



Sexual Harassment at Work Place and Self protecting techniques

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Abstract

The United Nations General Assembly defines “violence against women” as “any act of gender-based violence that results in physical, sexual or mental harm or suffering to women whether occurring in public or in private life”. Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and any other verbal or non-verbal conduct of sexual nature. In India, nearly 10 million girls are born every year and they are biologically stronger than boys. But then, about 25% die before their 15th birthday because of female foeticide, female infanticide, malnutrition, under nourishment, bias in health care, maternal mortality, victims of sexual exploitation and molestation. This paper “sexual harassment at work place and self protecting techniques” deals about the definitions of sexual harassment at work place, types of sexual harassment bills passed against sexual harassment in India and which places are considered work place and self protecting techniques for women.

Keywords: Sexual harassment, work place, abuse, women

Introduction

The United Nations General Assembly defines “violence against women” as “any act of gender-based violence that results in physical, sexual or mental harm or suffering to women whether occurring in public or in private life”. Violence against women is an age-old phenomenon; however, there has been a steep rise in exploitation, abuse and torture of women after our independence. Women are always considered weak, vulnerable and easily exploited. Violence has long been accepted as something that inevitably happens to women. In India, nearly 10 million girls are born every year and they are biologically stronger than boys. But then, about 25% die before their 15th birthday because of female foeticide, female infanticide, malnutrition, under nourishment, sex, bias in health care and maternal mortality,

victims of sexual exploitation and molestation. According to Supreme Court definition, sexual harassment is any unwelcome sexually determined behaviour, such as forcing women for physical contact, a demanding or requesting women for sexual favours, sexually coloured remarks, asking the women to watch the pornography, any other or conduct of a sexual nature. This paper “sexual harassment at work place and self protecting techniques” deals about the definitions of sexual harassment at work place, types of sexual harassment bills passed against sexual harassment in India and which places are consider work place and self protecting techniques for women.

Sexual Abuse

Sexual abuse is another method the man uses to assert his power over his partner. The woman is sexual exploitation or indecently assaulted and this often occurs after a physical beating. Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature. Sexual harassment is not only on the increase, it is also assuming new and subtler forms every day. Women suffer sexual harassment in the form of eve-teasing, body touching, vulgar remarks and humiliation. Sexual abuse has kept women in a constant state of exasperation and humiliation and restricts their freedom.

Sexual Harassment at the Workplace

Women are nowadays getting good education and their economic independence as encouraged them to look out for jobs. They are quite successful in acquiring good jobs. However, they are not been free from the torture of male-dominated society at their places of work. There are many instances where superiors subject them to sexual harassment. Tamil Nadu has highest workplace sexual harassment cases. Those women who come from respectable and cultured families have some other financial means and they easily give up their jobs as a protest for such harassment. But women who belong to lower middle-class and who are the sole-supporters of their families financially bear their bosses sexual overtones silently. Sexual harassment has consider as most dangerous and wounding most form of violence in a countries like the United Kingdom, the United States and also in many other countries sexual harassment can be for women as well as employers, but have adapted legislative measures to combat sexual harassment.

In our country, it has been only one decades since sexual harassment was for the first time recognized by the Supreme Court as human rights violation and gender-based systemic 'discrimination that affects women's right to life and livelihood. The court defined as well as provided guidelines for employers to redress and prevent sexual harassment at workplace.

Definitions of Sexual Harassment at the Workplace

According to John J. Macionis, "Sexual harassment refers to comments, gestures, or 'H physical contact of a sexual nature that are deliberate, repeated, and unwelcome". According to Mackinnon, "Sexual Harassment most broadly defined, refers to the unwanted imposition of sexual requirements in the context of a relationship of unequal power". According to May and Hughes, "The term sexual harassment refers to the intimidation of persons in subordinate positions by those holding power and authority over them in order to exact sexual favors that would ordinarily not have been granted". According to the Supreme Court definition "Sexual harassment is any unwelcome sexually determined behaviour, such as Physical contact, A demand or request for sexual favours, Sexually coloured remarks, Showing pornography, Any other physical, verbal or non-verbal conduct of a sexual nature".

