Sexual Harassment of Women at the Workplace: A Socio-Legal Study

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The dimensions of violence against women, especially at the workplace has been concealed for so long that its seriousness had not attracted the attention of the legislators. In spite of growing awareness of the concepts and need for gender justice, there has been, in recent times, an increasing trend of sexual harassment of women at the workplace. In the presence of these inadequacies in the enacted laws for enforcement of basic human rights against sexual harassment in the workplace and as an answer to the growing menace of sexual harassment at the workplace, this paper seek to explore the pervasiveness of the problem and to examine how far the innovative judicial law making progress have contributed in providing protection of women from sexual harassment at the workplace.

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INTRODUCTION

Women constitute almost about half of the nation's human resources. Their participation in the nation building as equal partners is of vital importance. Although the Universal Declaration of Human Rights, affirms that all human being are equal in dignity and rights without distinction of any kind, including distinction based on sex, it has taken considerable time and effort to accept women's right as an integral part of human rights. Constitutional guarantees and endless legislative interventions have not yet ensured equality. There exists a great gap between their rights *de jure* and *de facto* status. Discrimination against women in access to health care, education, training and employment opportunities still exists in a substantial way. Even for women who are earning a living by working outside their homes, sexual harassment is a major discriminatory factor at the workplace.

Sex discrimination and sexual harassment in employment are serious and pervasive problems for women throughout the world. Women suffer from discrimination in every phase of the employment process — at the time of recruitment and hiring process; in the terms and conditions of women's employment, and harassment at the workplace. Women's fundamental right to employment opportunities as well as to just and favourable working conditions are not protected by any phase of legal process.

Sexual harassment is not an expression of sexuality; it is an assertion of power in a situation of unequal power relations. Whether it takes the form of physical molestation, verbal comments or jokes of sexual nature, the result is the same; it undermines women professionally and their right to a respectful working environment (PAIRVI, 2001).

For years, sexual harassment at the workplace has been a grey area and due to workplace hierarchy, sexually harassed women are unlikely to complain. Often, she is economically and emotionally dependent on her aggressor. Most cases of sexual harassment go unreported for various reasons, for example, due to social stigma, fear of retaliation, and so on. Apart from fear of losing the job and economic security, a woman also faces psychological trauma and social stigma. Fear of re-victimisation by the legal system also compels her against reporting to higher authorities.

The brave women who come forward to report sexual harassment at the workplace are only the tip of the iceberg. Studies show that most women do not report harassment and that usually only the most outrageous behaviour lead to lawsuits. Plaintiffs are more likely to lose their jobs than to win monetary compensations and settlements.

As far as legal position is concerned, though sexual harassment is not defined in any legalistic terms, sexual harassment of women in the workplace has historically been a well kept secret practised by men, endured by women, condoned by the management, and spoken by no one. A widespread expectation has prevailed that women should either acquiesce to the overtures or ignore them and bear the consequences, no matter how unjust or traumatic (Bandopadhyay, 1993).

In the space of single decade, women's participation rates in the workforce have increased tremendously, both in the developing as well as in the industrialised world. Women are no longer the 'hidden face of the world of work', but are often the most active driving force. This is yet another reason to continue the struggle against inequality and

discrimination — not only for consideration of social justice and human rights, but in the interest of the economy and sustainable development.

Since the beginning of the 1980s, female labour force participation has risen steadily. Thus in the OECD countries, there were 169.4 million women in the labour force in 1992, some 33 million more than in 1980, having grown by average of two per cent per annum. In the developing countries, a large part of women's labour force continues to be invisible with regard to official statistics. The International Labour Organisation (ILO) found that with a wider definition of 'economic activities', female labour force activity rates rose from 13 to 88 per cent in India (Zhang, 1995). In India, women perform a variety of roles in the economic sphere, varying from region to region. The work participation rate for women has risen from 14.2 per cent in 1971 to 22.3 per cent according to the 1991 Census: Ninety million women are workers and 313 million women constitute the non-working category of the workers. Sixty-five million women, that is 72.2 per cent are main workers, while 25 million women constituting 27.8 per cent of the workforce are marginal workers. In the organised formal sector, women workers constitute 9.9 per cent of the total employment in the public sector and 18.2 per cent in the private sector *{The Hindustan Times,* 1995).

