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Violence against women and sexual harassment at work places-issues and policies

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Abstract

This paper deals with the issues related to violence against women and sexual harassment at the workplaces as this has emerged as one of the major noticeable Human Resource Management issues at the workplaces. This paper summarizes the extensive literatures available on this issue in India. The women's participation in the economic sector is crucial for their economic empowerment and sustainability as well as for the development of the economies. However, problems such as sexual harassment and different kinds of violence against women in the workplace discourage them to join the economic sectors and for the continuation of their job tenure. It is increasingly being recognized as a violation of human rights and human dignity, which undermines equality of opportunity and treatment between men and women. As women's participation is growing in employment sectors, the prohibition of sexual harassment is necessary to ensure safe and healthy working environment. The violence against women and sexual harassment at the workplaces, causes psychological and physical injuries to the human resources and affects negatively to the organizational effectiveness and productivity of an organization as these leads to higher absenteeism, employee turnover, and lower employees' morale. Hence, there is a need to look upon this matter sincerely and seriously by the concerned authorities such as policy makers of the organizations and government. Proper mechanisms should be developed to deal with these issues. The goal must be to nullify any kinds of violence against women and sexual harassment at the work settings or elsewhere. In addition to that this paper brings down some of the best practices of the corporations to check the violence against women and sexual harassment at the workplaces.

Keywords: Violence against women, Sexual harassment at workplaces, Productivity, psychological and physical injuries, Government Policy on sexual harassment

Introduction

Violence against women and sexual harassment at the workplace has emerged as the major noticeable human resource management issues at the workplace around the globe. Organizations are social components and are getting affected by social factors directly and indirectly. Sexual harassment is a social problem, emerging as a vital issue in the workplaces which is needed attention and proactive human resource management intervention by the top level management. In totality, it is an offense against the dignity of a human being. Sexual harassment is one of those offenses, which leave a long-term impact on the victims and highly affects healthy work environment. It is a hazard encountered in workplaces for women, which reduces the quality of working life, jeopardizes the well-being of women, undermines gender equality and causes heavy loss to the organizations. Society and organizations work together. They interact and affect each other continuously. Hence, social culture influences greatly to the workplace culture. Sexual harassment at the workplace has been in the spotlight for the last several years. So far, extensive researches have been carried out on this phenomenon and many literatures have been created around the world. This has become a hot corporate cake on the media for the last 2 decades. Even though, widespread publicity is done about its perils, organizations are still exhibiting a surprisingly casual attitude about the problems. Modernization and economic development have caused many changes in the perceived gender issues. For example, industrialization has led to majority of women's employability rather than just doing household work especially in the cities. This accepted role has a direct impact on increasing female education, training, and movement into the public sphere. Thus, independence has enabled women to certain degree of

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autonomy and their level of confidence has grown up which has helped them to foster good relationship with many other people from the wider sections of the society and has enabled them to participate in a larger social life. So far, the degree of freedom and gender inequality do vary across the borders. Gender inequality has given rise to a number of issues that affect the integrity of the women and also have an impact on the physical, mental and their social well-being which results on different kinds of violence such as sexual abuse, economic deprivation, verbal abuse, incarceration and psychological abuse etc. In many families, women are only earning members and other dependent members of the family have to depend on their income, in such situation, if they are being harassed by their superiors and colleagues, they have to compromise due to fear of losing jobs and income etc. In addition, in a male dominated society, the chance of discrimination to women is higher in most of the organizations. Even today, in many organizations, there are glass-ceiling for women, where they can see the higher positions, but can never reach there even though they deserve it.

Centuries have come, and centuries have gone, but the plight of women is not likely to change. Time has helplessly watched women suffering in the form of discrimination, exploitation, degradation, aggression, humiliation etc. Fear of violence is an important factor in the lives of most women, which causes lack of participation in every sphere of life. There are various forms of crime against women. Sometimes it is even before birth, sometimes in the adulthood and other phases of life. There is different legislation for safeguarding the women in our country, but they can take action only when the complaints are filed and brought to the court, but it is known that, because of traditional culture, women are always dominated and less supported from their well-being. According to census 2011, 82% of males and 65% of females are literate. The difference of 17% indicates that many indian parents still believe that educating their sons takes precedence over daughters while allocating family resources. The question arises that even the male is more literate than female, why they behave as illiterate and do such offenses against the dignity of a human being. So if, this violence has to be end up, the very first thing we need to do is to change the old mindset of people learning from their traditional culture and societies, such as, women should always be treated as homemaker, they should not compare themselves with male etc.

