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Appreciation Programme

Prevention of Sexual Harassment at Workplace

Module - I

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Prevention of Sexual Harassment at Workplace

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Introduction

Introduction

Sexual harassment has been described as a conduct that is intimidating, coercive and bullying, and includes unwelcome sexually determined behavior. In the workplace, it is considered to be one of the most pervasive and offensive forms of subjugation and discrimination of women. Sexual harassment at the workplace is increasingly becoming a reality for a large number of working women in India and across the world.

Unit 1 of this Module discusses that preferential treatment for men as opposed to women, because of their gender is known as gender discrimination and sexual harassment at the workplace is a result of such discrimination. Gender discrimination based on gendered biases and attitudes are a reality for many women and can occur in the workplace in one or more ways.

Unit 2 of this Module explores the origins of sexual harassment at the workplace as a form of behaviour that has existed ever since women entered the workplace.

Unit 3 tries to bring clarity to the debate on the definition of the workplace in the context of sexual harassment at the workplace.

Objectives

- Contextualising sexual harassment in the workplace, within the larger framework of gender discrimination
- Understanding the historical underpinnings of sexual harassment at the workplace
- Building a definition of the workplace and the national and international frameworks that address, the safety and protection of equal rights of women in the workplace

Unit 1: An Introduction To Gender In The Workplace

1.1 Gender Discrimination and Inequality In The Workplace

The socially constructed differences and relations between males and females are known as gender. Gender is a learned behaviour; it characterizes the various roles and responsibilities that are assigned to men and women within societies and communities. Over the years, gender relations have been constructed in such a way that women as a group enjoy fewer rights, control fewer resources, work longer hours, have none or low decision-making powers and much of their work, like domestic chores, rearing children and caring for the sick and the aged, is not even considered to be in the realm of productive work, and goes unpaid (Alkazi, Farrell, & Jain, 2004).

It is important to recognise therefore that gender relations and the resultant discrimination, are the outcomes of a whole set of cultural, economic and political relations within a given context. It is through the process of socialisation that individuals perceive and learn what society expects of them, as males and females. Associated with these expectations of society is the implicit understanding that individuals are accountable for their appropriate “masculinity” or “femininity” (Wharton, 2005). These expectations and subsequent behaviours and attitudes are reflected in all spheres of society – the family, the community and the workplace. As workplaces, both formal and informal, are a part of the larger society and embedded in the prevailing culture, women as workers also experience considerable inequalities and discriminations.

The workplace has always been considered the domain of men and even with the entry of women there was a refusal to change norms of the workplace to recognise the different and specific needs that women came with, resulting in various forms of gender discrimination, including:

- Discriminatory questions asked at a job interview
- Not hiring prospective employee
- Denial of promotions
- Illegal termination of services
- Unequal wages for the same work

In the international context, it is believed that all human beings are vested with some absolute rights, which derive from the dignity and worth inherent in the human person. The Universal Declaration of Human Rights, 1948 (Articles 1, 2 and 7) speaks about equality in dignity, rights and freedoms and equal protection against any discrimination.

The International Labour Organisation (ILO) takes a pro-active stand in addressing the unequal treatment of women in the workplace. It has adopted several conventions that are ratified by its member countries to address issues related to - discrimination in the workplace, including sexual abuse, unequal wages for equal work, basic amenities and facilities. Most importantly for women, it provided maternity leave and other related benefits in formal and informal workplace settings, including part-time employment and home-based work. Some of the key conventions are:

- *Equal Remuneration* (ILO Convention 100) advising equal wages be given for equal work done by both men and women

- *Discrimination (Employment & Occupation)* (ILO Convention 111) which stipulates that there shall be no discrimination in equality of employment or treatment on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
- *Maternity Protection 2000* (No. 183), which lays down norms on the entitlement of leave given to a woman after she has delivered her child, as well as to provide opportunity for a mother to breastfeed her baby.
- *Convention on the Protection of the Rights of All Migrant Workers*, which protects migrant workers by mandating same rights, wages, working conditions, opportunities in the workplace at par with national labour force. It also addresses the illicit and clandestine trafficking of labour, especially of women.
- *Worker's Representatives Convention* (ILO Convention 135) deals with non-discrimination and abuse— physical, verbal, sexual.

