

Existence of Women's Exploitation in the Workplace

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In India today, sexual assault and harassment are the two most common types of violence against women. Sexual harassment was legalized in 1976 and acknowledged as a type of bias against women on the basis of sexual orientation. Additionally, this includes unwanted and sexually motivated behavior at all workplaces where women work in the public and private sectors, including unwanted physical contact and advances, requests for or demands for sexual favors, sexually charged remarks, the display of pornography, and other unwanted physical, verbal, or nonverbal sexual conduct. In the past, sexual harassment of working women was not reported as a crime since it typically does not include a public presence. The “Dark figures of crime” and “Noiseless crime” were thus the metrics used to measure these. To stop these kinds of harmful actions against women, the government passed many laws and established a preventative system.

The Sexual Harassment of Women at Workplace was put into effect in 2013; its aim is to safeguard women from all forms of sexual harassment at their places of employment in the public and unorganized (private) sectors. In addition, Article 141 of the Indian Constitution shall be regarded as the law against all sexual harassment encountered by women in society. So, the purpose of this paper is to offer some recommendations to the government on the appointment of a monitoring team to visit both government offices and the unorganized (private) sector. Moreover, NGOs, the media, academics, and other non-profit groups should be raising awareness and carrying out monitoring tasks to stop the harassment of women in the workplace. At this point, the descriptive research methodologies used in this study will be combined with secondary data gathered from books, journals, magazines, relevant statistics, laws, and internet sources that are linked to women's harassment.

In India, sexual harassment is considered a main type of violence against women and a legitimate criminal violation. Whether in established, developing, or underdeveloped countries, sexual harassment in the workplace is a global issue. Violence against women, including cruelties and horrors, is pervasive and ubiquitous worldwide. It has a troubling and undesirable effect on both men and women. Women have been shown to experience it more frequently than males since they are considered to be the weaker members of society in patriarchal societies.

Working-class women are frequently the targets of insults, remarks, and actions from coworkers and their bosses in government and unorganized (private) sectors like factories and anyplace else at their jobs. Yet, many of these crimes went unrecorded. Women police officers at Bangalore Central Prison first came forward to allege sexual harassment over 25 years ago (Sambad - Oriya daily, 1995 In Rufus & Beulah 2010). Also, female airport announcers claimed improper actions were taken by their bosses at

work (Pragatibadi – Oriya daily, 1995). Moreover, a lot of incidents were both recorded and undocumented.

PERSPECTIVES OF SEXUAL HARASSMENT:

Moreover, it has a definition that, any uninvited physical, verbal, or nonverbal action of sexual characteristics such as; physical contact or advances; a demand or request for sexual favors; making sexually charged comments; forced viewing of pornography; or any other such behavior; is considered as sexual harassment. (Sikri&Rehana, 1999)

Sexual harassment actions in work place:

- Unwelcome or persistent requests to go out
- uncomfortable inquiries about another person's private life or body
- Intentional rubbing up against someone against their will
- Insults or mocking of a sexual nature
- Accessing sexually explicit websites
- Inappropriate signs of progress like unwanted touching, embracing, or kissing
- Staring or insulting, expressive commentaries or jokes, sexually explicit images, placards, display savers, emails, tweets, text messages, or prompt messages, and inappropriate progress indicators.
- Acts that might be considered crimes under the Indian Criminal Code include physical assault, indecent encounters, sexual assault, nagging, and explicit correspondence. .

In 1997 the Supreme Court which is located in Rajasthan, India claims that precisely defined sexual harassment at work is emphasized as preventative, prohibitory, and corrective actions, and offered guidance towards a legislative duty to the suggested rules. An explanation of sexual harassment has been made, along with numerous other things:

- ❖ Real or planned sex abuse or rape.
- ❖ Unwanted careful touching, stooping, cornering, or squeezing.
- ❖ Sexually offensive jokes, comments, or inquiries.
- ❖ Whispering in someone's sight.
- ❖ Sounds of lips smacking, wailing, and kissing.
- ❖ Making contact with a staff's body, hair, or clothes.