Sexual harassment on the job, generally refers to unwanted verbal or physical sexual advances directed towards women employees by male supervisors, co-workers or customers. The behavior can range from sexual comments, suggestions and gestures to physical contact, sometimes resulting in attempted or even actual rape. Penalties for refusal may include verbal sexual denigration, lack of cooperation from co-workers, unfavorable job evaluations and recommendations, increased work load, changes in schedules or work assignments, demotions or outright termination of employment. Sexual harassment is not primarily sexual act. It is a form of violence which is used against women as an instrument of social control and a symbol of male superiority. Further, sexual harassment is a form of sex discrimination that involves unwanted or unwelcome conduct of a sexual nature. This applies to harassment by a person against another person of the opposite sex as well as harassment by a person against another person of the same sex.

Furthermore, as defined in the Supreme Court guidelines (Vishakha vs. The state of Rajasthan, August 1997), sexual harassment includes such unwelcome sexually determined behaviour as:

- Physical contact
- A demand or request for sexual favors
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome, physical, verbal or non-verbal conduct of a sexual nature, for example, leering, telling dirty jokes, making sexual remarks about a person's body, etc.

Sexual harassment usually falls into one of three categories: verbal, nonverbal, and physical.

- *Verbal sexual harassment* includes, suggestive comments about dress, sexual desirability, physique, or sexual orientation; jokes about gender-specific traits; sexual propositions; and sexually related threats and insults.
- *Nonverbal sexual harassment* includes, suggestive or insulting noises, obscene gestures, whistling, leering, and displaying obscene pictures.
- *Physical, sexual harassment* includes, touching, pinching, standing or sitting too close, intentionally brushing against someone else's body, and coercing sexual intercourse and assault.

There are two types of sexual harassment

- 1) **“Quid pro quo” sexual harassment:** Quid pro quo (this for that) harassment occurs, when an employee is offered some job benefits, such as, promotion, pay raise, etc., in return for sexual favors or is subjected to some adverse action because of a refusal to submit to a request for sexual favors.
- 2) **“Hostile work environment” sexual harassment:** It occurs when an employee is subjected to unwelcome or unwanted sexual conduct that is sufficiently pervasive or severe to alter the terms or conditions of the employee's employment, such conduct unreasonably interferes, with an employee's work performance or creates an abuser, intimidating, offensive or hostile work environment. A manager, supervisor, co-worker, or even a non-employee, such as a vendor, customer or third party can create a hostile environment.

Generally it is believed that, if the people are illiterate, they usually create a violence in the society, because they do not understand the rules and regulation of the society, which, distract them from their main job and create violence. Sometimes, they may not be able to judge between good and bad. On the contrary, the highly qualified people who are serving the organizations, they also involve in causing various kinds of violence against women at the workplace by misusing their authority or sometimes abusing their authority. Sexual harassment results psychological and physical injuries to the human resources and affects negatively to the organizational effectiveness and productivity as these issues lead to higher absenteeism, employee turnover, and lower employees' morale. Thus, realizing its consequences, well known business houses, like, Tata, Godrej, Infosys and many other multinational corporations have formulated policies to prevent sexual harassments at the workplace and to foster minimal acceptable interpersonal behaviors to uphold discipline at

work settings Moreover, mere formulation of policy does not ensure safety and security of women at the workplace, because in some cases, top level executives themselves are involved in violating the norms, where, even employee unions fail to take up molestation cases. Hence, organizations have to foster a good conducive work culture to provide security and safety for the women. In addition, there should be a favourable environment for the employees that can motivate them to approach higher authorities, if there exist, any kind of violations against them. Thus, setting the right organizational climate is required for its successful implementation.

