



SEXUAL HARASSMENT OF WOMEN IN THE WORKPLACE: A BRIEF ANALYSIS

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ABSTRACT

Even with the increasing focus on gender equality, sexual harassment of women at the workplace is commonplace, and as such seriously threatens to undermine our efforts made towards combating gender discrimination. This review aims to define sexual harassment, outline the various natures of sexual harassment, and briefly discussed some of the international conventions and measures aimed at combating sexual harassment. It starts by analyzing the historical use of the term 'sexual harassment', and then goes on to discuss some of the theories regarding the origin of sexual harassment, and follows it by discussing the various forms that sexual harassment in the workplace can take and the myriad adverse effects it has on the victims. Further, it takes up the cases of three individual countries, namely United States of America, United Kingdom and India, and briefly discusses the historical development and present status of laws with regard to sexual harassment.

SEXUAL HARASSMENT

The idea and concept of sexual harassment in the workplace is not new, however has seemed relatively new due to the common trend of silence and ignorance. It is been a

failure on the part of individuals and to some extent an unfortunately large number of the society, in encouraging and felicitating the openness of this grave and delicate negativity present amongst our day to day lives. Sexual harassment has a serious and often tragic impacts on its victims. It has a tendency to subjugate, degrade and discourage women. This attitude, in turn, encourages the stereotypical notion that women are inadequate and ineligible for success. It also leads a disturbing psychological, physical, and mental damage t the victim as well as her other social relationship.

Though sexual harassment "has been a fact of life since humans first inhabited the earth", it has only recently been acknowledged to a serious and a real problem, particularly at the place of work. It seems that the term 'sexual harassment' came to be used in public media only from the year 1975 onwards.¹ Till then, no term existed to describe what is now universally called 'sexual harassment', though the phenomenon itself was well-known to women.² The origins of this dilemma lie in the political history of these issues. Sexual

¹ International Labour Organization (ILO), Conditions of Work Digest, Vol. 11, 1/1992, "COMBATING SEXUAL HARASSMENT AT WORK", p. 160.

² Foster and Woolworth Limited,(2000) NSWIRC 208 (27th October, 2000), New South Wales Industrial Relations Commission. The Commission was referring to Professor Cynthia Bowman's article titled "STREET HARASSMENT AND THE INFORMAL GHETTOIZATION OF WOMEN" in the January 1993 edition of the Harvard Law Review, Vol. 106, p. 517. Also see the ILO publication, "SEXUAL HARASSMENT - AN ILO SURVEY OF COMPANY PRACTICE", by Ariane Reinhart, p.vii, which says that untill the mid-1970s there was no commonly recognised term for 'Sexual Harassment'.



Harassment and other forms of gender-based employment and academic discrimination are not a new phenomenon. Historical accounts of discriminatory behavior towards working women date back to colonial times. Foner (1947) cites a notice published in the *New York Weekly Journal* in 1734 by a group of female domestic servants protesting their employment conditions. Bularzik (1978) and Fitzgerald (1993) cite many examples from the Industrial Revolution. A popular account of what now would be termed as Sexual Harassment even appeared in Harper's Bazaar in 1908 (Bratton, 1987).³ Speaking generally, sexual harassment is "behavior with a sexual connotation that is abusive, injurious and unwelcome". For the victim, sexual harassment has direct consequences for the maintenance and improvement of his or her living conditions and/or places his or her in an atmosphere of intimidation, humiliation or hostility.⁴ 'Sexual harassment' is both sexual and unwelcome. It may be constituted by many or simple act and, broadly speaking, the intention of the harasser is not relevant.⁵

Reva B. Siegel's "A Short History of Sexual Harassment" in *Directions in Sexual Harassment Law: Introduction and Afterword* (2004), traces incidents of sexual

harassment way back to the era of chattel slavery. African-American women and those involved in domestic service suffered from sexual coercion.

