

CHAPTER -2

LITERATURE REVIEW:

The following literature was reviewed to get an insight into the kind of studies that have been undertaken so far, on Sexual Harassment in the workplace.

The evolution of the Law relating to sexual harassment at the workplace is discussed by Panda (2016) and she points out that sexual harassment at workplace is one of the most common crimes against women, in India. Some special legislation has also been enacted from time to time for the prevention and control of sexual exploitation of women. She states that Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is one of them. The Act explains what is considered sexual harassment and how workplaces need to be proactive in ensuring the rights of a woman. However, the article does not give any input about the aspect of implementation of the Act

It is important to note that uncertainty is still prevalent among companies regarding the dos and don'ts under the Act (FICCI 2015 a). Despite increased public awareness, sexual harassment continues to plague Indian workplaces. If left unchecked, this could be devastating not only to the lives and careers of individual employees, but also invariably weaken productivity and the morale of employees. However, the report does not provide inputs or information about the

implementation of the Act in the government sector. It recommends that organizations should focus on giving appropriate training to employees so they are aware of the nature and scope of sexual harassment at the workplace. They also need to advocate a zero tolerance policy and at the same time, encourage women to report such incidents. Over time, such incidents can cause significant psychological distress. This makes it necessary for organizations to implement robust redressal processes. Here the discussion is about implementation of the Act in a private sector organization, in view of the requisites as per the Act. The document does not discuss the situation in these organizations after the Act has been passed.

Banerjee and Sharma (2011) found that the perceptions and views of male respondents on workplace sexual harassment differed significantly from those of female respondents across a large number of issues. Women had more complete awareness of what constitutes sexual harassment. There is also need to inculcate the values of gender equality in a rapidly changing world order perhaps from the school level. The differences in perception regarding what constitutes sexual harassment among the genders were statistically significant on many measures. But the focus of this study is not regarding the implementation of the Sexual Harassment at Workplace Act.

The fact that harassment is a serious problem that must be addressed by the government in order to ensure a safe working environment for women has been also outlined in Unnikrishnan et al (2010). It pertains to the period before the enactment of the Sexual Harassment of Women law and hence, provided no input regarding its implementation or impact.

Willness, Steel and Lee, (2005) draw attention to the fact that sexual harassment is a significant occupational problem with serious consequences, and future research should build upon this important foundation toward developing effective strategies and organizational initiatives regarding prevention and elimination of sexual harassment. Their discussion pertains to the period prior to the enactment of the Prevention of Sexual Harassment of Women Act; hence they provided no input regarding its implementation or impact.

As discussed by Bowes-Sperry and O'Leary-Kelly (2005), if observer non-intervention in Sexual Harassment represents the status quo in an organization, as we suspect it does in many organizations, this can be a perilous condition. Indeed, with the passage of time, non-intervention actually may create an environment that encourages Sexual Harassment. It gives a very different perspective regarding bystanders and witnesses to instances of sexual harassment. Dung-Hanh and Socket (2001), highlighted that although progress has been made in defining sexual harassment, it is still unclear as to whose perspective should be taken when the

circumstances surrounding a case of harassment are evaluated in the courts. It observes the perspectives of the male and female genders towards considering an act as one of sexual harassment, or otherwise.

The United Nation's Commission on the Status of Women, in its Agreed Conclusions of the 55th report in 2011, expresses deep concern that discrimination and violence against women and girls, including sexual harassment and bullying, continue to occur in all parts of the world, including in education and in the workplace. The Commission notes that those are obstacles to the achievement of women's and girls' equal access to and participation in education, including in science and technology education, and training, as well as impediments to the development of their full potential as equal partners with men in other aspects of life, including full employment and decent work.

Analysis of a survey report shows that more than a quarter of women in the Canadian military have been sexually assaulted during their career. The survey, conducted by Statistics Canada, was commissioned by the armed forces following a scathing 2015 report that found that the military culture was "hostile to women and L.G.T.B.Q. members and conducive to more serious incidents" involving sexual harassment and assault. However, only 23 percent of those who said they had been assaulted reported what had happened, most often "to their military supervisor," according to Statistics Canada. Just 7 percent filed reports with the

military police or the Canadian Forces National Investigation Service. (Austen, 2016)