Various studies on the patterns of women's employment have established that an overwhelming proportion of women, that is 93 per cent or more are engaged in the unorganised formal sector. This sector includes home-based workers, domestic workers and agricultural labourers. By and large, women are restricted to low paid, low skill, monotonous jobs in the traditional sector (Kishore and Jain, 1993).

The ILO Report entitled 'Violence in Work' (Chappell and Martionono, 1998), which has been issued by the international labour office in 1998 is the most extensive worldwide survey of violence in the workplace. The report found that outbursts of violence occurring in the workplace around the globe suggest that the issue is becoming increasingly global, transcending the boundaries of a particular country, work setting or occupational group. Women are especially at risk, because so many are concentrated in high-risk occupations, particularly as teachers, social workers, nurses, and bank and shop workers.

The increased number of working women has brought in a lot of sexual ambiguity in the workplace. Sexual harassment has gone up in direct proportion to the number emerging out of the home into the

economics of attitudinal independence. A specific form of violence — sexual harassment — has, for a long time, been high on the action agenda of the ILO.

A large number of women are moving into labour force in Asia, but they occupy bottom rungs of the employment ladder leading to an increase in the scale and risk of sexual harassment in workplaces, reports a technical report of the ILO *(Dawn,* 2001). The report says:

> World wide women now comprise an increasing share of World's labour force, at least one-third in all regions, except Northern Africa and Western Asia. In most of Asia, the share is even higher. The percentage of women registered as part of the labour force in 1995-97 amounts to well over 40% in the east, south east and central Asia and around one third in South Asia.

The ILO report also says that while a greater number of women are moving into the workforce in Asia, many of them occupy law-status jobs and are increasingly vulnerable to sexual harassment at the workplace (UN Wire, 2001). A majority of Asia's women workers are found in jobs with low security, low pay, low status and have low bargaining power in a narrow range of occupation — all characteristics which enhance the risk of becoming subjected to sexual harassment. The presence of violence in its multifarious forms — whether subtle, overtly physical or psychological — appears to be a growing concern in the workplace worldwide. The ILO was the first international body to adopt an instrument containing an express protection against sexual harassment. The Indigenous and Tribal People's Convention 1989 (No.169), states that government shall adopt special measures to ensure that the people concerned enjoy equal treatment in employment for men and women, and protection from sexual harassment (Article 20, Para 3[d]).

The ILO Policy Convention defines sexual harassment at the workplace

> as any unwanted conduct of a sexual nature, which in the reasonable perception of reception of the recipient interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive working environment. It is particularly serious when behaviour of this kind is engaged in by any official, male or female, who is in a position to influence the career or employment conditions (including recruitment, assignment, contract renewal, performance appraisal or promotion) of the recipient of such behaviour...

It is essential to emphasise that sexual harassment refers to conduct which is unwanted and unwelcome to the recipient, unreciprocated and imposed. This is the important factor that distinguishes sexual

harassment from friendly, flirtatious or other relations, which are freely and mutually entered in to.

The evolution of such legislation over the past 20 years has been significant. Specific law now addresses sexual harassment as a *wrong* and as unacceptable in places of employment. In addition, there are labour codes addressing the issue and laws on human rights and equality covering all aspects of gender-based discrimination. Currently, there are some 36 countries with legislation specifically targeted against sexual harassment.

There are four types of laws that can apply to sexual harassment in the workplace: equal employment opportunity, labour, tort and criminal. Australia, Canada, France, New Zealand, Spain, Sweden and the United States, and other industrialised countries cover sexual harassment under laws on wrongful dismissal, tort law and criminal law. In countries where sexual harassment is seen as a general phenomenon, the legal remedy is situated in the framework of criminal laws and in other countries where it is seen as a workplace phenomenon, civil and or labour law's framework is applied.

Although many countries have a law on equal employment opportunity, labour and tort, only two countries, that is the United States of America and France have passed a criminal law related to sexual harassment. Sexual harassment, as a criminal offence, first began to be recognised by the courts in the United States in the late 1970s. In 1980, the first prohibitory statute was drafted by their Equal Employment Opportunities Commission, which issued guidelines for the prevention of sexual harassment in the workplace. Other countries followed, though many of them have only been introduced in the 1990s.

At the national level, since 1995, legislation to protect people against sexual harassment has been adopted in Australia, Bangladesh, Japan, the Philippines, Sri Lanka, and China. In some countries, including Japan and India, the judiciary has taken the lead in checking incidents of sexual harassment. Another relatively new development is the legislation that provides for an affirmative duty to prevent sexual harassment, now included in laws in Australia, the Republic of Korea and in the form of the Supreme Court's decision in India *(Dawn,* 2001).

SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE IN INDIA

In INDIA, there has been a steady growth in the cases of sexual harassment in general. This is evident from the statistics taken on sexual

harassment in 1997 and 1998. In 1997, 5,796 cases of sexual harassment were reported, while in the year 1998 the figures were 8,123 cases (National Crime Record Bureau, 1998).

No statistics are being maintained by the National Crime Record Bureau or any other agency regarding sexual harassment at the workplace. The graveness of the problem can be appreciated from the statistics published by non-governmental organisations (NGOs) and daily newspapers. Betweenl992 and 1997, of the 1,817 complaints received by the National Commission for Women, as many as 49 related to such harassment.

In a survey of 2,400 men and women across organisations and institutions, Saakshi (a Delhi-based NGO) showed the following figures on sexual harassment (Business Today, 2002):

- 80 per cent said that sexual harassment existed in the workplace,'
- 49 per cent had encountered cases of sexual harassment,
- 41 per cent had either experienced it, or knew women who had faced sexual harassment,
- 53 per cent said men and women did not have equal opportunities at work,
- 53 per cent said that women were treated unfairly by supervisors, employers, and co-workers,
- 58 per cent had not heard of the Supreme Court's 1997 ruling on sexual harassment,
- 20 per cent said that their organisation had implemented the guidelines.

The report of a study conducted by the Gender Study Group of the University of Delhi showed that in 1996, 91.7 per cent of all inmates of women's hostels and 88.2 per cent of all women day scholars had faced sexual harassment on the roads within the campus (Choudhury and Chopra, 1998). A study conducted by the Department of Women's Studies. Lucknow University, reportedly uncovered the startling fact that every female student of the university experienced sexual harassment at least thrice a day. Approximately 90 per cent of women teachers also experienced daily harassment and humiliation *(The Hindu,* 2000). The problem has assumed such dimensions that a study conducted by the Lal Bahadur Shastri National Academy of Administration revealed that 21.4 per cent of women officers felt that sexual harassment was a growing problem in this premier government service *(The Times of INDIA,* 2002).

A study conducted by SANHITA (2000), Calcutta, revealed that 36 per cent of working women were sexually harassed in their working places in the state of West Bengal. A study conducted by the Center of Development Action and the Jyoti Mahila Samiti of Bhubaneswar showed that 86 per cent of working women were sexually harassed in their working place in educational institutions and other organisations in Orissa (*Sambad,* 2000). In 2001, a professor of the Regional Engineering College, Rourkela, was convicted for sexually harassing a lady research scholar (Sambad, 2001). Women employees of Reliance Mobile Company, Orissa, complained against their chief for sexually harassing them *(Sambad,* 2001).

For the past two decades, the Indian women's movement has been demanding adequate mechanisms to deal with sexual harassment. In spite of the proportion and density of sexual harassment, the legislature and the political parties have not given sufficient attention to this social problem. Realising it as a basic social justice for women, the then Chief Justice J.S. Verma, in the landmark case of Vishakha, laid down the guidelines and norms to be strictly observed in all workplaces for the preservation and enforcement of the right to gender equality for working women. These guidelines would be binding and an enforceable law until a suitable legislation was enacted. The judges of the supreme court stated, in the absence of a domestic law, to formulate effective measures to check the evil of sexual harassment of working women at the workplace, the contents of international conventions and norms were significant for the purpose of interpretation of the guarantee of gender quality, the right to work with human dignity in Articles 14, 15, 19(1) (g) and 21 of the Constitution and the safeguard against sexual harassment implicit therein. The guidelines draw heavily on the international Convention on Elimination of Discrimination against Women (CEDAW), 1993, and signed by United Nations members. In Vishakha's case. The Court defined what '-sexual harassment' meant and also framed guidelines to handle it. In defining the term 'sexual harassment', the Supreme Court followed, in general, Recommendation No. 23 under Article 11 of the CEDAW.

For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- physical contact and advances;
- a demand or request for sexual favours;
- sexually coloured remarks;

- showing pornography;
- any other unwelcome physical, verbal or non-verbal conducts of sexual nature.

