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## PREVENTING SEXUAL HARASSMENT AT WORKPLACE

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### Abstract

*Sexual harassment at work is an unwelcome or uninvited behavior of sexual nature, which is offensive, embarrassing, intimidating and affects an employee's work performance, health, career or livelihood. One major problem in dealing with sexual harassment in organizations is its perceptual nature. Men and women generally differ in what they perceive to be sexual harassment. Sexual harassment at work place is prevalent in every society. It could happen to anyone but women are the targeted victims. Sexual harassment is considered as a traumatic event and the victim may end up in having physical and mental sufferings that hinders a person to work effectively. At an organizational level this may result in decrease work effectiveness, decreased work productivity, high absenteeism, high turnover, and low staff morale. Hence there is a need that, organizations and government should look seriously into this matter. Proper education and training programs should be developed to deal with these issues. The goal must be both to deal with sexual harassment incidents effectively and to prevent the occurrence of future incidents.*

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### Introduction:

Harassment is any form of behavior that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behavior that is likely to offend, humiliate or intimidate. It can make it difficult for effective work to be done by the individual or groups targeted or affected by this behavior. For harassment to occur there does not have to be an intention to offend or harass. It is the *impact* of the behavior on the person who is receiving it, together with the nature of the behavior, which determines whether it is harassment.

Some examples of harassment might include:

- ✓ Offensive physical contact, derogatory language or intimidating actions.
  - ✓ Insulting or threatening gestures or language (overt or implied) or continual and unwarranted shouting in the workplace.
  - ✓ Unjustified and unnecessary comments about a person's work or capacity for work.
  - ✓ openly displayed pictures, posters, graffiti or written materials which might be offensive to some;
  - ✓ phone calls or messages on electronic mail or computer networks which are threatening, abusive or offensive to employees;
  - ✓ persistent following or stalking within the workplace, or to and from work; and
  - ✓ The exclusion of a person or group from normal conversations, work assignments, work
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related social activities and networks in the workplace.

### 1. Meaning of Sexual Harassment:

Sexual Harassment is defined as “unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment” (Know Your Rights, 2012). It is a form of sexual discrimination that can happen anywhere, but for the purposes of this research paper, will only be elaborated upon in the work place environment. There is a thin line between occasional unwanted sexual advances and comments that may be deemed inappropriate. These are not always labeled as sexual harassment, but if “a number of relatively minor separate incidents...affect your work” (Know Your Rights, 2012) then this could turn out to be sexual harassment.

Sexual harassment can take many forms and may include:

- ✓ Belittling jokes or comments based on gender stereotypes.
- ✓ Behavior which insists that gender stereotypes be maintained and exercised in the workplace.
- ✓ Uninvited touching, kissing or embracing.
- ✓ Making promises or threats in return for sexual favors.
- ✓ Displays of sexually graphic material including posters, cartoons repeated invitations to go out after prior refusal.
- ✓ Staring or leering at a person or parts of their body.
- ✓ Sexually explicit conversation.
- ✓ Persistent questions or insinuations about a person’s private life.
- ✓ Any behavior that creates a sexually hostile work environment.

### 2. Types of Sexual Harassment

- ❖ **Verbal or Written:** This type includes comments about attire, personality, or physical appearance; sexual jokes; requesting sexual favors, constantly asking someone out, sexual insinuation, starting rumors about personal aspects or sexuality, threatening a person with sexual advances.
- ❖ **Physical:** Sexual advances of the physical nature include assault; obstructing movement; improper and unwanted touching; kissing; hugging; patting; stroking
- ❖ **Nonverbal:** Sexual cues that are nonverbal include staring at someone’s body parts, hand gestures or facial expressions that are sexual, following a person or stalking.
- ❖ **Visual:** This type includes sexually explicit drawings, pictures, posters, emails, and any other images that depict unwanted sexual fixations.
- ❖ **Non-sexual:** There is harassment that is not in a sexual manner, but is considered sexual harassment. This includes discrimination based on gender. Females or males can be sexually discriminated on purely because of their gender in the workplace. For example, a woman can be sexually discriminated at a job site that is conventionally known as a “mans” job, if the other employees are constantly pestering her.

### 3. Types of Harassers:

Marital status, level in the organization and age do not exclude people from being harassers. Sexual harassment could also be linked to self-esteem problems on the side of the perpetrator, causing a need to "prove them self ". While behavior and motives vary between individuals, we can probably divide harassers into six broad classes:

- ❖ **Mr. Macho, or One-of-the-boys:** When groups of men embarrass women with comments, unwanted compliments or even physical evaluation, lewd jokes or gestures, and display of sexually distasteful posters. All these could create a hostile environment, and even if it goes no further than verbal and visual harassment, most women experience this as humiliating and disturbing.
- ❖ **The Great Gallant:** This mostly verbal harassment occurs when the "gallant" pays excessive compliments and makes personal comments that are out of place or embarrass the recipient.. Such

compliments are sometimes also accompanied by a possessive pride or by leering looks. Although the giver of compliments may see himself as the gallant gentleman, the recipient usually experiences him as patronizing or annoying, or both.