OVERALL EFFECT AND REPERCUSSIONS OF Sexual Assault:

The impact and repercussions of sexual abuse of women at work typically result in a variety of physical, mental, and emotional issues for the women who are victims. Sexual harassment victimization and workplace incidents have negative effects on both the company and the individual victim on a physical, psychological, and emotional level.

- Decreased productivity and employee optimism; increased costs for recruiting and training new hires; the awful result is high legal fees, penalties, and a bad reputation on the organization.
- Decline in job ability, a lack of inspiration, and workplace absenteeism; Expired on training, promotions, resignations, or removal
- Emotional disgust, irritation, hatred, anxiety, humiliation, guilt, false impression, inefficiency for the person.
- Anxiety, jitters, sadness, and low self-confidence as mental issues.
- Physical illness like Stomatitis, Hypertension, Disgust, Tiredness, Insomnia. This is to emphasize that the aforementioned signs may emerge from a combination of harassment, retaliation, counterattack, and/or blame that an offended woman may experience (Gupta & Hajra, 2007).

INDIA'S Legal Precedents RELATING TO Sexual Misconduct OF WOMEN AT WORK:

According to the Protection of Human Rights Act of 1993, “human rights” are defined as the rights to life, liberty, equality, and dignity of the person protected by the Constitution or enshrined in international covenants and upheld by Indian courts of law. Given that the Indian Constitution guarantees the right to live in dignity, it is necessary and practical for business owners as well as those in charge of workplaces or institutions to take note of specific guidelines to affirm the prevention of sexual harassment of women.

On December 9, 2013, the Sexual Harassment of Women at Workplace came into action (Prevention, Prohibition, and Redressal) which applies to all Indian businesses with more than 10 workers. Each firm with more than 10 workers must comply with this legislation, which has been emphasized. According to the law, these businesses must have an internal complaints committee that is chaired by a woman. Prior to the implementation of this new law, only a few criminal statutes pertaining to rape and sexual assault dealt specifically with women's harassment. Nonetheless, under Article 141 of the Indian Constitution, shall be regarded as binding law.

INTERNATIONAL CONVENTION ON PREVENTING Sexual Assault OF WOMEN AT WORKPLACES AND CONSTITUTIONAL REMEDIES:

“Equality of position and opportunity” was guaranteed for all Indian citizens in the Preamble of the Constitution, and Article 14 of the Constitution protects everyone’s equality before the law. So, it is a woman’s legal right to have a secure workplace. The Indian Constitution’s Articles 14, 15, and 21 specifically mention the constitutional principles of equality and individual freedom. These articles defend a person’s right to life and personal liberty as well as their right to equal protection under the law and a life free from all forms of discrimination. The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was established by the UN General Assembly in 1979 and is recognized by India, strengthens this even further. It

demands the equality of women and men in terms of human rights and fundamental liberties in the social, economic, cultural, political, and civic spheres, and is sometimes referred to as a worldwide bill of rights for women. (Handbook on Sexual Harassment of Women at Workplace Prevention, Prohibition, and Redressal Act, 2013, Ministry of Women & Child Development, Government of India, 2015).

Criminal Law Amendment Act of 2013:

Significant changes were made to the way sexual harassment was seen in India's criminal justice system in the year 2013. Before the Criminal Law Amendment Act of 2013, IPC Section 509 dealt with words, gestures, or actions intended to offend a woman's modesty. It stated that "whoever intends to offend the modesty of any woman expresses any word, makes any sound, makes any gesture, or shows any object intending that such word, sound, or gesture shall be heard, or that such sign, object, or interruption upon the privacy of such woman shall be punished with simple imprisonment for a period not exceeding one year." According to the Indecent Representation of Women (Prohibition) Act, 1987, anybody harassing another with "indecent depiction of women" containing books, photos, portraits, films, booklets, packages, etc. is subject to minimum 2-year imprisonment. A minimum 2-year penalty is also required under Section 7 (Harassment by Businesses), which holds businesses accountable for violations of this Act if there has been "indecent portrayal of women" (such as the display of pornography) on the premises (Rufus D & Beulah S, 2010, pp.21-22).