Cases of Violence against Women in India

Recent studies have concluded that violence against women is the fastest-growing crime in India. In every ten-rape cases, six are of minor girls. Every seven minutes, a crime is committed against women in India. Every 26 minutes, a woman is molested, every 34 minutes, a rape takes place, every 42 minutes, a sexual harassment incident occurs, every 43 minutes, a woman is kidnapped and every 93 minutes, a woman is burnt to death over dowry. One-quarter of the reported rapes involves, girls under the age of 16 but the vast majorities are never reported. Although the penalty is severe, convictions are rare, according to the (Home Ministry's National Crime Records Bureau, New Delhi.2010) [1]. Similarly Aarti Dhar, 2010) [2] stated that nearly 88% of the female workforces in the Indian Information Technology and business process outsourcing and knowledge process

outsourcing (BPO/KPO) companies reported having suffered some form of workplace sexual harassment during the course of their work. Moreover, it was reported that, about 50% women has been subjected to abusive language or physical contact. Further, the report stated that, as many as, 47% employees did not know where to report, while 91% did not report for fear of being victimized. Furthermore, the study revealed that there existed poor awareness levels among female employees on this issues. Similarly, it was observed that, more than 82% of the incidents which could be classified as sexual incidents occurred outside the boundaries of the offices and in nearly 72% of the incidents, the perpetrator was a superior. It was further found that 60% of the respondents were not aware of the workplace sexual harassment policies of their organizations. Around 10% were only partially aware. Of all the respondents, 77% stated that the details of sexual harassment policies were not part of their hiring process, while only 7% stated that they could recollect some discussion about the topic either during their hiring process or later. As per Census 2011, the workforce participation rate for females at the national level stands at 25.51% compared with 53.26% for males. In the rural sector, females have a workforce participation rate of 30.02% compared with 53.03% for males. In the urban sector, it is 15.44% for females and 53.76% for males.

So far, Table 1 presents the crime head-wise incidents of crime against women during 2008-2012 and the percentage variation in 2012-2011. This helps us to understand the phenomenon effectively

Table 1: Crime head-wise incidents of crime against women during 2008 - 2012 and Percentage variation in 2012 over 2011

S. No	Crime head	Year					Percentage Variation in 2012 over 2011
		2008	2009	2010	2011	2012	
1	Rape (Sec. 376 IPC)	21,467	21,397	22,172	24,206	24,923	3.0
2	Kidnapping and abduction (Sec. 363 to 373 IPC)	22,939	25,741	29,795	35,565	38,262	7.6
3	Dowry death (Sec. 302 / 304 IPC)	8172	8383	8391	8618	8233	-4.5
4	Cruelty by husband and relatives (Sec. 498-A IPC)	81,344	89,546	94,041	99,135	106,527	7.5
5	Assault on women with intent to outrage her modesty (Sec. 354 IPC)	40,413	38,711	40,613	42,968	45,351	5.5
6	Insult to the modesty of women (Sec. 509 IPC)	12,214	11,009	9,961	8,570	9,173	7.0
7	Importation of girl from foreign country (Sec. 366-B IPC)	67	48	36	80	59	-26.3
A	Total IPC crime against Women	186,616	194,835	205,009	219,142	232,528	6.1
8	Commission of Sati Prevention Act, 1987	1	0	0	1	-	-100.0
9	Immoral Traffic (Prevention) Act, 1956	2,659	2,474	2,499	2,435	2,563	5.3
10	Indecent Representation of Women (Prohibition) Act, 1986	1,025	845	895	453	141	-68.9
11	Dowry Prohibition Act, 1961	5,555	5,650	5,182	6,619	9,038	36.5
B	Total SLL crime against Women	9,240	8,969	8,576	9,508	11,742	23.5
	Total (A+B)	195,856	203,804	213,585	228,650	244,270	6.8

Source: Central bureau of statistics - 2012

Review of Literature

In this section some foundational recent studies have been incorporated for the better understanding of the phenomenon under study. So far, Gunilla Krantz, Claudia Garcia-Moreno, J (2005) [3] stated that violence against women is now well recognized as a public health problem and human rights violation of worldwide significance. Similarly, it is an important risk factor for women's ill health, with far reaching consequences for both their physical and mental health. Thus, it is suggested that the local health services and communities should play a central part in raising awareness among the public to prevent this violence.

Similarly, Leela Visaria (2008) [4] stated that the study examines three issues related to domestic violence in India on the basis of data collected from the third National Family Health Survey. It shows that a significant proportion of women, regardless of their socio- economic background, except power differentials based on sex and that men have a right to discipline them. It also reveals that men from violent homes are significantly more likely to use violence against their wives. Similarly, it is observed that most women do not seek help for the violence suffered, and the few who do, tend to steer clear of social service organizations and the authorities.