Other studies though say that sexual harassment in the workplace is said to be a by-product of the Industrial Revolution. Siegel cites how Helen Campbell (*Women Wage Workers*, 1887) and Upton Sinclair (*The Jungle*, 1905) documented how women were victimized by sexual harassers in household services and factories, particularly those working in the garments and meat-packing industries.

"More and more companies", says an ILO survey, "are realizing that sexual harassment is a significant problem from the perspective of working conditions and human resources and are therefore taking action against it".⁶ According to the ILO, "Throughout Asia and around the world, governments, employers' and workers' organizations and NGOs are increasingly advocating the sexual harassment be addressed through workplace policies and complainant procedures. This trend reflects the recognition that workplace policies can be the most effective tool for preventing sexual harassment. It has become increasingly apparent over recent to be accomplished by preventive mechanisms introduced at the workplace level."⁷ The ILO made certain specific recommendations to national

³ Sharyn Ann Lenhart, M.D.: *CLINICAL ASPECTS OF SEXUAL HARASSMENT AND GENDER DISCRIMINATION*, Ch. 1, p.2

⁴ *Quebec (Commission des droits de la personne) v. Habachi*, (Date of decision: 29-3-1992; Docket: 500-53-00002-913, Canada Human Right Tribunal, Province of Quebec, District of Montreal), 1992 Canlii 1 (QCT DP)

⁵ *Jones v Armans Nominees (P) Ltd.*, 59 IR 61, per Judicial Registrar, Millane, quoted in *FOSTER AND WOOLWORTH LTD.*, (2000) NSWIRC 208, Location: www.austlii.org

⁶ "SEXUAL HARASSMENT, AN ILO SURVEY OF COMPANY PRACTICE" by Ariane Reinhart, published by the International Labour Office, ILO, 1999, Foreword by Goran Hultin, Executive Director, Employment Sector, ILO

⁷ ILO, "ACTION AGAINST SEXUAL HARASSMENT AT WORK IN ASIA AND THE PACIFIC", 2001, p.109.



governments, employers' organization and trade union in its conclusions adopted at the 'tripartite symposium on equality of opportunity and treatment for men and women in employment in industrialized countries' held in Geneva in 1990. The following excerpts from the resolution are relevant:

“ Measures should be taken by governments, employers' and workers' organizations to prevent the occurrence of sexual harassment at the workplace. The could include legal methods or redress either through equal employment opportunity legislation or specific legislation on sexual harassment, as well as trade unions' and employers' policies, including guidelines, educational activities, and awareness campaigns at the workplace, a clear statement that sexual harassment is a disciplinary offence, grievances procedures and protection to ensure that the complainant is not retaliated against for making the complaint.”⁸

From time to time, various international bodies and organization including the “ILO have been making specific recommendations to national governments, employers' organizations and trade union of workers to adopt definite policies and campaign to rid the workplace from all forms of gender discrimination including sexual harassment. In December 1984 the Council of Ministers of European Communities adopted a

“recommendation on the promotion of positive action for women”. This recommendation, inter alia, recommended the member states:

“To adopt a positive action policy designed to eliminate existing inequalities affecting women in working life and to promote a better balance between the sexes in employment. To take steps to ensure that positive action includes as far as possible actions having a bearing on the following aspects:

- To respect for the dignity of women at the workplace.
- To encourage both sides of the industry, where ever possible, to promote positive action within their own organizations and the workplace, for example by suggesting guidelines, principles, codes of good conduct or good practice or other formula for implementation of such action”.⁹

In 1985, the International Labour Conference passed a “resolution on equal opportunity and equal treatment for men and women in employment”. This resolution also emphasized, “sexual harassment at the workplace is detrimental to employees' working conditions and to employment and promotion aspects. Policies for the advancement of equality should therefore include measures to combat and prevent sexual harassment.”¹⁰

⁸Source: ILO, “REPORT OF THE TRIPARTITE SYMPOSIUM ON EQUALITY OF OPPORTUNITY AND TREATMENT FOR MEN AND WOMEN IN EMPLOYMENT IN INDUSTRIALIZED COUNTRIES” (Geneva, 1990), document No. SEEIC/1990/2. Also see, Conditions of Work Digest, Vol.11, 1/1992, ILO pp, 44-45.