Post Vishaka Judgment on Apparel Export Promotion Council v/s A.K Chopra:

The Vishaka decision sparked a national conversation on workplace sexual harassment and brought an issue that had been kept under wraps for a very long time into the light. The Outfit Export Promotion Council v/s A.K. Chopracase was the first one brought before the Supreme Court following Vishaka in this particular detail. The Supreme Court justified the dismissal of a higher official of the Delhi-based Apparel Export Promotion Council who was found guilty of sexually harassing a subordinate female employee at work in this case by reiterating the legislation established in the Vishaka Decision. The Supreme Court broadened the definition of sexual harassment in this decision by holding that physical contact was not necessary for an act to qualify as sexual harassment.

STATISTICS ON HARASSMENT OF WOMEN AT THE WORKPLACE AND THE ME TOO MOVEMENT:

According to a survey conducted by the Indian Bar Association in 2017, approximately 70% of women do not report sexual harassment cases by their superiors and other male coworkers. According to government data, the number of sexual harassment instances reported at Indian workplaces climbed steadily, going from 371 in 2014 to 570 in 2017 and December 15, 2017, a total of 2,535 such incidents were disclosed throughout the years, which are over two cases reported per day. India has officially recognized the Me Too movement as its own. This has given some women the confidence to use social media to share their own experiences of harassment and name and shame accused offenders.

Several well-known figures from various fields, including entertainment, media, advertising, music, and cinema, have been accused of harassment. The National Crime Records Bureau (NCRB) categorizes “insult to women's humility” under section 509 of the Penal Code, according to another source (IPC). This is considered harassment at work. 665 of these crimes were reported by the National Crime Records Bureau in 2016, up 26% from 526 cases in 2014 and down 20% from 833 cases in 2015. A phrase or sound, a gesture, or an act done with the intent to insult a woman is all considered crimes.

CONCLUSION:

The purpose of the current study is to examine the nature of workplace harassment issues and to identify the legal tools and harassment prevention strategies that are already in place to prevent harassment in public and private institutions. Due to the non-reporting nature of the crime, sexual harassment of working women was not brought to the public's attention until a few years ago. They were therefore regarded as “Dark Figures of Crime” and “Noiseless Crime”. These statistics demonstrated the severity of the threat to female employees at the workplace. It is a fundamental human right to be capable of leading a life with dignity in any established or developing country's civilized culture, free from cruel treatment from anybody. The abusers should provide compensation for their unwanted sexual approaches in order to prove this. As a result, a unique legislation known as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, was put into effect in 2013. This law has been passed to take proper action against workplace harassment of women, encompassing both organized (public and government) and unorganized workplaces (private sectors). All sectors ought to implement the recommendation for creating the complaint committee. In addition, this study has made some recommendations to the government and NGOs on how to monitor social evils and how to gather information about sexual harassment when it comes to situations involving women in the public and private sectors. As a result, women employees would be able to seek remedies without worry or hardship. In this way, they can be made aware of any harassing “Dark” figures present.

Many protections, including those, are required by the law to protect women from this kind of harassment. Additionally, the government and nonprofit organizations should be directed to carry out the proper monitoring responsibilities outlined in the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 with the support of the media, academics, and concerned stakeholders. Guidelines announcements and brochures should be posted in public areas such as government buildings like train stations, bus stops, private and public hospitals, college notice boards, and all private groups. The Supreme Court's recommendations and the 2013 Harassment Act should be made public through media, including radio and television. In addition, the government needs to encourage the dissemination of these details via social media. Male and female employees in all professions should receive the proper counseling. As is the case in many developed nations, women employees should receive fundamental training in how to deal with workplace sexual harassment, including how to respond to the harasser's actions, how to report incidents, and how to register and report sexual harassment victimization to the organization's authority and the Police. The law

enforcement agency and legal experts should be included in training programs for awareness-raising and monitoring responsibilities. They should learn how to bring out complaints of sexual harassment without upsetting the victim, take a comprehensive legal awareness course on these issues, and promote gender sensitization to prevent being victimized twice by the criminal justice system. To stop the unwanted acts, there are already regulations in place as well as other safeguards. It is time to raise knowledge of Supreme Court guidelines and monitoring responsibilities, which are crucial to look into in both the public and private sectors. It is best to keep a strict sentencing and an immediate remedy hidden. As part of victim aid, it is essential to provide the women who are victims with basic services including social, medical, material, psychological, financial, and legal support.

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