Moreover, Deirdre McCann (2005) [5] stated the violence against women by characterizing the offensive treatment they encountered at work as “sexual harassment” has enabled women to push and have its recognition as a facet of workplace discrimination and to campaign for measures to proscribe it. Similarly, it is observed that workplace sexual harassment has increasingly been the subject of legal measures, awareness campaigns and workplace policies in countries across the world. The research conducted on its extent and dynamics has confirmed that workplace sexual harassment although it has male victims, is overwhelmingly directed at women. Moreover, it appears to be most often encountered by those who are in a less-powerful labor market position, including young workers, domestic workers, women in non-traditional jobs, migrant workers and women in the informal sector. It is also apparent that sexual harassment imposes heavy costs on both its victims and their employers.

Further, Nisha Agrawal (2012) [6] stated that the violence against women is a human rights violation, whether it is domestic violence within homes or sexual harassment at the workplace. It is observed that 17 percent of working women face sexual harassment in the workplaces in India. Moreover, the majority of respondents (both general population and working women) perceived women working in the unorganized sector are to be more susceptible to sexual harassment due to lack of awareness of the legislation. “Interestingly, 26 percent reported to be the sole earning member of their families indicating that an economic vulnerability further makes women more vulnerable to harassment at the workplace. Further, it is observed that the reason behind not taking any action by the women despite of harassment at the workplace was due to fear of losing their job, the absence of any complaints mechanism in the workplace, fear of getting stigmatized and not aware of redress mechanism.

Furthermore, Pranava Kumar Chaudhary (2013) [7] found that fresh graduates from universities from Bihar are the most vulnerable targets at the workplaces. It is found that apart from women in the age group of 20-30 years, women in their early thirties and married are also being targeted at their workplace by their male counterparts. Similarly, passing lewd remarks, spreading defamatory rumors and using abusive language has become everyday affairs for working women of the city”. The findings revealed that these girls are

sought to be lured by their immediate bosses with promises of a salary hike to a permanent job. Moreover, the figures shows, 56 percent of women in the state, aged between 15 and 49 years were subjected to physical and sexual violence as against the national average of 35 percent in Bihar.

In addition, Chetan Kumar (2014) [8] reported that the women may have broken through the glass ceiling where careers are concerned yet workplaces remain unsafe for them. It is observed that the National Commission for Women (NCW) has recorded roughly 115 complaints by women on sexual harassment in the workplace every year between January 2010 and December 2013. However, the only silver lining is that workplaces in south India recorded very few complaints. Similarly, Rageshri Ganguly (2013) [9] stated that the workplace of Madhya Pradesh is unsafe due to the staggering number of sexual harassment complaints received at the women's panel in the last two years. It is found that on an average, 20 such complaints are received every month and numbers are steadily rising. Moreover, it is observed that the Madhya Pradesh state women's commission (MPSWC) received 244 complaints in 2012-13 on harassment at the workplace, in just last seven months from April 1, 2013 whereas, at least 143 such cases have been registered at the commission, which shows such cases are on the rise. Therefore, it is evident that sexual harassment has become one of the major HR related issues at the workplace.

Framework for understanding violence against women

A typology of violence presented in the world report on violence and health divides violence into three broad categories ie: self-directed violence, interpersonal violence, and collective violence. This typology gives a comprehensive overview of the violences present in the society. Women experiences all forms of violence, however, interpersonal violence-that is violence inflicted by another person or by a small group of people on the woman is the most universal form of violence against women, as it takes place in all societies. It is in turn divided into two subcategories: family/intimate partner violence and community violence. Family/partner violence describes violence between family members (often taking place in the home), while community violence describes violence between people who are unrelated and who may or may not know each other, and it generally takes place outside the home.