⁹ Source: “OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES”, Vol. 27, No. L331, 19th December , 1984, pp. 34-35.

¹⁰ Source: ILO, Official Bulletin (Geneva), Volume LXVIII, Series A, No.2, 1985, pp. 85-95.



We claim to be evolving into a modernized and liberal society. However, despite this continuous evolution, we have faltered in one of the key aspects of a functional society: the guarantee of the basic human rights of all. This failure to recognise and guarantee basic human rights may manifest itself in many forms, with one of the common aspects being Sexual Harassment of Women in the workplace by the male members of the society. Working women across the globe are subjected to this vile and unfortunate form of harassment, and are significantly discouraged from entering the working environment. This, in turn, leads to a gender disparity in the office environment, which is, therefore a sign of an underdeveloped nation. It is important to understand that sexual harassment at the workplace doesn't only include physical forms of abuse it has several aspects and dimensions to it. However, the basic ingredient of identifying sexual harassment at workplace is the feeling of being inconstant and inescapable fear and uncomfortable situations. The apprehension of repeated and slightly violent or extremely violent acts leads to the eventual fall in the number of working women in our society. There have been two major identifications of Sexual Harassment of Women in the workplace: Quid Pro Quo and Hostile Environment.

'*Quid Pro Quo*' is a form of sexual harassment where there is active denial or promise of benefits and /or remunerations for the prey (the victim) by the predator (the perpetrator). Such a situation is created by the predator, in order to obtain a series gratifying and pleasure activities, by the victim. The continuance of such an act

prevails primarily because the victim is in the compromising situation, and is often helpless. '*Hostile Environment*', on the other hand, refers to the inconvenience that an individual faces due to various uncomfortable and unhealthy work situation. Such a situation might include verbal, sexual, pictorial, mental, etc., and several other forms of sexual harassment. A hostile environment is the more common type of sexual harassment, but more difficult to prove. This exists when an employee is made to feel uncomfortable and suffers emotional and/or mental strain due to frequent exposure to offensive sexual talk and jokes, pornographic images and repeated unwelcome sexual advances, although there is no threat to the employee's advancement in the work place or continued employment. This type of sexual harassment is that which is continually being interpreted and re-interpreted by case law and legislative actions.

In the present times, it is necessary to accept the atrocities that our female counterparts in the society are compelled are often forced to undergo. It is understood in today's world that a women is capable of work, self preservation and independence; and somehow this concept of women being capable of achieving her dreams and goals is often disliked and discouraged by the male counter parts of our society. Why else would a rational and able human being strike on a woman's confidence and pride?

Sexual harassment has a serious and often tragic impacts on its victims. It frequently leads to a disturbing psychological, physical, and mental damage to the victim as well as her other social relationships. A victim of



sexual harassment is often deliberately made to feel guilty for a crime that she played no part in. She is made to feel responsible for the situation rather than recognizing the fact that the harasser had a greater control over her. Due to this attitude of victim shaming, the popularity of reporting an act of sexual harassment at workplace is nearly negligible. This, in turn, facilitates and encourages the harasser to continue with the atrocities rather than correct it.

USA, UK AND INDIA ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

Sexual harassment of women is in itself a devastating and traumatizing incident that a woman might have to go through; the inclusion of sexual harassment in the workplace is the step further into facilitating the already prevalent and negative form of discrimination that women across the globe are subjected to. What is even more distressing is that there is lack of sensitivity, awareness and cooperation available in the society with respect to the said problems. It is been observed that several countries including the United States, Great Britain and India have attempted to eradicate this problem.