SUPREME COURT GUIDELINES ON SEXUAL HARASSMENT

Sexual behaviour combines unwanted behaviour of sexual nature, and a perception by the victim that it has become a condition of work, thereby creating a hostile, intimidating and humiliating working environment. It involves physical contact, expression of sexual innuendoes, sexually coloured comments and jokes, and the exhibition, of pornography or unnecessary and unwanted comments on a person's appearance.

The Supreme Court identified the critical factor in sexual harassment as the unwelcome behaviour and its impact on the victim, rather than on the intent of the perpetrator. By doing so, the Supreme Court conformed to the internationally accepted standard for sexual harassment.

The Supreme Court places an obligation on the employers, in both the public and private sectors, to take appropriate steps to prevent sexual harassment and 'provide penalties' against the offender. The guidelines are as follows:

1. It shall be duty the employer or other responsible persons at the workplace to prevent and deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.
2. All employees, whether in the public or private sector, should take appropriate steps to prevent sexual harassment.
3. Prohibition of sexual harassment should be notified, published and circulated in appropriate ways.
4. Appropriate conditions should be created with respect to work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at the work place and no woman at the workplace should have reasonable grounds to believe that she is disadvantaged in connection with her employment.
5. Whether or not such conduct constitutes an offence under law or breach of service rules, an appropriate mechanism should be created by employers in organisations for redressal of the

complaint made by the victim. It should ensure time bound treatment of the complaints.

6. Awareness of the right of the female employees in this regard should be created by prominently notifying the guidelines in a suitable manner.
7. When sexual harassment takes place in circumstances where the victim of such conduct has a reasonable apprehensions about her job security, such a conduct can be humiliating and many constitute a health and safety problem. It is discriminatory, for instance, when the victim has reasonable grounds to believe that her objections would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment.

The guidelines are significant because, for the first time, sexual harassment is identified, as a separate category of legally prohibitive behaviour. Sexual harassment should be considered as a separate legal offence. The Supreme Court judgment is significant due to its validation of the problem of sexual harassment and recognition of the fact that it is an experience many women are almost routinely subjected to in the workplace. Though the Supreme Court does not suggest that sexual harassment be treated as a criminal offence, it does make specific reference to the fact that the criminal law should be resorted to where the behaviour amounts to specific offence under the Indian Penal Code. It is essentia] to re-emphasise that sexual harassment refers to conduct, which is unwelcome and unwanted to the recipient, unreciprocated and imposed. This is the important factor that distinguishes from friendly, flirtatious or other relations, which are freely and mutually entered into.

LEGAL PROVISIONS AGAINST SEXUAL HARASSMENT

The essence of sexual harassment is the 'unwelcomeness' of the behaviour. Thus, it is the impact of the behaviour on the victim, rather than on the intent of the perpetrator, which is to be considered. However, as experience shows, the complainant has to prove the 'unwelcomeness' of the behaviour. Anything less than a clear rejection of sexual advances could then create problems, particularly in the absence of witnesses or other concrete proof; it often becomes the complainant's word. Also notable is the fact that the guidelines have - again, in accordance with international standards, identified sexual

harassment as a question of power exerted by the perpetrator on the victim. Further, in addition to sexual harassment being a violation of the right to safe working conditions, the guidelines also proclaim it as a violation of women.

The Supreme Court's preventive guidelines did not specify any punishment for the offenders. In the absence of specific legislation, the courts in INDIA specifically depend on three Sections of the Indian Penal Code, namely S209 (obscene acts and songs), S354 (outraging the modesty of a women) and S509 (insulting the modesty of women). Although these three Sections of Indian Penal Code protect women in general from certain categories of sexual misconduct that seem offensive in nature, theses protective measures are not enough to safeguard the interests of working women. It is an irony of fact that these provisions are based on Victorian notion of sexual morality. This notion reinforces the idea of sexual purity and morality to protect women's rights. These Sections are applicable only where the intention of the harasser is to outrage or insult the modesty of a woman employee, but are not applicable where the intention is to gain sexual access through the promise or reward of job related benefits or through the threat of job related punishment.

