ABSTRACT

Women are given a high status in a country like ours. They are considered to be the torch bearers. But still they are in dwelling in darkness. Even after sixty years of Independence most of the women today are in ignorance because of lack of awareness of their constitutional rights. Despite the Right to information act and various legislations enactment to safeguard women, working women encounter harassment at work place which has adverse affect in terms of her performance, focus and psychologically makes her low. Many a time if such instances persist and a woman is not educated of her rights, she might even make decisions to forego her career and quit and over a period of time the rate of women employment is sure to deteriorate. For the International Labour Organization, workplace sexual harassment is a barrier towards its primary goal of promoting decent working conditions for all workers. ILO’s activities in this area is by providing an overview of what is being done to prevent and combat workplace sexual harassment at international level and in countries across the world. Recent statistics released by the National Commission of Women (NCW) suggest that complaints regarding sexual harassment at the workplace are rising every year. Women in Organised and unorganised sector are undergoing sexual harassment at workplace. Few are reported and many unreported for reasons unknown. The present study attempts to uncover the reasons for the issue with special reference to women in unorganised sector.

Keywords: Women, Workplace, Sexual harassment, Rights, Awareness

INTRODUCTION

“Can you better the condition of your women?

Then there will be hope for your well-being.

Otherwise you will remain as backwards as you are now.”

— Swami Vivekananda

Women in the wake of globalization are continuously striving to their nerve to unleash their potential to prove their mettle. Women both in urban and rural areas are inclined towards their higher education and career. In 2012-2013 the percentage of women enrolled in specific undergraduate degree programs included, 28.5% Engineering/Technology, 40.2% IT and Computer, 35.6% Management, 32.0% Law. 45.9% of all enrolled undergraduate students in India are women. 40.5% of all enrolled PhD students are women.

Over the next 40 years, India is projected to add 424 million working-age adults.(2011). If India can increase women's labour force participation by 10 percentage points (68 million more women) by 2025, India could increase its GDP 16%. The percentage of employment in organized to Unorganized
sector is 6% and 94 percent respectively. At this juncture, though women comprise 48.5% of the population (2015), and they have inclination towards higher education, the scope for employment in the organized sector has been declining. The overall labour force participation rate for women is falling from 37% in 2004-05 to 29% in 2009-10. In 2011-2012, women comprised 24.8% of all rural workers, down from 31.8% in 1972-73. In 2011-2012, women comprised 14.7% of all urban workers, a subtle increase from 13.4% in 1972-73.

Inspite of concerted efforts of the women workforce in varied streams of organized sector in both public and private sectors, their growth and development are restrained towards their journey to the apex level.

India: Representation By Gender at All Levels

Source: Aarti Shyamsunder, Alixandra Pollack, Dnika Travis, "India Inc: From Intention to Impact" (2015).

The industries with the highest percentage of women on boards are technology, media, and telecommunications. Women hold only 7.7% of board seats and just 2.7% of board chairs.

**CURRENT STATUS OF WOMEN**

Though women have made strides in various fields, they are lagging behind and the echelon of their career is hampered because of certain issues overlooked by the Organizations, the Government and the Society at large.

Women are given a high status in a country like ours. They are considered to be the torch bearers. But still they are in dwelling in darkness. Even after sixty years of Independence most of the women today are in ignorance because of lack of awareness of their constitutional rights. Right to information act and various legislations have been enacted to safeguard women. Working women encounter harassment at work place which has adverse effect in terms of her performance, focus and psychologically makes her low.

A survey in India stated that the biggest problem was not merely poor policies but lack trained human power to handle cases of workplace sexual harassment due to absence of commitment of industry heads to accord due importance to issues of workplace sexual harassment in their organizational agendas (Sharma, 2010). The argument put forward here is that workplaces will become safe for women only when employers not only articulate policies on sexual harassment but rather implement them in letter and spirit with an aim to prevent and address sexual harassment.

**WOMEN & SEXUAL HARASSMENT**

Women have long been exposed to workplace harassment which involves conduct of a sexual nature or is premised on the sex of the victim.

Sexually harassing behaviour is often categorized as either “quid pro quo” or “hostile working environment” harassment, a distinction stemming from the jurisprudence of the American courts. Quid pro quo sexual harassment takes place when a job benefit — a pay rise, a promotion, or even continuing employment — is made dependent on the victim acceding to demands to engage in some form of sexual behaviour. The second category, hostile working environment harassment, covers conduct that creates a working environment which is unwelcome and offensive to the victim. It encompasses the range of sexually harassing behaviour that does not involve sexual blackmail: sex-
based comments, disparaging remarks about the sex of the target, innuendos, the display of sexually suggestive or explicit material, etc.

In the context of India, women will not choose to report harassment at the first instance because they do not want to be seen as challenging the authority and creating disharmony in the organization. It is better to emphasize on giving education on policies against harassment rather than pushing the issue under carpet.

Many a time if such instances persist and a woman is not educated of her rights, she might even make decisions to forego her career and quit and over a period of time the rate of women employment is sure to deteriorate. Sexual harassment is a form of illegal employment discrimination in many developed countries including the US, UK and the European Union countries. In these domains, the definition of sexual harassment includes employer-employee relationship as well as a hostile work environment.

"THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013"

1. The act has been enacted to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and in matters connected therewith or incidental thereto. This act applies to women working in organized and unorganized sectors and even covers cottage industries. Government after enacting the Act, still has been failing in its proper implementation as it is not inclining towards bringing awareness among the women of their rights and legal mechanisms to safeguard themselves.