A. THE UNITED STATES OF AMERICA:

The practice of sexual harassment, is centuries old. Instances of men forcing women into providing sexual favors, is an extremely well known situation. What is crucial to understand is that the idea and practice of attaching a woman's pride and

dignity to the presence or absence of her virginity is rather common one. From slavery to the modern day world the presence of sexual harassment has been a constant. In earlier times when women were considered as slaves and bought and sold in the market like commodities, there were several instances of the rich (the buyer of slaves) repeatedly raping or sexually harassing the slave girl. In those times, it was baffling to ever question the superiority of the white race, and the normality of a girl getting raped nearly everyday was acceptable. While those slaves were meant to please their master, it was never considered to be a violation of human dignity, and was widely believed that women themselves were responsible for the rapes that occur, and that big breasts were a provocation to men. However, it was seen that irrespective of what body shape slave girls were raped in brutal manners. It was also observed that the media reported such inhumane sexual relations between masters and slaves and that such news was a matter of achievement in some societies. Several of the slave masters would gather and discuss about the latest conquests with regular frequencies. Over the decades though the concept of slavery gradually declined, sexual harassment remained intact. As society progressed further it was alarming to notice that the idea of sexual harassment remained unchanged. In short, the laws, governments and peoples forever is assumed that women themselves were desperate to sexually harass and assaulted. And that these 'complaints' that they filed were a revenge that they sought to achieve.

Rape laws were previously cast, class and race oriented. In other words, an accused



raping higher caste or class women, would face behavior charges provide that the lady white. On the other hand, lower caste, lower class, and colored women would generally be considered as liars, especially if the accused was a white man. Previously, tort law was a much more effective weapon against sexual harassment in the workplace. Initially, there was no right of the women to recover damages for sexual assault. At common law, sexual assault gave rise to a rather surprising claim by the master- since he was the owner of the women assaulted he was entitled to a claim against the rapist as trespass to the man's property.¹¹ A father was also entitled to bring a seduction action against an employer who impregnated or otherwise defiled his daughter. Sexual harassment is a form of discrimination that is generally women centric and often is derogatory and discouraging to the female counterparts of a country. One of the most significant incident in the US history in the development of the idea of sexual harassment was that of the popular story of Anita Hill, and the scandal involving Senator Thomas. The term sexual harassment in the US was first coined and popularized by Lin Farley in 1975 based on a pattern that she recognized during a class she taught on women and work at Cornell University in 1974. In the USA, the Civil Rights Act of 1964, vehemently prohibits any form any form of employment discrimination base on either race, sex, colour, rationality, or religion. The aim to prohibit sex determination was meant to cover both men and women. US courts

including the US Supreme Court have approvingly referred to the EEOC guidelines while deciding complaints of discrimination on the ground of sex under Title VII. The EEOC guidelines have been quoted with approval even by courts and human rights tribunals in Canada. The Equal Employment Opportunity Commission(EEOC) is the federal agency responsible for establishing and administering guidelines and regulation addressing sexual harassment by way of Title-VII of the Civil Rights Act. Additionally, several states have enacted the Fair Employment Practice(FEP) laws, which address and regulate sexual harassment on a state level. However, most of these statutes failed to provide for recovery of personal injury damages in a sexual harassment claim. In 1980 the EEOC issued a regulation that defined sexual harassment and stated it as a form of sex discrimination prohibited by Civil Rights Act of 1964. In the case of Meritor Savings Bank v Vinson(1986)¹², the Supreme Court first recognized sexual harassment as a violation of title VII, and established the standard for analyzing the whether the conduct was welcome and the levels of employer liability, and that speech of conduct in itself can create a hostile environment. This landmark decision enabled victims of sexual harassment to sue their employers for monetary damages. In 1991 Jenson v Eveleth Taconite co.¹³ became the first sexual harassment case to be given class action status thus paving the way for others. In Burlington Industries, Inc. v. Ellerth¹⁴, and Faragher v. City of Boca Raton¹⁵, the Supreme Court made clear that

¹¹Thomas R. R. Cobb, AN INQUIRY INTO THE LAW OF NEGRO SLAVERY IN THE UNITED STATES OF AMERICA (1858)

¹²477 US 57

¹³ 824 F. Supp. 847 (D. Minn. 1993)

¹⁴ 118 S. Ct. 2257 (1998)

¹⁵ 118 S. Ct. 2275 (1998)



employers are subject to vicarious liability for unlawful harassment by supervisors. The standard of liability set forth in these decisions is premised on two principles: 1) an employer is responsible for the acts of its supervisors, and 2) employers should be encouraged to prevent harassment and employees should be encouraged to avoid or limit the harm from harassment. In order to accommodate these principles, the Court held that an employer is always liable for a supervisor's harassment if it culminates in a tangible employment action.

