by all members of a given society; a set of morally unacceptable practices. In Qur'anic etymology it is considered as the antonym of ma'ruf or 'common good'⁹. In Islam men and women are given equal rights. A woman can help her husband in fulfilling the family needs. There are some hadith that tells that prophet uses to give responsibility of the inner works of house to his daughter Fatima and gave outside works to his son-in-law Imam Ali. Therefore the role of the women in assisting the family and also the society is so big that it cannot be under-estimated. Thus in Islam both men as well as women are encouraged to work. "That man will have nothing but what he strives for" (Necm, 53/39); "...Men will be rewarded according to their deeds and women will be rewarded according to their deeds. Rather implores God bestow upon you His bounty...." surah Nisa 4/32¹⁰.

HARASSMENT AT WORKPLACE

Workplace harassment is the belittling or threatening behavior directed at an individual worker or a group of workers. Recently, matters of workplace harassment have gained interest among practitioners and researchers as it is becoming one of the most sensitive areas of effective workplace management, because a significant source of work stress is associated with aggressive behaviors at workplace. In Asian countries, workplace harassment is one of the poorly attended issues by managers in organizations. However, it attracted lots of attention from researchers and governments since the 1980s. Under occupational health and safety laws around the world, workplace harassment and workplace bullying are identified as being core psychosocial hazards. Overbearing supervision, constant criticism, and blocking promotions are all considered workplace

harassment¹¹. Various types of harassments took place in workplace. Harassment of any kind is unlawful and also is a form of discrimination. As it is now a days one of the critical issues. Almost maximum women interviewed agrees to have experienced harassment¹². A national survey from nonprofit Stop Street Harassment reveals that harassment is a facet of life for the vast majority of women and nearly half of men. The organization asked whether people had experienced sexual harassment or abuse in a variety of spheres, including at home, in public spaces, on mass transit, in places of workshop, at school, work, and more. The study found "that nationwide, 81% of women and 43% of men reported experiencing some form of sexual harassment and/or assault in their lifetime," presenting "a broader range of behaviors in multiple locations over a longer time span," according to Holly Kearl, a founder of Stop Street Harassment and the study's principal author. Public spaces were reported most frequently as the location of respondents' first experience with sexual harassment. Overall, the top-three location where women reported sexual harassment were in a public space (66% of women respondents), at work — including temporary jobs and internships (38%), and at home (35%). For men, the most frequently reported locations were in public (19%), at school (14%), and for 13% of men, at work, home, and by phone or text.

"THE FACT BEHIND THE #METOO MOVEMENT" - STOP STREET HARASSMENT

As you'd expect, most of this went unreported, even to the extent (as anyone who has been catcalled or verbally singled out on the street would know) of victims inconveniencing themselves. "One in 10 women and one in 20 men said they tried to change their job assignments or quit their jobs to avoid harassment," The New York Times noted. "Only one in 10 women and one in 20 men filed an official complaint to an authority figure or the police about harassment." Although much of the discussion around #MeToo has centered on harassment that women face in the workplace (with good reason), this study indicates how pervasive an occurrence it is — practically a way of life. Rather than blaming people for not reporting their experiences, it is also important to take into account how different environments make doing so intimidating, and move forward together from there¹³.

Stress in the workplace

Stress in the workplace is a commonality throughout world in ever business. While some workplace stress is normal, excessive stress can interfere with your productivity and performance, impact your physical and emotional health, and affect your relationships and home life. It can even determine success or failure on the job. You can't control everything in your work environment, but that doesn't mean you're powerless, even when you're stuck in a difficult situation. Whatever your ambitions or work demands, there are steps you can take to protect yourself from the damaging effects of stress, improve your job satisfaction, and bolster your well-being in and out of the workplace. Stress isn't always bad. A little bit of stress can help you stay focused, energetic, and able to meet new challenges in the workplace. It's what keeps you on your toes during a presentation or alert to prevent accidents or costly mistakes. But in today's hectic world, the workplace too often seems like an emotional roller coaster. Long hours, tight deadlines, and ever-increasing demands can leave you feeling worried, drained, and overwhelmed. And when stress exceeds your

ability to cope, it stops being helpful and starts causing damage to your mind and body—as well as to your job satisfaction. If stress on the job is interfering with your work performance, health, or personal life, it's time to take action. No matter what you do for a living, or how stressful your job is, there are plenty of things you can do to reduce your overall stress levels and regain a sense of control at work¹⁴.

