

Sexual Harassment At Work Place [UPSC Notes for GS III]

Sexual Harassment At Work Place

What is Sexual Harassment?

- Sexual harassment is any unwelcome sexually defined behaviour which can range from misbehaviour of an irritating nature to the most serious forms such as sexual abuse and assault, including rape.
- The Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 defines sexual harassment to include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - Physical contact and advances
 - A demand or request for sexual favours
 - Making sexually coloured remarks
 - Showing pornography
 - Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

What is sexual harassment at workplace?

Sexual harassment at the workplace is any unwelcome sexually defined behaviour which has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, abusive or offensive working environment.

The Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 states that if the following circumstances occur or are present in relation to, or connected with any act or behaviour of sexual harassment, it may amount to sexual harassment at the workplace:

1. Implied or explicit promise of preferential treatment in her employment in her employment; or
2. Implied or explicit threat of detrimental treatment in her employment; or
3. Implied or explicit threat about her present or future employment status; or
4. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
5. Humiliating treatment likely to affect her health or safety.

Can an aggrieved file a court case of sexual harassment in the workplace?

Yes, a court case suit can be filed for damages under laws. The basis for filing the case would be mental anguish, physical harassment, loss of income and employment caused by the sexual harassment.

Under what circumstances can complaints be filed?

Complaints may be filed under the following circumstances:

- Cases involving individuals from the same organization
- Cases that concern third-party harassment, which implies harassment from an outsider.

Where a complaint can be filed?

- Internal Complaints Committee – within that organization
- Local Complaints Committee – if you are an employee from an establishment where the Internal Complaints Committee has not been constituted due to having less than 10 workers. In the case that the complaint is against the employer himself/herself and the individual feels that the case may be compromised, he/she can also lodge a complaint in the LCC.
- For instances where the LCC may not be immediately accessible, the Act instructs the District officer to designate one nodal officer in every block, taluka and tehsil in rural or tribal areas and ward or municipality in the urban area, who will receive the complaint and forward it to the concerned LCC within 7 days. Local police station, in case provisions under the Indian Penal Code are applicable.

An Indian Context:

- India has signed and ratified the CEDAW (Convention on the Elimination of all Forms of Discrimination against Women).
- In 1997 as part of the Vishaka judgment, the Supreme Court drew upon the CEDAW and laid down specific guidelines on the prevention of sexual harassment of women at the workplace.
- The Vishaka guidelines defined sexual harassment and codified preventive measures and redressal mechanisms to be undertaken by employers.

Currently in the News:

- Many Allegations were raised by female actors against fellow actors and directors.
- Even a former Minister of State for External Affairs has been accused of sexual harassment by no less than ten women journalists.
- In the immediate aftermath of this development, women have been venting out their experiences and the trauma, mostly on social media like Twitter and Facebook.
- The testimonies mostly come from the film industry and the mainstream media, and include both workplace and private spaces.
- These testimonies range from stories of assault to propositioning, suggestiveness to stalking.
- Currently, in India, many questions arise. **What is perhaps of even greater disquiet is that for so long an official silence was kept around what were, in many instances, open secrets.**