B. UNITED KINGDOM:

The idea of Sexual harassment in the UK, is not specifically defined. One of the most prominent laws that prevail in the UK, is the Sex Determination Act, 1975, which prohibits an act of Sexual Harassment. It is held that sexual harassment is a conduct prohibited by Sex Determination Act, 1975. However, the term 'sexual harassment' is not found in the 1975 Act; nor is such conduct expressly dealt with therein. The 1975 is essentially designed to deal with the mischief of discrimination "on the ground of sex", i.e. Gender specific determination. Cases of sexual harassment has been defined by the European Union as "where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment." The Courts have defined 'sexual harassment' in cases arising out of the Sex Determination Act, 1975. They have held that a "detriment" means a disadvantage suffered by the complainant and encompasses both tangible economic

loss (quid pro quo sexual harassment) and deterioration of the working environment to the point where harassment, being severe or pervasive, detrimentally effects the complainant (hostile working environment sexual harassment).¹⁶

Sexual harassment can be extremely damaging to the victim, both in relating to the loss of dignity, defamation, and mental stress, but also with regard to employment and income opportunities. In particular, sexual harassment of women in workplaces can be particularly damaging with regard to achieving goals of gender equality, with a poll showing that more than half of women in the United Kingdom has suffered sexual harassment in workplace.

C. INDIA:

When an employee felt violated it should be the responsibility of the superiors to look into the matter. However, it becomes an unfortunate when they themselves turn into the harasser. In a country like India, it is an accepted act to remain silent or voluntarily choose to resign, in order to maintain a "good image" in front of our unfortunately large, judgmental society. It is believed in India that a women who is harassed in the workplace should choose to give up her job and be tied into matrimony at the earliest convenience. Further on, the victims family is cautious into not letting their other female, children or relative work in the future, an end up aiming for marriage rather than success in the field of work. Indian families

¹⁶DeSouza v. Automobile Association, (1986) IRLR 103; ILO, Condition of Work Digest, Vol. 11, 1/1992 "COMBATING SEXUAL HARASSMENT AT WORK", pp.23-24.



also vehemently believe that it is best to conceal and act of harassment in the workplace, due to the sole reason that concealment would negate a negative reaction of shaming the victim for being, or attempting to be independent and self satisfied.

Though it takes pride in being one of the greatest cultures of the world, India ceases to act on its own. It is the trend of every Indian government and our ministers to repeatedly and consistently demean women. India believes itself to be a culture where women are confined to the four walls of their homes and are highly discouraged from working outside and creating a career for themselves. This archaic mentality of Indian men and unfortunately women is an indication of a backward and patriarchal form of society. It is unfortunate that Indians choose to shame the victim over shaming the culprits, in cases of sexual harassment, rape, and other forms of violence against women. In the recent past it has been a common trend that a woman, due to the excessively unfortunate situations of rape and unwelcome sexual advances, has been barred from leaving her household in the workplace due to the sole reason. The idea of women vulnerable and the idea of having to save and protect them leads to the suppression of women.

According to a survey conducted by the Indian National Bar Association in 2017, a study with 6,047 respondents, and an unfortunate 70% of women claimed that they did not report sexual harassment by their superiors because they feared the repercussion. Between 2014-2015 the National Crime Records Bureau claims a

more than double case of sexual within the office premises from 57 to 119. There has also been a 51% rise in sexual harassment cases at other places related to work- from 469 in 2014 to 714 in 2015. In the year before, between 2013-2014 National Commission for Women reported a 35% increase in complaints from 249-336, according to a December 2014 reply filed in the Lok Sabha.

