

**General Studies – 1; Topic: Role of women; Social empowerment**

**Preventing Sexual Harassment at Workplace**

**1) Introduction**

- In India the concern of sexual harassment of women at work place is increasing.
- Currently, the state's response to workplace sexual harassment in India rests on two pillars.
- The first is guidelines issued by the Securities Exchange Board of India (Sebi) in 2012.
- The second is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

**2) Background**

- In 1992, Bhanwari Devi, a social worker in Rajasthan, was gang-raped for stopping the marriage of an infant girl child.
- Her prolonged legal battle saw activists and lawyers coming together to file a PIL in the Supreme Court.
- This PIL brought to light the vulnerabilities that Indian women were exposed to in the workplace.
- In 1997 the Supreme Court gave a landmark judgement, which came to be known as the Vishakha Guidelines.
- These guidelines have now been superseded by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

**3) Importance**

- Tackling workplace sexual harassment is an ethical imperative and an economic imperative
- Such harassment infringes on an individual's right to freedom of profession and occupation and undercuts the ideals of a modern democracy.
- Getting and retaining more women in the workforce has the potential to be a major growth driver.

**4) Criticism of Sexual Harassment of Women at Workplace Act**

- The Act does not address accountability. It does not specify who is in charge of ensuring workplaces comply with the Act, and who can be held responsible if its provisions are not followed.
- **The Act does not contain provisions**
  - a. To address anonymous complaints
  - b. Who prepares the audit report and who is it to be submitted to
  - c. Who is held accountable if companies are not implementing the Act
- Many companies do not have the internal complaint committees (ICCs) and there is no check to see if they are following all the rules.

**5) Concerns / Challenges**

- A 2015 study shows that 36% of Indian companies and 25% of MNCs in India were not compliant with the Sexual Harassment of Women at Workplace Act.
- The delayed compliance with this law is due to a lack of awareness, coupled with misconceptions about implementation.
- According to survey by the Indian National Bar Association, 38% said they had faced harassment; 69% of them did not lodge a complaint.

- Domestic and construction workers are also often targeted. They have little recourse to institutionalized redressal mechanisms.
- The problem is of mindset particularly those educated and well trained.
- In India wherever the accused has been influential they have got a free hand. It creates a sense of alienation, disbelief about the law.
- Women are exploited by the superior in the matter of promotion, emoluments and better prospects in job etc.

### 6) Need of the Hour

- State governments should take on the responsibility of enforcing implementation.
- Greater gender diversity at the workplace—an area where India lags.
- Sensitise female employees to their rights and the guidelines.
- There has to be a sense of fear in the mind of the offenders which has to be ensured.
- There must also be equal punishment to women who make false charges.
- Any complaint of rape should have a time bar and complaints cannot be entertained beyond certain time limit.
- The attitudinal change, socialisation process and education must go towards making man more sensitive while dealing with women.
- The process of making sexual harassment complaints should be simplified.
- Workplace audits should be as big a priority as auditing the finances of the company.
- The law that mandate that the investigation should be completed within 90 days should be strictly adhered to.
- Adequate workshops and awareness programme against sexual harassment must be conducted across the organisation