However, the discrimination against women workers in both the formal and informal sectors continues in many occupations and countries. According to an ILO-ADB Report (International Labour Organization- Asian Development Bank, 2011) on Asian women and the labour force, “women continue to disproportionately face a range of multiple challenges relating to access to employment, choice of work, working conditions, employment security, wage parity, discrimination, and balancing the competing burdens of work and family responsibilities.”

1.2 Gender Challenges In The Workplace

Work constitutes an important domain in an individual's life. Not only is it a means of livelihood but it also contributes to the socio-economic climate of a community. Gender is considered a cross cutting issue in the world of work, as it plays a significant role in determining gender relations between men and women; effecting terms of employment,

working conditions, social protection, representation and voice of work. (International Labour Organization, 2007)

Due to patriarchal constructs that are still embedded in the cultural and socio-economic day to day activities of society, inequalities based on gendered biases and attitudes are a reality for many women. Workplaces as microcosms of society often mirrors narrow gendered thinking, evident in exclusive and biased practices, norms and ethics which are discriminatory for women but which have a negative impact upon men as well.

Both men and women in the workplace still believe that the most important priority in a woman's life is their family and home; women are viewed as mothers, wives, sisters and daughters; accepted as subordinates, tolerated as colleagues but rarely accepted as superiors and bosses. Women's careers are seldom taken seriously, as their income is secondary (to men). Often, jobs are seen as a means to "pass time" till kids return from school and women are not viewed as economic contributors. A comment from a senior woman manager in a corporate house sums it up very aptly; "male colleagues and managers consistently refused to take me seriously, saying I was in the job for entertainment rather than to make a professional success" (Society for Human Resource Management India, 2009)

Gendered attitudes that are reflected in workplace dynamics pose major challenges for working women:

a) Stereotypical representation in the workplace

There is a tendency for organisations to stereotype activities, tasks or jobs by assigning them to women and men based on feminine or distinctly masculine characteristics and not on their professional competencies and personal capabilities. Jobs requiring physical strength are also often held by men, due to affiliations of masculinity with strength and

femininity with physical weakness. Jobs such as those of front office receptionists, secretaries are usually assigned to women in consideration of their being physically more attractive and therefore in a between position to be the 'face' of the organisation.

Women are also typically in more subordinate positions than men- they are nurses, not doctors; secretaries, not managers; assistants, not engineers, and so on.

(b) Discriminations in opportunities and benefits

Women professionals are exposed to multiple forms of exploitation such as discrimination in promotions, wage or salary, as well as the personnel functions and management roles. The gender wage gap is most often expressed as a ratio of women's earnings to men's earnings (Wharton, 2005) Global trends indicate that pay levels of women are also significantly lower than those of men.

(c) Challenges in reaching top echelons

Today, though we find an increasing number of women in the formal workplace, it does not imply that women outnumber men in the workplace; more often than not, women are still a minority group within their organisations. And while women workers in formal sectors of the Indian economy, as elsewhere in Asia, are growing in number, they are still progressing at a slower pace in comparison to men.

Yet, despite this growing presence of women, the workplace still reflects male standards of work ethics, which have been designed by men for themselves.

ILO (2007) studies show that women in formal institutions do not reach the top of the organisational hierarchy in the same proportion as men. This is a phenomenon referred to as the glass ceiling. Contrary to the beliefs of a few, the glass ceiling is not a myth, neither is it a figment of imagination of some women who “did not make it to the top”. Male government executives outnumber women by over nine to one, and women in the corporate sector still form only around 1 per cent out of the 12 per cent of women in the paid workforce. The banking sector is the only sector, which has experienced a rise in the number of women managers. The private industry employs women in non-executive functions but is selective and limited in its employment of women in managerial roles.

This lack of access to authority is referred to as a “glass ceiling”, and it describes how while on the surface there may be what is a clear path of promotion, in actuality, there is a point beyond which women find it difficult to progress (International Labour Organization, 2007).

Variations of the Glass Ceiling

Bamboo Ceiling – Refers to the exclusion of Asian-Americans from executive and managerial roles on the basis of subjective factors, such as “lack of leadership potential” or “inferior communication ability”, despite the Asian-American candidate having superior objective credentials.

Glass elevator (or glass escalator) – It is the rapid promotion of men over women, especially into management, in female-dominated fields such as nursing.

Glass cliff - A situation wherein someone has been promoted into a risky/ difficult job where the chances of failure are higher

Celluloid ceiling – It refers to the small number of women in top positions in Hollywood.

Glass walls – It is the metaphor for the concentration of women in certain sectors; women unable to jump the gap between secretarial/administrative and managerial functions regardless of their educational attainments or experience.