SEXUAL HARASSMENT LAWS IN INDIA

The inception of Sexual Harassment of Women at the Workplace, dates back to the landmark judgment of *Vishakha and others v. State of Rajasthan*¹⁷, where the Supreme Court of India had laid down guidelines, due to the lack of any presence of laws prohibiting sexual harassment of women at workplace, in the year 1997. These guidelines provided a standard for events of sexual harassment of women in the workplace, until a legislation that dealt with the same was implemented. Prior to 1997, a woman facing sexual harassment in the workplace, had to lodge a complaint under sec 354 of Indian Penal Code, 1860, and the punishment of the accused was provided under sec 509. Unfortunately, and rather surprisingly, it took the legislative 16 years, to enact and frame the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and subsequently suspended the pre-existing Vishakha guidelines. Although it took sixteen years for the legislation to come up with a law that prevented and addressed the

¹⁷(1997) 6 SCC241



issue of sexual harassment of women in the Workplace. The act passed was indeed an extensively well drafted piece of legislation. According to the Press Information Bureau of the Government of India:

“ The Act will ensure that women are protected against sexual harassment at all the work places, be it in public or private. This will contribute to the realisation of their right to gender equality, life and liberty and equality in working conditions everywhere. The sense of security at the workplace will improve woman's participation in work, resulting in their economic empowerment and inclusive growth.”¹⁸

The legislative progress of this act has been a lengthy one. The bill was first introduced in 2007 by women and child development minister, Krishna Tirath, and was approved by the union cabinet in January 2010. It reached the Lok Sabha in December 2010 and was referred to the parliamentary standing committee on human resource development. On 30th November 2011, the committee published its report. In May 2012 the union cabinet approved an amendment to include domestic workers. The amended bill was finally passed by the Lok Sabha on September 3rd 2012. Further, the Rajya Sabha passed the bill on February 26th 2013. The president of India assented to the bill and was published in the gazette of India, Extraordinary part-II, section- 1 dated 23rd April 2013 as act number 14 of 2013.

Salient Features of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:-

The act used a definition of sexual harassment which finds its inception in the original definition laid down by the Supreme Court of India in the Vishakha case. The act, defines the concept of sexual harassment on workplace and creates a suitable mechanism for the redressal of the complaint. Interestingly enough, it also provides a safeguard against malicious charges. It covers the concept Quid Pro Harassment and Hostile work environment as two forms of sexual harassment, provide that it occurs in connection with an act or behavior leading to sexual harassment. Furthermore, it has widened the definition of an “aggrieved women”, as well as “workplace”. It further mandates the implementation of an internal compliant committee (ICC) and a local complaint committee(LCC), and requires the committee to complete the preliminary inquiry within a time frame of 90 days. On very the completion of the said inquiry, it is mandatory for the report to be sent to the employer or the district officer as the case may be, who in turn is mandated by the act to take action based on the report within a period of 60 days. The act also promises confidentiality and lays down a penalty of Rs. 5,000 on the person who fails to maintain confidentiality. Furthermore, employer is mandated to constitute an internal complaint committee at every office or branch that constitutes of 10 or more employees. It also requires the district officer to constitute a local compliant committee in each district, and if necessary even at the block level. A non-compliance of the said rules would lead to the imposition

¹⁸Press Information Bureau, Government of India (4 November 2010). PROTECTION OF WOMEN AGAINST SEXUAL HARASSMENT AT WORKPLACE BILL, 2010. Retrieved on United Kingdom:March 7th, 09:12PM)



of a fine of upto Rs 50,000. Repeatedly violating the provisions, may lead to higher penalties and the cancellation of license of registration to conduct business. The government reserves the authority to order any officer to inspect the workplace and records related to sexual harassment in any organization.