In a recent case of sexual behaviour, the court was suspicious of the role of the police in the investigation of the case. The Executive Secretary of M/s. Bharati Enterprises had filed an FIR with the Delhi Police against the Vice-President/Vice-Chairman of the Enterprises. In her complaint she stated that taking advantage of her staying alone with her diabetic child, the Vice President/Vice Chairman had made some unwanted remarks and had made advances to establish a physical relationship with her. The Police Officer, without investigating the case, closed the case along with character assassination of the complainant. The Police Officer remarked that since she was a divorcee, she was having relationships with many people. The Metropolitan Magistrate, Delhi, Kamini Lal, reacted strongly to the remarks and observed that the police had written the past life of the complainant and the past life of a woman cannot deprive her of future safety. The court observed that the Enterprise had failed to follow the guidelines provided by the Supreme Court on sexual harassment. The Enterprise transferred the complainant to a different place without taking any action against the Vice-President / Vice-Chairman. It was only later that he was asked to leave (SAMBAD, 2002).

Taking strong note of the alleged sexual harassment of two women IAS and IFS officers by the Forest and Transport Minister of the Government of Kerala, Mr. N. Nadar, the Supreme Court sought the response of the state to a petition alleging that the government had not taken adequate steps to stop harassment at the workplace as per the Court's earlier order *(The Indian Express,* 2001).

Recently, while hearing a petition filed by Kotwallal, a teacher and a victim of sexual harassment, the Court took note of the alarming rise in sexual harassment cases in professional institutions and issued notice to a large number of bodies including the Bar Council of INDIA, the Institute of Chartered Accountants, the All INDIA Bar Council of Technical Education, and the University Grants Commission to seek their view on enforcing stringent measures to stop the menace. The Court observed that its earlier guidelines of 1997, to deal with sexual harassment were not being complied by many states. Many states had not even constituted a Complaints Committee, which was to be headed by a woman and with a majority of female members. The petitioner cited studies done by Gender Group Study and the Tata Institute of Social sciences to show that 'an overwhelming majority of female students suffered from sexual harassment in the campus' *(New Indian Express,* 2003).

Apart from Indian Penal Code, provisions of the Indecent Representation of Women (Prohibition) Act, 1987, may be used in case where a women is harassed by another with books, photographs, paintings, and so on, containing 'indecent representation of women'. Display of 'indecent representation of women' (such as display of pornography) on the premises of the workplace can an offence under Section 7 of the Companies Act, under the argument of 'hostile working environment'.

Rule 5 and Schedule 5 of the Industrial Disputes Act enumerates the list of unfair labour practices. If an employee suffers unfair dismissal or denial of employment benefits as a consequence of her rejection to sexual advances, this constitutes an unfair labour practice. In Shehnaz Mudbhatkas vs. Saudi Arabian Airlines case, Shehnaz was subjected to sexual harassment by her boss in 1985, and dismissed her from services when she complained to higher authorities. She won the case in 1996, when the Bombay Labour Court held that her dismissal was unfair under the Industrial Disputes Act and ordered for her reinstatement with full payment with retrospective effect, perks and promotions.

Offences under Sections 354 and 509, Indian Penal Code, are compoundable in nature, which can be compounded with the permission of the court. The court permission is mainly a formality, which is usually guarantied on the joint request of the complainant and the accused. A woman who is economically worse off and in dire need of a job may choose not to press criminal charges in exchange for retaining her job. The compounding nature of the penal remedies work adversely not only against the harassed woman, but to the other women employees of the organization.

Efforts have been made by women's groups to look at the issues and to frame some alternatives that can incorporate the experiences of women in the legal arena. One such effort is the Draft Bill on sexual assault, 1993, prepared by the Ad hoc Committee constituted by the National Commission for Women. The Draft Bill recommended that Sections 375, 376, 377, 354 and 509 IPC be deleted. While the Draft Bill does not take on the issue on sexual harassment in the workplace, Section 375A of the Bill can be used in such situations. Section 375A of the Draft Bill states that:

> A person commits an aggravated form of assault when being in a position of trust, authority, and guardianship or of economic or social dominance commits sexual assault or a person under such trust, authority or dominance *{New Indian Express,* 2001).

Another Draft Bill formulated by the National Commission for Women in 2000 attempts to give voice to the victims of sexual harassment at the workplace. It also states that a person found guilty of harassment will face imprisonment of up to five years and or a fine of up to Rupees 20,000 *(The Hindustan Times,* 2000).

The Law Commission in its 172nd report suggested the insertion of a new provision, 376E, in the Indian Penal Code. The offence is called 'unlawful sexual contact', which will cover a wide range of offences including sexual harassment at the workplace *(The Telegraph,* 2002). The sub (1) of the new section states that

> whoever, with sexual intent touches, directly or indirectly, with a part of the body or with an object, any part of the body of another person, not being spouse of such person, without the consent of such person shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both.