Sexual harassment at the workplace

Sexual harassment is unwelcome sexual behaviour, which could be expected to make a person feel offended, humiliated or intimidated. It can be physical, verbal or written.

Sexual harassment is not consensual interaction, flirtation or friendship. Sexual harassment is not behaviour that is mutually agreed upon. Sexual harassment at work is a form of unlawful sex discrimination. The law defines sexual harassment as, unwelcome verbal, visual, non-verbal or physical conduct of a sexual nature or based on someone's sex that is severe or pervasive and affects working conditions or creates a hostile work environment. Sexual harassment at workplace is a universal problem in the world whether it be a developed nation or a developing nation or an underdeveloped nation, atrocities and cruelties against women is common everywhere. The initiative on a discourse on sexual harassment of women at their workplace in india started with supreme court's vishaka guidelines in 1997. In 1997, in the landmark judgment of Vishaka and others v. State of Rajasthan, the Supreme Court of India defined sexual harassment at the workplace, pronounced preventive, prohibitory and redress measures, and gave directives towards a legislative mandate to the guidelines proposed.

Sexual Harassment includes many things:

1. Actual or attempted rape or sexual assault.
2. Unwanted deliberate touching, leaning over, cornering or pinching.
3. Unwanted sexual teasing, jokes, remarks or questions.
4. Whistling at someone.
5. Kissing sounds, howling and smacking lips.
6. Touching an employee's clothing, hair or body.
7. Touching or rubbing oneself sexually around another person.

Supreme Court passed a landmark judgment in the same Vishaka case laying down guidelines to be followed by establishments in dealing with complaints about sexual harassment. Vishaka Guidelines were stipulated by the Supreme Court of India, in Vishakha and others v State of Rajasthan case in 1997, regarding sexual harassment at workplace. The court stated that these guidelines were to be implemented until legislation is passed to deal with the issue. The court decided that the consideration of "International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein." rubbing oneself sexually around another person¹⁵. However, it was with the enactment of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' that helped in translating these guidelines into concrete rules that are to be implemented. But even today the issues of sexual harassment has largely been swept under the carpet in india¹⁶.

The Me Too movement (or #MeToo movement), with a large variety of local and international alternative names, is a movement against sexual harassment and sexual assault. The movement began to spread virally in October 2017 as a hashtag on social media in an attempt to demonstrate the widespread prevalence of sexual assault and harassment, especially in the workplace. It followed sexual-abuse allegations against Harvey Weinstein. Tarana Burke, an American social activist and community organizer, began using the phrase "Me Too" as early as 2006, and the phrase was later popularized by American actress Alyssa Milano, on Twitter in 2017. Milano encouraged victims of sexual harassment to tweet about it and "give people a sense of the magnitude of the problem". A number of high-profile posts and responses from American celebrities Gwyneth Paltrow, Ashley Judd, Jennifer Lawrence, and Uma Thurman, among others, soon followed¹⁷.