Recommendations for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:

1. The definition of ‘Workplace’ as per sec 2(o) of the Sexual Harassment in the Workplace (Prevention, Prohibition and Redressal) Act, 2013 should include and accommodate women in the armed forces and police, government institutions , all public bodies and panchayats, all establishment covered under the Factories act, 1948 and the Industrial Disputes Act, 1947 and all the employees on private sector, agricultural workers and women students of schools and educational institution.
2. The act fails to establish who should take the responsibility if the organization fails to have Internal Complaint Committee. There is a need for better definition and structure of with regard to Sexual Harassment in the Workplace (Prevention, Prohibition and Redressal) Act, 2013.
3. The Sexual Harassment in the Workplace (Prevention, Prohibition and Redressal) Act, 2013 also fails to cover a situation for the benefit of the past employees who faced sexual harassment at workplace.
4. Section 9(1) of Sexual Harassment in the Workplace (Prevention, Prohibition and Redressal) Act, 2013 provide a limitation of three months for the compliant to be made. However, it is essential to understand that such a situation is not always possible.
5. The act fails to include domestic workers and agricultural labours and fails to understand that most of them are unaware of the laws provided to them due to illiteracy. It is an evident fact that Sexual Harassment in the Workplace (Prevention, Prohibition and Redressal) Act, 2013 is urban centric, and this must be amended.
6. Though there is a punishment for the unimplementation of Internal Complaints Committee (ICC) there fails to be a set punishment for the unimplementation for the Local Complaints Committee (LCC). Thereby, freeing the state from any form of punishment or liability. Such a discrimination between private and government official should be highly discouraged as it promotes negligence amongst government officials.
7. The act fails to include men. Though, it may seem bizarre most people, it is essential to understand that even men are subjected to sexual harassment in the workplace. The act should try to incorporate certain section for the benefit of the male victim.
8. Due to a lack of witness protection and societal shaming, witnesses choose to remain in the shadows rather than provide testimonies in front of concerned authorities. There should be a scheme or law to ensure the confidentiality of the he testifying and come forward with their grievances.



9. There should be awareness in the form of events, or social media communication, as to what constitutes sexual harassment in the workplace. Such sensitization programme should primarily focus rural areas and members of the lowest stratas of societies.
10. It is important and essential to encourage women to share their grievances rather than conceal it. The act of shaming the victim should be aimed at eradication, as it acts as a barrier to the communications between the aggrieved party and the remedy she deserves.

CONCLUSION

Throughout history, Patriarchy has played a strongly significant role in most countries of the world. As a result of this practice, it is been difficult to determine the intensity and grievousness of what we know today of sexual harassment. With evolve in time women were provided with a chance to look beyond their household chores, and enter the workforce. This resulted in an entirely different and unfortunate practice of sexual harassment in workplace.

Undoubtedly, prior to the Sexual Harassment of Women at Workplace (Prohibition, Protection and Redressal), 2013, the were guidelines laid down to deal with the incidents of sexual harassment of women at the workplace. However, with passing time, the need for a strong legislation was realized and the said act was enacted in 2013. However, in a country like India, it has been difficult to implement the laws that are designed to curb sexual harassment at workplace. On of the most

primary reasons behind the inevitable unfortunate lack of protective measures for the victim. It is the common trend for Indian victims to either conceal, the act or fear the repercussions of speaking up. Such an attitude of victimizing the victim has lead to lesser number of reported cases than expected.

The Sexual Harassment of Women at Workplace (Prohibition, Protection and Redressal), 2013, though a brilliantly drafted act has failed to establish itself, as law enforcement agencies and the expected implementers and the targeted audience of the victim, have failed to understand the reason behind the very implementation of this act. Victims have often been mistreated and further been the victims of malpractice, thereby failing to reap benefits from the said act. There is also a significant amount of ignorance amongst those who are expected to know about the said act. Several factors have played a major role in the failure of the implementation of this act. It would be unfair and unjust to blame anyone entity, when it is the failure of a collective bunch.

Sexual Harassment is an extremely damaging and traumatizing to the victim, both in relation to loss of dignity, defamation and mental stress, and also with regard to the loss of employment and income opportunities. Particularly, sexual harassment of women in the workplace, is damaging to the aim of achieving a gender equal society.