Such as a provision to already exist in the Canadian Criminal Code. The Law Commission of INDIA also recommended that section 114A of the Indian Evidence Act, 1872, be modified to read as follows:

> 114A. Presumption as to absence of consent in certain prosecutions for sexual assault. In a prosecution for sexual assault under clause (a), (b), (c), (d), (e) or (g) of sub-section (2) of Section 376 of the IPC (45 of 1860) where sexual intercourse by the accused is proved and the question is whether it was without the consent of the other person alleged to have been sexually assaulted and such other person states in his/her evidence before the court that he/she did not consent, the court shall presume that he/she did not consent...

The Law Commission also recommended the deletion of clause (4) of Section 155 of the Evidence Act. The Commission recommended that after Section 53, the following section be inserted:

> 53A. In a prosecution for an offence under section 376, 376A, 376B, 376C, 376D or 376E or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of his/her previous sexual experience.... shall not be relevant on the issue of such consent or the quality of consent.

The Commission also suggested enhancement of punishment in the provision dealing with outraging a woman's modesty. In spite of the Supreme Court guidelines and the Law Commission's report, the government has not done much in protecting women suffering from sexual harassment at the workplace.

SUMMARY AND CONCLUSIONS

Sexual harassment has increased in the last three decades as greater number of women have entered the workforce, challenging traditional societal roles for females. Sexual harassment at the workplace is pervasive, and predominantly endured by females. Yet, despite the publicity given to sexual harassment, it remains hidden by most of its victims (Marvel, no date). Sexual harassment of women is not only a legal issue; it is also a psychological and social issue. However, even the best legislation will have no effect unless the perception people have of women undergoes a drastic change. An effective sexual harassment policy stresses the illegality of sexual harassment and delineates a clear and appropriate complaint process, while ensuring the confidentiality of the victim. Additionally, such a policy encourages witnesses or victim to report the behaviour immediately and mentions that retaliation against persons reporting harassment is illegal and will not be tolerated.

The perpetration of sexual harassment at the workplace is a problem without any perceivable dimensions and the society needs to answer these legitimate questions through their corrective actions, so as

to arrest the future degeneration in the society. While analysing the ratio of sex crimes, the crime rate is phenomenally high, as the conviction percentage is very low. This displays the hedonistic attitude of this generation.

In recent years, growing recognition has been given to sexual harassment at the workplace, which was once considered as a taboo. More and more problems of sexual harassment is visibly tackled by the courts. Till today, in INDIA the problem is not recognised by the legislature and legal protection is almost non-existent, except for the Supreme Court verdict in the Vishakha case. However, such protection is only available to the organised sector, which comprises just six per cent of the women in INDIA. The preventive guidelines are not applicable to the unorganised sector and certain other professional bodies. Therefore, it is difficult for the working women in the unorganised sector to get redressal, unless an umbrella legislation protecting women from sexual harassment at the workplace is enacted. Therefore, there is an urgent need to protect the basic human rights of a working woman against sexual harassment at the workplace. This will fulfill the obligation under Article 42 of the Indian Constitution, which provides that there should be just and human conditions for women at the workplace.

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Sexual harassment at workplace was not originally conceived as a separate offence in the Indian Penal Code (IPC). The question drew first attention in India in 1997. The credit goes to the instrument of Public Interest Litigation (PIL), which, itself, is a creation of judiciary.Â It took another 16 years for Parliament to replace the Vishakha guidelines with a law called, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. What is sexual harassment? In simple words, sexual harassment at workplace is an act or a pattern of behaviour that compromises physical, emotional or financial safety and security of a woman worker. Legally speaking, sexual harassment includes such unwelcome sexually determined behaviour as 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. The Bill got the assent of the President on 23 April 2013. The Act came into force from 9 December 2013. This What is sexual harassment? Any one or more of the following unwelcome acts or behaviour (whether directly or by implication) viz., oPhysical contact and advances; or oA demand or request for sexual favours; or oMaking sexually coloured remarks; or oShowing pornography; or oAny other unwelcome physical, verbal or nonverbal conduct of sexual nature.Â No legal practitioner is allowed to represent at any stage of proceedings before the ICC. What is the procedure to be followed in an inquiry? â€¢ During the course of inquiry, both parties shall be given an opportunity of being heard. â€¢Â The aggrieved woman during the pendency of an inquiry, make a written request and the