

## **CHPATER - 6**

### **CONCLUSION AND RECOMMENDATIONS**

Sexual harassment physically and psychologically brutalizes the person who is the target of that harassment as well as the others who are indirectly a part of the same environment and surroundings. The bad personal experience of one colleague combined with the perception that the organisation has not been able to provide a safe, healthy, and secure environment for the female workforce, leads to the creation of negativity. In fact, such an office climate is harmful for the employees as well as the organisation. None can contribute his or her best. The most glaring impression / realization- after carrying out this study, is that although a great beginning has been made by this Act, a lot needs to be done in terms of awareness about, and implementation of the same. Some of the recommendations are given below:-

The female workers engaged in multifarious economic activities with organizations employing them, should essentially be made aware of the provisions of the Sexual Harassment Act, 2013 and the process for lodging a complaint, and also to get justice and relief under it. At the same time, awareness and sensitization of the society is very crucial. Male workers, employers and administrators, also need adequate training and orientation to make them aware and be conscious

towards the prevention, prohibition and redressal of such incidents, as and when they occur. Unfortunately, most of the people spoken to (male as well as female) were not aware of this Act and its provisions. The women had some very vague idea that an Act of this kind exists. They were probably in the frame of mind which says that any predicament of the kind envisaged in the Act can just not befall them. Same is the problem with the employer/administration as they do not realize such a situation can arise at any time in their offices and hence they need to be well-prepared in advance with the required mechanisms of the Internal Complaints Committee etc in place, on priority, rather than in reaction to the emergent problem. The employer should be given a strict time frame to constitute an Internal Complaints Committee for prevention and redressal of the grievances of women workers pertaining to sexual harassment and some provision should be made for questioning, if not punishing, the employer/ administrator by initiating action in case of non-constitution of the Internal Complaints Committee. There is often a problem regarding the non-availability of members for serving on the Internal Complaints Committee, as per the composition laid down in the Act. There is also no provision laying down the requisite credibility and expertise of the members who would constitute the committee. The training and capacity building of these members also has to be taken care of by the employer/ administration. It should be ensured by the employer/ administration that the Internal Complaints Committee

should be headed by a senior and competent female employee and the members are unprejudiced and unbiased (as was evident from one of the case studies that the lady member of the Internal Complaints Committee started pressurizing the complainant to withdraw the complaint or agree to a reconciliation) in so far as gender sensitivity is concerned. Also, the recommendations of the Internal Complaints Committee should be given due priority and must be placed before the competent administrative authority of the respective area, at the earliest. Time bound judgments should be passed in incidences/complaints of sexual harassment at work place.

For propagation of the messages related to prevention and redressal of such offences, publicity materials should be developed and used in the sensitization of organizations and people by organising campaigns for awareness generation about responsible attitude and behavior towards women, particularly women workers, with special reference to this Act and its provisions.

For serious and regular monitoring of the process of implementation of the Act at various places, in the public as well as the private sectors, monitoring committees should be formed at the central and the state level. A national level study should be conducted, to examine the factors impeding the process of implementation of the Act and to suggest remedial measures to make it effective in curbing the incidents of sexual harassment of women workers. Lectures,

workshops and some related competitions may be organized at educational institutions, as well as industrial establishment and other such places to seek suggestions and inputs from public and also to spread awareness about the provisions of the Act. Sustained efforts, like displaying the gist of the provisions of the Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act (2013), on notice boards in common areas, around all workplaces, providing counseling and support to the victims to fight the malaise as well to be able to lead a normal life, providing legal, moral and financial support to the victims, as well as by working together to fight the menace of sexual harassment of women at workplace, are required.

Again, the Act does not deal at all with the sexual harassment faced by the male employees, presuming that they cannot face any problem of sexual harassment at work. However, this is not true, as is amply clear that in reality it is not so. Male employees have also suffered sexual harassment but do not come out openly about it as, in the absence of any legal/ judicial recourse, and due to the fact that talking in public about any such incident may make the victims the subject of ridicule in our male dominated society. In fact this further adds strength to the argument in favour of the demand regarding the necessity of the Act for the Prevention, Prohibition and redressal of Sexual Harassment at Workplace, to be gender- neutral.

Cases of misuse of the act have also been reported. No doubt this is the situation with the implementation of any law in our country. However the men seem to have become more aware of the damage that can be done if a female colleague decides to lodge a complaint against any of them under this Act. Men are scared of becoming falsely accused of sexual harassment. As a result the Act has created an environment of panic as regards the possibility of misinterpretation of even mild office humour. On the other hand even honest and genuine feedback of any senior/ employer may be considered offensive by the female colleague.

It is also felt that the Internal Complaints Committee, because of its composition- it has to be headed by a female officer and has to have members who have a mindset favouring the female employees- becomes a bit prejudiced against the offender or the accused. Even in case where a false or a wrong complaint is detected, not much has been provided to act as deterrent for the future. A male employee, if complained against, has to bear a lot of humiliation in the eyes of the other colleagues in the office. Some mechanisms should be put in place so as to ensure that while no genuine complaint goes unattended, on the other hand no false case can be lodged or entertained.

Although the Act tries to provide some weapon to fight sexual harassment of women at workplace, there should be a mechanism for identifying false complaints

and ensuring that such instances do not arise in the future. Thus the misuse of the Act should be dealt with very seriously.

Victims will feel harassed by the unwelcome publicity, the cumbersome procedures, and a lot of delay and pendency in the settlement of the complaint cases, but the need of the time is to empower such victims, so that they can fight for their rights and seek justice for themselves. Women will have to share the blame for bad implementation of the Act, if they choose to ignore or keep quiet after any such incident and do not complain to the authorities. Many of them fear that complaining against sexual harassment may backfire as they do not have confidence whether the organisation they work in, will take cognizance of the complaint. Many a times, the strong social stigma attached to an incident of sexual harassment, makes the women employees decide against lodging any formal complaint in writing. They are also afraid of retaliatory action by the superior, in case the situation requires lodging such a complaint against him. This may result in their being deprived of their promotions or their other due benefit from the job. Organizations are generally dominated by the male employees. However to improve the situation, the only way out is for the women to raise their voices against any injustice and discrimination. The employers can play a positive role by setting up an effective grievance system and educating the women employees about the options they have before them, both departmental and legal, that they can

take recourse to, in situations of sexual harassment at the workplace. This is exactly what the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, aims to provide. Even though many laws have been enacted by the government, but the effective prevention of sexual harassment against women at workplaces requires not just legislations, but their effective implementation, as well. Beyond this, what is required is the development of a positive social mind-set, and a way of thinking which understands and accepts the position of women in our society as being of the same importance, if not more, as their male counterparts. The Act is a good beginning and well begun is half done. However, a lot is still required to be done as far as the successful implementation and the achievement of the objective of a safe and secure workplace for the women employees of our country is concerned. Therefore, there are miles to go before we sleep.

\*\*\*\*\*