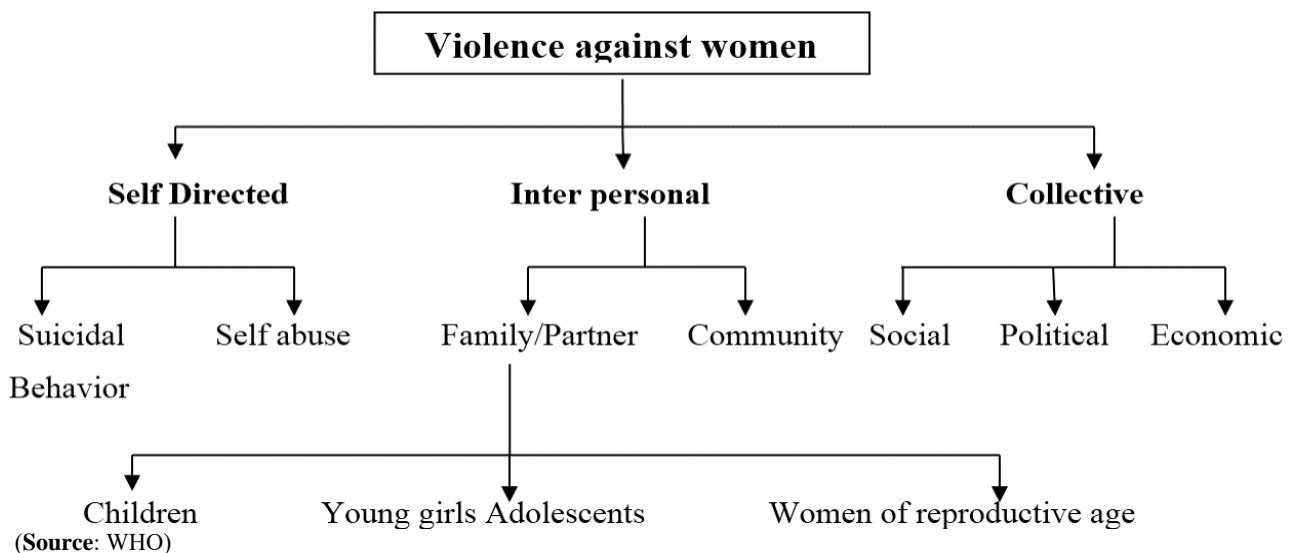


Fig 1: A typology of violence against women, modified after the world report on violence and health.

The Need for a Policy against Sexual Harassment

In addition to a sense of moral responsibility, the legal implications of sexual harassment at the workplace for the employees must be kept in mind. In the United States, employees are liable, if they knew or should have known and failed to take appropriate corrective action and are always liable, if a hostile offensive environment exists. In India, the recent Supreme Court Ruling of 21st January, 1999 reiterated that each incident of sexual harassment at the place of work is a violation of the fundamental rights of the citizen.

Moreover, prevention is the best tool to eliminate sexual harassment at the workplace. This can be tackled through training and creating awareness whereby the work culture is made conducive to social propriety, and the dignity of the employees can be safeguarded. Employers are encouraged to take steps necessary to prevent it from occurring. Anything will succeed, if there is a will and the ability to succeed. This will come from the seriousness of the top management when these issues are prioritized while the ability comes when the infrastructure is in synchronization with the policies laid down and both are (socially) environment friendly. Even the most comprehensive sexual harassment policies and procedures are bound to fail, if a company does not enforce them quickly, consistently, and aggressively.

Further, The Protection of Women against Sexual Harassment at the workplace (Prevention, Prohibition and Redressal) Bill, 2010 passed by Lok Sabha on 3rd September, 2012 and by Rajya Sabha on 26th Feb, 2013. The law makes it mandatory for all offices with 10 or more employees to have an internal complaints committee (ICC) to address grievances in a stipulated time or face penalty. It prescribes strict punishment, including termination of service, for the guilty and similar penalty, if a complaint is frivolous. The employer can be fined up to Rs 50,000 for failure to constitute an ICC to handle sexual harassment complaints. A repeat of the offense will attract double the punishment second time and cancellation or non-renewal of license or registration after that.

Conclusion

Sexual harassment has become a vital workforce related issue and it has gained attention of the researchers, policymakers and the governments in recent years. This issue must be handled carefully and timely as it has many bad consequences on the work settings as well as its causes negatively to the effectiveness and efficiency of an organization. Corporations should take some proactive measures to prevent sexual harassment or any other kinds of violences against women at the workplace. In recent times, almost all governments in the world have passed some laws to govern this phenomenon systematically. Organizational culture plays a major role to prevent sexual harassment. Thus, top level management must take initiative to foster a very good conducive environment to prevent sexual harassment at the workplace. This can be attained by the collective efforts of all the members of an organization. Social, ethical consideration should be kept in mind while serving the organizations.

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