- ❖ **The Opportunist:** This kind of harasser is usually fairly promiscuous in his attentions to female staff, suppliers or clients. Whenever the opportunity presents itself - in the elevator, when working late, on a business trip, at the office party, when alone in an office or a car with a female colleague - the "office groper's" eyes and hands start wandering.
- ❖ **The Power-player:** In this case harassment is a power game, where the man insists on sexual favors in exchange for benefits he can dispense because of his position, getting or keeping a job, promotion, orders, bank overdrafts, getting a drivers license, and so on.
- ❖ **The Serial Harasser:** The most difficult type of harasser to identify. He carefully builds up an image so that people would find it hard to believe ill of him, plans his approaches carefully, and strikes in private where it is his word against that of a subordinate. He can do a lot of damage before he is found out.
- ❖ **The Situational Harasser:** The trigger to this person's behavior is usually psychological, but more situational than compulsive. Incidents are often linked to specific life situations or emotional or medical problems, such as divorce, wife's illness, impotence, hormonal imbalance, prostate disease, or psychiatric or systemic disturbances that suppress the higher brain functions, such as Alzheimer's and alcoholism. If the situation changes or the disease is brought under control, the harassment usually stops - but by then both victim and harasser have been harmed.

#### **4. Causes of sexual Harassment:**

The causes of sexual harassment vary from person to person and from situation to situation. Many of the causes are interrelated, and are linked to the culture and values in society and in companies, and to the roles, relative power and status of the men and women concerned.

##### **4.1 Socialization:**

The way in which men and women were brought up to see themselves and others strongly influences their behavior. Various viewpoints could create a climate that allows sexual harassment:

- ❖ In a culture where it is, or was until recently, "OK" to discriminate against people because they are different (in terms of gender, race, culture, religion, lifestyle, political conviction or whatever), the abuse of power or humiliation that is typical of sexual harassment will not be unusual. Harassment is often closely linked to prejudice in general, and to sexist attitudes.
- ❖ Many women have been brought up to believe women's highest calling is to please men, that popularity with men equals success, or that "real women look sexy". This can give the impression - usually unintended - that they invite sexual advances at work. Some women who see sexuality as their only power base, play along. Although research has proven them to be a small minority, their behavior can also encourage harassment of other women.
- ❖ If women see themselves as dependent on, or of lesser value than men, or are unassertive, they find it difficult to handle harassers or to complain. Often women who are breadwinners are vulnerable and fear victimization or even job loss, if they reject advances or complain.

##### **4.2 Power games**

Social and political changes in recent years have changed power relationships. Some men feel threatened by the career advancement of women and people of color, or are uncomfortable with women's newfound independence and assertiveness at home and or at work. Other men who have recently gained positions of power (possibly after decades of discrimination) may also try to prove themselves by harassing women subordinates. Some men even regard it as a "fringe benefit" to which their position, their power and their sex entitle them. In tough times of uncertainty, fear, limited promotion opportunities, retrenchments, personal stress and pressure on performance, there is a real danger that sexual harassment and trading of sexual favors will form part of the power games played.

### **4.3 Moral values, divorce and cultural differences**

- ❖ In times of moral laxity, when extramarital affairs and "one-night stands" are broadly accepted, when some people equate monogamy with monotony, it is relatively easy for people to indulge in office flirtations, whether one-sided or mutual. The person who tries, and doesn't accept rejection or sees the unwilling colleague as a challenge, easily becomes a harasser, or may victimize the reluctant colleague.
- ❖ The prevalence of marital stress and divorce in our society means that some men and women come to work in a state of emotional distress that could make them vulnerable to sexual harassment.
- ❖ Some confusion results from cultural differences about what is, or isn't, acceptable in our rapidly-changing society. For example, when action was taken against sexual harassment at the University of Cape Town, black male students claimed it was their cultural and traditional right to act in that way. They were strongly challenged by the then vice-chancellor, a black woman. Black women complaining about harassment by black men have been accused of disloyalty to their own group, while whites may fear accusations of racism or prejudice if they reject or complain about such behavior from black colleagues.

### **4.4 Aggressiveness or bravado**

Men in groups often behave differently from how they would as individuals. This can explain some of the "gang harassment" that occurs when a woman enters a plant or walks past a group of workers at lunch; after a few drinks at an office party; or when a group of colleagues attend a conference. Alone, those men would probably be "harmless", or less bold.