PROTECTION OF WOMEN UNDER CONSTITUTION OF INDIA

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. The preamble of the Indian Constitution seeks to secure to all its citizens including women justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status, and opportunity, and promote among the people of india fraternity assuring dignity of individual for all its citizens including women. The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard¹⁸. the makers of constitution were well aware about the subordinate and backward position of women in the society. Under article 42 of the Constitution the state is directed to provide maternity relief to female workers¹⁹. Whereas Article 51-A declares it as a fundamental duty of every Indian citizen to renounce practices derogatory to respect and dignity of women. Protection of human rights act has been passed by the Parliament of india for implementation of Article 51-A20. Various steps have been taken by the government for the women Empowerment in india. Sexual harassment clearly violates the fundamental rights of a women to Equality under Article 14[2] and Article 15[3], her right to life under Article 21[4], and her right to practice any profession and carry on any occupation, trade or business[5], which includes a Right to safe environment free from sexual harassment. Apart from

these, the 73rd and 74th Constitution (Amendment) Acts, provided for 33% reservation for women in both panchayat and Nagrpalika institutions as well as for tge positions of chairpersons of these bodies²¹.

IPC on Sexual Harassment-

In 2013, substantial changes were made in the way sexual harassment was viewed within the criminal justice system in India. The Criminal Law Amendment Act of 2013, which commenced on April 3, 2013, included Section 354A of the Indian Penal Code, 1860 that defined sexual harassment. The India Penal Code, 1860 has also defined the term sexual harassment and related offences and put forth punishments for the same: Section 354A- Sexual harassment is: unwelcome physical contact and advances, including unwanted and explicit sexual overtures, a demand or request for sexual favors, showing someone sexual images (pornography) without their consent, and making unwelcome sexual remarks. Punishment: Up to three years in prison, and a fine²².

In India until the Vishaka's judgment was given out, there was no law to govern this matter and the guidelines which came as an outcome of this case were derived from the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The Indian Constitution had grounded provisions in the form of fundamental rights. Before the Vishaka guidelines came into picture, the women had to take matter of Sexual Harassment at Workplace through lodging a complaint under Sec 354 and 509 of IPC²³.

The Sexual Harassment Act (Hereby called as an 'Act') was finally enacted in the year 2013 for the prevention of sexual harassment against women at workplace in the whole of India. The main objective of the act was protection of Women, prevention and redressal of sexual harassment complaints. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is a legislative act in India that seeks to protect women from sexual harassment at their place of work. It was passed by the Lok Sabha (the lower house of the Indian Parliament) on 3 September 2012. It was passed by the Rajya Sabha (the upper house of the Indian Parliament) on 26 February 2013. [1] The Bill got the assent of the President on 23 April 2013. [2] The Act came into force from 9 December 2013. [3] This statute superseded the Vishakha Guidelines for prevention of sexual harassment introduced by the Supreme Court of India. However these provisions have never been successfully invoked because of social taboos still associated with sexual harassment²⁴.

CONCLUSION

Women play variety of significant roles in our society from their birth till the end of life. Even after playing her all the roles and all the job timely in efficient manner in the modern society, she is weak because men are still strongest gender of the society. Even after lots of awareness programmes, rules and regulations in the society by the government, her life is more complicated than a man. Women are considered as the goddess in the Indian society from the ancient time however it is also true that they are not treated as goddess. They are being ill-treated for many years and used just as things to fulfil the wishes of men. Considering them as goddess is not enough to give them full women empowerment in the society; however it needs positive continuous effort and

participation of both men and women to really bring women empowerment. While referring to the status of women, former Prime Minister Pandit Jawahar Lal Nehru said: "you can tell the state of a nation by looking at the condition of the women there". The irony is that today, everybody talks about women empowerment but the naked truth is that nobody is willing to take initiative. Women have proved time and again, that they are in no way inferior to men in all walks of life. The male dominated society is not yet ready to accept it. Women just need the necessary support and encouragement of the family and the society. There are many social self-help women's groups and other women's organisations that are ready to assist women in upgrading their skills, connecting them with job and entrepreneurial opportunities, and addressing their grievances, whether at tge workplace or at home. Unless women decide to resist their exploitation, whether at the economic, social or sexual level, the goal of women's empowerment cannot be achieved. No society can develop morally, socially, culturally, economically and legally without the participation of women.

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