2. As rightly quoted by Swami Vivekananda “Women will work out their own destinies -- much better, too, than men can ever do for them. All the mischief to women has come because men undertook to shape the destiny of women”. Women in our country are bound to society and family. The influence of the family members and the society plays a major role in shaping her future. These social relationships many a time droop her dreams of advancement in career and reduce her morale, ultimately affecting continuing her employment.

3. The grave problems of women may be solved through education that would empower her Psychologically and economically, which is a sign of prosperity of the nation as such.

NATIONAL RELEVANCE

Any legislation formed to date is formulated on the guidelines of the Constitution of India. Apart from Article 32, 14, 19(1)(g), 21, the essence of Article 15,42,51a,51,11,24 also have been taken as a base. Most importantly the Hindu Code Bill 1956 stated that the women has rights on par with men and she should be permitted to. The efforts of Dr.B.R.Ambedkar in framing our Constitution and passing of the Hindu Code Bill 1956 are incredible.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 was notified by the Indian Parliament in December 2013. It is modeled on the Vishakha guidelines which have served as the case law to curb instances of sexual harassment at the workplace since 1997. The main objective of the Act is to ensure that women feel safe at the workplace and to nurture the growth of a holistic work ecosystem. In this report, EY’s Fraud Investigation & Dispute Services team throws light on the current state of implementation of the Act to prevent sexual harassment at the workplace. The objective is to understand corporate India’s compliance with the Act, steps undertaken to constitute Internal Complaints Committees (ICCs) mandated in the Act and to ascertain whether employers and employees have grasped its essence.

Recent statistics released by the National Commission of Women (NCW) suggest that complaints regarding sexual harassment at the workplace are rising every year. This may however also indicate a rise in malicious complaints. One of the key challenges in such cases is ascertaining whether complaints made are malicious or frivolous. This is primarily because a complaint can only be
considered malicious if the intent is proven. This involves a host of complexities, and is therefore
difficult to substantiate without thorough investigation and assessment.

170 167 249 336
2011 2012 2013 2014

(According to the data compiled by the National Commission for Women (NCW), there is a
noticeable rise in sexual harassment at the workplace. Source: Factiva)

The Government’s intent is to put a brake on such cases. However, recent data generated by the
Government indicates that there has been a rise in sexual harassment and the number of complaints
relating to it at the workplace has seen an upsurge.

Undoubtedly the Vishakha judgment initiated a discourse in India on sexual harassment and benefited
women by reconfirming their right to a safe working environment. It proposed to provide a safe and
genderfriendly atmosphere for women, proposing an in house redress mechanism envisaging that it
would resolve the issues related to sexual harassment within the organisation.

However, Vishakha guidelines had certain inherent limitations. Being only guidelines, many
employers choose to ignore them and / or not take them seriously. At the moment we stand a
turning point where we are to go a long way towards effective implementation of the legislation on sexual
harassment at workplace while the level of awareness among employers, trade unions, and employees
remains dismal.

WOMEN IN UNORGANISED SECTOR

Unorganized labour stands for scattered and fragmented workforces working individually sometimes
loosely associated, in various occupations. Unorganized labour is not formally cohesive in any
recognized association and union with defined ideology, goals and areas of specialization. The
unorganized sector of the economy in India is the largest sector in term of employment of the
workforce. It consists of agriculture and such related activities as forestry, livestock and fishing as well
as non-agriculture.

The National Commission for Women estimates that 94 percent of the total female workforce is to be
found in the unorganized sector. The presence of a vast multitude of women as workers and producers
in the unorganized sector, where earnings are low, employment seasonal and insecure, supportive
services woefully inadequate or even nonexistent, growth opportunities few and collective
organization weak, has brought into sharp focus the failure of the mainstream to alleviate their
predicament. While it is true that workers, irrespective of sex, are exploited in the unorganized sector,
women suffer more by the fact of their gender. Women work in industries like tanning, tobacco,
cashew, coir, textiles, garment, fish processing and canning, construction and domestic work, etc. In
all these industries, they toil long hours at low paid, skilled or unskilled workers.

The efforts of National Commission on Women (NCW), International Labour Organisation (ILO),
CEDAW, National and International Federations have made commendable efforts towards women
upliftment and their security. Women in the organized sector although encountering the harassment at
their work place, cases are reported and many are suppressed because of reasons inexplicable.
Government has taken numerous measures in reducing the propensity of the problem, the problem still
persists.

But the 96 percent of the women workers in India i.e., Women in the unorganized sector are
categorized as rag pickers, domestic workers, coolies, vendors, construction workers, garment workers
and the like. Most of the women are illiterate and unskilled, temporary nature of employment, insecure
job due to the absence of strong legislation controlling the unorganized sector, extreme work pressure,
irregular wage payments, wage discrimination ; all of these may be tolerated, but major issue of
Sexual harassment at their workplace is intolerable which is neglected. Workplace harassment is on a
rise and the majority of the cases are not reported and unaddressed.
NEED OF THE HOUR TO SAFEGUARD WOMEN AT WORKPLACE

1. Educating the women in the unorganized sector of their rights and legislative provisions should be the utmost priority besides imparting them general education.

2. Their ignorance of the institutional support available has to be removed by creating awareness among women workers to protect their rights.

3. Measures have to be taken to to prevent any sort of exploitation including sexual harassment of women workers and stringent action needs to be taken against the wrong doer.

4. Adequate amendments may be made in the law on Sexual harassment Act for Women at Workplace with special reference to women in unorganized sector.

Ignorance is no longer bliss, and with time government has to take appropriate policy measures in both organized and unorganized sectors, and need to understand that they cannot turn a blind eye to harassment at the workplace. Such issues are widespread across different levels, sectors and industries, and need to be dealt with skill, maturity and compassion.

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