### **4.5 Lack of company policy**

- ❖ Companies don't have clear policies and complaint and disciplinary procedures to deal with harassment - or if they have them, they do not implement them.
- ❖ Women often resign rather than complain, since they do not know where to go, or if they do complain, it is either treated as a joke, or no action is taken by management.
- ❖ If management condones such behavior or if victims end up being blamed, the perpetrator is encouraged to continue the pattern of harassment, affecting more and more women.

## **5. Typical Victims:**

Women of all ages are harassed – physically attractive or plain, sexily or soberly dressed. A woman's high rank or status in the organization, her age or her race, is no insurance or shield, a man may regard her as a special challenge. If she succumbs, he will feel more powerful.

Women's who are particularly vulnerable include:

- ❖ Women heads of households who need their jobs badly.
- ❖ Divorcees or widows are often psychologically vulnerable because of loneliness and personal loss.
- ❖ Women who are tired of insecure and about their ability and lack self confidence and career related education, which have limited potential for advancement and are easy to replace.
- ❖ Women who are eager to be accepted and liked and may find it difficult to be assertive and say "no".
- ❖ Sales women may be pressured by the clients to meet sexual demands in exchange for the business. To make matters worse, their employers may urge them to comply.

## **6. Anyone can be a Victim**

Anyone can be a victim of sexual harassment in the workplace. Men are not excluded from harassment, and the accused can be a woman as well. Same sex harassment is as common as opposite sex harassment. The person committing the sexual harassment can be a supervisor of the victim, an agent of the organizations, an indirect supervisor, a co-worker, or a client. Victims also include others indirectly affected by the harassment. If an employee feels they are being sexually harassed because the behavior is unsolicited, then they should first inform the harasser of their feelings, and secondly file a complaint with a superior or HR manager.

## 7. Preventing Sexual Harassment

Avoiding sexual harassment is not an easy task. There are steps to take if an employee is getting unwanted attention from another employee in a sexual manner. If an employee, whether it is male or female, is a victim of sexual harassment, they should immediately take the matter to their immediate supervisor. The victim should “communicate either verbally, in writing, or by their own actions to the harasser that the conduct make them uncomfortable and it should be stopped” .An employer should, and is legally required to prevent sexual harassment in the workplace by “clearly communicating to employees that sexual harassment will not be tolerated”

- ❖ **Speaking out:** Speaking about sexual harassment is an effective tool in combating it. While speaking about it, the problem becomes visible, it is acknowledged that it exists, and this in turn leads one to take effective measures against it. Speaking about sexual harassment also gives an opportunity to clarify by this about it. It helps in changing attitudes of people towards this issue. Speaking about it creates an enabling environment for the victim to speak out. It mobilizes public opinion against it. It makes it difficult for a potential harasser to commit the crime. It equips people with information as to what is to be done in such a case.
- ❖ **Speak up at the time:** Be sure to say "NO" clearly, firmly and without smiling as that is the best way to let the harasser know that his behavior is offensive. Objecting to the behavior when it occurs helps if you decide to file charges later.
- ❖ **Set your own boundaries:** Say "NO" emphatically and clearly when you are asked to go places, do things, respond to questions, or engage in situations that make you uncomfortable. Do not worry about offending the other person or hurting his or her ego. Take care of yourself first.
- ❖ **Be aware of situations and people who may harm you:** Don't ignore other's warnings about particular people or social settings. Acknowledge their concern for you and for themselves.
- ❖ **Tell someone:** Being quiet or stoic about sexual harassment lets it continue. Talk to other co-workers; you may not be the only one harassed by this person. Do not blame yourself and do not delay.
- ❖ **Create a Witness to the behavior:** Inform a trusted colleague and try to insure that s/he is an eye or ear witness to an situation where you are being sexually harassed. This will be useful later if you chose to file a formal complaint. Send a copy of sexual harassment policy / rules to the harasser. If your workplace already has an anti sexual harassment policy or the conduct rules of your institution prohibit sexual harassment, send a copy of the institution policy/conduct rules to the harasser with the appropriate sections underlined.
- ❖ **Get a medical check-up:** If you have been raped or physically assaulted, go for a medical check-up. Obtain a medical report. This is important, should you decide to pursue a legal case.
- ❖ **Report sexual harassment to the appropriate person in the organization:** Explore the different avenues available to you and file a formal complaint if necessary. If your organization does not have a policy, ensure that your employer formulates an anti-sexual harassment policy and carries out all the connected tasks.

## 8. SEXUAL HARASSMENT POLICY

**8.1 Adopting Sexual Harassment Policy:** A basic policy should set forth the following:

- ❖ An express commitment to eradicate and prevent sexual harassment and express prohibition of sexual harassment.
- ❖ a definition of sexual harassment including both quid pro quo and hostile work environment giving examples.
- ❖ An explanation of penalties (including termination) the employer will impose for substantiated sexual harassment conduct.
- ❖ a detailed outline of the grievance procedure employees should use.
- ❖ a clear statement that anyone found guilty of harassment after investigation will be subject to immediate and appropriate disciplinary action

- ❖ a clear understanding and strict rules regarding harassment of or by third parties like clients, customers etc.
- ❖ Provisions for training of employees at all levels.