Two Broad Types of Sexual Harassment

Sexual harassment at workplace is generally classified into two types. 'Quid pro quo', means seeking sexual favours or advances in exchange for work benefits. It took place when consent to sexually explicit behaviour or speech is made a condition for employment or refusal to comply with a 'request' is met with retaliatory action such as dismissal, demotion and difficult work conditions. Hostile working environment is an another type this is more pervasive form of sexual harassment involving work conditions or behaviour that make the work environment 'hostile'.

Workplace means

A factory, A mine, A plantation, An agricultural field, A hospital or nursing home, A shop or business establishment, A brick kiln, A construction site, Any banking establishment, Any government, semi-government establishment or department including telegraph office, post office, telephone exchange, etc., Any private office or house, Any school, college, university or like institution, An establishment wherein persons are employed for exhibition of equestrian, acrobatic and other performances, Any other such place, where a woman is working are consider as workplaces for women.

Bills Passed Against Sexual Harassment

In 1987, (Prohibition) Act was passed to Prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner. In 1997, in a landmark judgement, the Supreme Court of India took a strong stand against sexual harassment of women in the workplace. The Court also laid down detailed guidelines for prevention and redressal of grievances. The National Commissions for Women also give the details about the guidelines. Notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force, however sexually harasses a women at a workplace shall be punished with simple imprisonment for a term which may extend to 5 years or with fine which may extend to Rs. 20,000 or with both.

Vishakha Guideline

In 1997 Indian Supreme Court case where Vishakha and other women groups filed Public Interest Litigation (PIL) and Union of India to enforce the fundamental rights of working women under Article-14, 19 and 21 of the constitution of India. In Rajasthan the petition was filed that the social worker Bhanwari Devi was raped by a gang due to the reason that she was stopped the child marriage. Article 14, 15, 19(1) (g) and 21 of constitution and the safe guards against sexual harassment implicit therein the petition, it was called as Vishaka guidelines. The judgement of August 1997 given by bench provided the basic definition of sexual harassment at work place and provided guidelines to deals with it⁹. It is seen as a significant legal victory for women's groups in India. India's new labour law-Prevention for sexual harassment at the workplace-Employment and HR-India, MMondeg.com retrieved 21.02.2012.

Self Protection Techniques

Mahatma Gandhi said a woman can use their teeth and nails as a weapon during the un expected harassment situation:-

- Get trained in Karate, Jiu-jitsu and Taekwondo.
- Set boundaries from others.
- Stay aware, drinking, main distance to talking to someone else.
- Get self defense tools like, defense alert device (device specially designed pepper spray/stun guns, GPS tracker/Flash light with a land strap)
- A lot of people assume that self-defense training only help individual women so training as part of a college.

- Health care is very most important to attack the enemies during the dangerous situation sexual harassment.
- Fighting back remains the most effective strategy to the war sexual assaults.
- Self protection training is not only about fighting it also about de-escalation, awareness, avoidance, learning how to be make assertive and standing up for herself.
- Health care is important to escape from the rapist.
- Sexual education awareness is important.

Child Abuse

150 Child abuse cases were booked under the protection of children from sexual offences (POCSO) Act in 20 month in Madurai District. The new law aims to protect school children from sexual abuse new bill passed by the Tamil Nadu Assembly. All schools now have the mandate to ensure the “safety and security” of students including protection. From mental harassment or physical injury or sexual abuse as per section 20(1) and (2)12. To report child abuse in India contact the National Commission for Protection of Child Right (or) Child line on phone number 1098. This is national emergency helpline for children are supported by the Ministry for Women and Child Development, Government of India.

Conclusion

Rape is a cognizable offence tri able by the court of sessions alone. It comes under section 375 and 376 as now amended by the Criminal Law Amendment Act 1983 prior to 26 December 1983 rape trials in court used to be conducted openly. Now the new section 327(2) of criminal procedure code provides for ‘Camera Trial’ and it has been made unlawful for any person to print or publish or disclose the name of the rape victim without prior permission of the court. There are many laws in favour women but the violence against women are daily took place in many forms. Tamil Nadu is the highest workplace sexual harassment cases the immediate solution is need to stop this kind of activities to protect women from the sexual abuse.

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