Although in the USA, women were making gains in the workplace, but the high-profile case involving a newswoman's lawsuit against Fox News CEO Roger Ailes put a spotlight on an issue that experts say still remains an all-too frequent reality in the workplace: sexual harassment. Surveys showed that roughly one in four women said they had been sexually harassed on the job. With many victims too frightened to speak up, attorneys and employment experts say the actual number of such instances is likely to be far higher. Very little employer efforts to combat and deal with sexual harassment may be to blame for the prevalence of such claims. (Jones, 2016)

‘Nearly one in every five women have experienced unwanted sexual advances.....’ according to O’Grady and Bates (2016). They also say that sexual harassment at work is getting worse. We need to stamp it out. Often dismissed as just a bit of banter, sexual harassment is an ugly reality, for too many women at work. And for the first time in decades, new research from both their organizations, showed the extent of sexual harassment in the workplace. More than half of all women and nearly two-thirds of women aged 18 to 24 said they had experienced sexual harassment at work. This included being subject to unwelcome sexual jokes (32%) or sexual comments about their body or clothes (28%). The survey

also shows that, unsurprisingly, most workplace harassers are men. In a frightening 17% of cases, the harasser was someone with line management responsibility for the victim. Far too often, in nearly eight in 10 cases, the woman did not feel able to tell her employer about the harassment or ask for help – and nearly a quarter felt they would not be believed or taken seriously. They point out that getting tough on sexual harassment needs stronger unions and proactive employers, and government to step up to the challenge, too. Only then can offices, shop floors, factories and warehouses be safe for every working woman.

Komaromy, Bindman, Haber, and Sande (1993), discuss Sexual Harassment in medical training and note that sexual harassment at workplace had become a national concern and one that is increasingly recognised in the field of medicine. Although there are reports of the sexual harassment of medical trainees, there is little information on the prevalence of this problem and whether it is adequately addressed by the training institutions. There is potential for abuse in any complaint-resolution process, because sexual harassment usually occurs in situations where there are no witnesses and evidence. This is a difficult issue which may be approved by requiring a fair and unbiased approach to the investigation of complaints. However this article covers only the situation in medical training institutions.

Sharma (2014), in an article in the Business Insider, India, while referring to one of the recent surveys conducted by Nimbuzz, a cross-platform mobile calling & messaging application, states that, Indian women do not feel safe at their workplace. The survey, titled Nimbuzz - Pulse of the Nation, reveals that forty seven per cent of women feel that their top issue at work is sexual harassment vis-a-vis inequality in pay and unequal opportunities. According to the same report, not just women, even men feel that sexual harassment is one of the common problems for working women and that their female colleagues have faced sexual harassment in one way or the other.

Cobb (2014), states that it may be assumed that for as long as men and women have shared the workplace, sexual harassment has existed. Laws prohibiting this conduct first came into being relatively recently, with the United States enacting Title VII of the Civil Rights Act in 1964. Since then, countries around the world have inserted sexual harassment provisions in criminal codes, labor law, anti-discrimination and equal opportunity statutes, and human rights and violence against women legislation. The article mainly pertains to the evolution of the Sexual Harassment law all over the world.

Rajput (2017), highlights the results of a survey that reveals that thirty eight per cent women faced sexual harassment at workplace. Of them, 68.9% refrained from filing a complaint due to fear, embarrassment and lack of confidence. As

many as 65.2 per cent women said their company did not follow the process laid under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Nearly two-third of those surveyed by the Indian National Bar Association (INBA), admitted to the absence of systems as mandated by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, at their places of work, and said that this was one of the main impediments in registering a complaint. The survey which was carried out at BPOs, IT sector offices and at various educational institutes, hospitals and legal firms, found that 38 per cent women/girls had faced sexual harassment at workplace. Of the 6,047 people who participated in the survey, 78 per cent were female and 22 per cent male. On the issue about the section of society that could help fight such harassment, the survey indicated that 92.4 per cent participants felt that parents, teachers, counselors, society and administrators need to act strictly to stop harassment, while 84.7 per cent felt that student body could be useful.

In an article based on a study by the researchers from the Trades Union Congress and the Everyday Sexism Project, Ross (2016), concluded that more than half of women have suffered sexual harassment in the workplace, including sexual assaults and comments about their bodies. Almost a fifth said they had been harassed by their boss or someone else with authority over them. Four in five women said they did not report the incidents to their employers, with many fearing

that it would harm their relationships at work or that they would not be taken seriously.

Besides the above literature, the Annual Reports of the Ministry of Women and Child Development and the National Commission for Women, were also reviewed.