**8.2 Communicate Policy:** Issue a strong policy from the top authority against sexual harassment taking a "zero tolerance" approach. Make sure it gets out to all your employees either through the employee handbook or in memo form or with pay packets or with appointment letter. Have the employees sign it to acknowledge that they received and read the policy. The policy can also be posted in the workplace. If you have employees whose primary language is not English, have your sexual harassment policy translated or communicate to them in their primary language. Discuss the policy with all new employees. Ensure that third-party such as suppliers and customers are aware of your sexual harassment policy. Review the policy with your employees on a regular basis.

**8.3 Enforce Policy:** Take complaints of sexual harassment seriously and investigate all sexual harassment charges quickly and thoroughly and professionally. Maintain accurate records of the investigation and the findings. Make sure employees who bring charges do not face retaliation. Ensure confidentiality and time bound response to complaints. Take immediate action when sexual harassment is discovered or suspected. Discipline appropriately any employee found to have engaged in sexual harassment. Safeguard your employees from third-party work-related sexual harassment.

## 9. COMPLAINTS CHANNEL

Complaints Channels need to provide different routes that employees can take to file complaints; i.e., contacting the responsible authority for sexual harassment, a supervisor, calling a hotline, complaining through email, etc. Organizations need to focus on the plight of the average individual. A policy is useless unless people use it, and most research indicates that a small fraction of employees ever say or do anything about harassing behavior.

Informal methods of resolving complaints must be part of the complaints mechanism as

- ❖ The objective is to end the harassing behavior at the lowest possible (which is the most cost effective, as well)
- ❖ Many complaints can be resolved effectively and positively through informal methods. Informal options act as a buffer or filter, save bad blood, prevent the office environment getting uncomfortable for all, if employees can be advised as to how to handle the situation before it gets out of hands. Platforms to resolve complaints or to stop harassing behavior must be provided before the complaints escalate into full-blown, formal complaints. The Supreme Court guidelines impose an obligation on the employer to set up a Complaints Committee to deal with the cases of harassment. Such a committee should:
  - \*be headed by a woman
  - \*have half its members as women
  - \*include a third-party representative from an NGO or any other agency conversant with the issue of sexual harassment (to prevent undue pressure from within the organization with respect to any complaint)

## 10. Complaints Committee:

Employers need to set up redress mechanism/complaints committees as per Vishaka guidelines. First Contact Persons from within the Committee or otherwise should be appointed who could try to resolve the complaint informally first before the complaint goes to the formal channels of complaints committee. The organization needs to put down clearly, certain non-negotiable for the complaints committees for effective resolution of complaints.

### Desired Qualities Of The Members Of Complaints Committee:

- ❖ **Subjectivity:** A sexual act when unwelcome is sexual harassment; the unwelcome is the women's subjective reality. The Complaints Committee's first job is to believe in this reality. (Unless something on record completely negates her complaint).
- ❖ **Empathy:** It is critical that the Complaints Committee empathizes with the complainant and does not judge her by their moral standards. The most important question to be answered in the affirmative that

the committee and all functionaries must ask themselves while providing redress to a particular case is 'Do we believe her?'

Selection of the Complaint Committee members is extremely important as in most cases the committee members, if in sub-ordinate position of power at workplace to that of accused, find it very difficult to diligently carry out the responsibilities bestowed on them as heads or members of the Committee, against the superiors.

**The Complaints Committee must remember:**

- ❖ It needs extensive orientation for effective functioning.
- ❖ It cannot function like a criminal court.
- ❖ The complainant, when she complains, has at stake her personal life and career.
- ❖ The impact sexual harassment has on a woman
- ❖ It is difficult for a woman to talk about anything sexual. Hence there can be long time interval between the harassment and the actual complaint.
- ❖ It needs to handle complaints in a confidential manner and within a time-bound framework
- ❖ It needs to submit an annual report on sexual harassment to the appropriate government authority.

**CONCLUSION:**

Sexual harassment in the workplace is still very much in existence today more than ever.. All employees have rights, and it is important for employers to make their subordinates aware of the channels available to them in order to file a grievance against their sexual harasser. Prevention is the best tool for the abolition of sexual harassment that could also be achieved through independent awareness of the individuals. However employer organizations and government need to take appropriate measures to streamline the policies and the implementation thereof. Sexual harassment can be eradicated most effectively if these strategies are promoted; it will not only improve the working environment but also enhance the physical and mental health of the people. That will have positive impact on job performance, employee satisfaction, and organizational quality outcome.

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