Sticky floors- Refers to women trapped in lowest paid jobs or on the bottom rung of their occupation and unable to rise above the poverty line (International Labour Organization, 2007).

(d) *Male work ethics*

Since men do not have household responsibilities, they are considered to be more flexible in their working hours as they seldom complain about working overtime. Women, responsible for taking care of the young, the sick and the aged apart from their household chores, are perceived to be more eager to leave at the stipulated time. Thus, it is assumed that they are less committed. The fact that men can and do continue to work beyond the stipulated hours has resulted in their developing networks and collaborations outside of the office spaces (smoking, drinking and having dinner are the major hubs around which connections are developed and deals are struck). Women who are either uncomfortable being a part of these processes and/or those who do not find time away from family commitments lose out on growing in their careers.

1.3 The Reality Of Sexual Harassment At The Workplace

Sexual harassment that occurs in a place of employment is a form of discrimination that is based on a person's sex and recognised as an extension of the violence against women that is also perpetuated globally across all communities. Sexual harassment is considered to be one of the most pervasive forms of subjugation, intimidation and discrimination against women at workplaces. It is often hidden, but very much present in various forms and therefore considered as a serious issue by organisations across the world. It is also one of the most insidious forms of gender discrimination at work which largely affects women employees (Farrell, Ph.D thesis, 2013).

Unit 2: Origin and prevalence of sexual harassment at the workplace

2.1 Prevalence of sexual harassment at the workplace

Sexual harassment transcends occupational and professional categories and other parameters of age, educational background, race, ethnicity and income levels.

In Australia, the results of a national telephone survey in 2012 (Australian Human Rights Commission, 2012) show that sexual harassment is widespread in Australian workplaces. The survey showed that “approximately one in five people aged 15 years and older were sexually harassed in the workplace in the past five years”; one in four women (25%) and one in six men (16%) have been sexually harassed in the workplace in the past five years. Targets of sexual harassment were found to be mostly women less than 40 years of age, with harassers’ mostly male co-workers. The survey also indicated that women are at least five times more likely than men to have been harassed by a boss or employer. Men harassing women accounted for more than half of all sexual harassment, while male harassment of men accounted for nearly a quarter (Farrell, Ph.D thesis, 2013).

(UNIFEM, 2011) reports state that:

- Between 40 and 50 per cent of women in European Union countries experience unwanted sexual advances, physical contact or other forms of sexual harassment at work.
- Across Asia, studies in Japan, Malaysia, the Philippines and South Korea show that 30 to 40 percent of women suffer workplace sexual harassment.
- In Nairobi, 20 percent of women have been sexually harassed at work or school.

A study titled ‘Sexual Harassment at Workplaces in India 2011-2012’ was jointly conducted by Oxfam India and the Social and Rural Research Institute.

It spanned the cities of Delhi, Mumbai, Bangalore, Chennai, Kolkata, Ahmedabad, Lucknow and Durgapur, covering 400 working women. Of the 400 respondents, 66 faced a cumulative 121 incidents of sexual harassment. Of the 121 incidents, 102 were reported to be non-physical, whereas the remaining 19 incidents were physical. Of the respondents, 93 percent reported awareness of sexual harassment of women at workplace; however, a majority of the victims did not resort to any formal action against the perpetrators. The top three industries found unsafe for women were informal labour (29%), domestic help (23%) and small-scale manufacturing units (16%). (Fernandes, 2012)

2.2 Global Overview Of The Origin Of Sexual Harassment

Although the term sexual harassment is of recent origin, the phenomenon has existed as long as women and men have worked together. Constance Jones, in her book *Sexual Harassment*, has identified incidents of sexual harassment going back to the 1830s when increasing numbers of women began working in the textile mills in New England. She notes that printers in Boston conducted an intimidation campaign to force women out of their jobs in the industry in 1835. At this time, men feared that once women came into the workforce they would steal traditionally coveted jobs of men, thereby threatening their livelihood. As more and more women entered the workforce, the discrimination became more evident and endemic. And with many women's rights groups fighting for equal rights at the workplace, the issue of sexual harassment came to the forefront.

While the behaviours related to the term sexual harassment are known to have existed for centuries, the term sexual harassment itself is only said to have emerged in the mid-1970s in Ithaca, North America. The origin of this term is attributed to the group, Working Women United, formed under the leadership of a Human Affairs Program at Cornell University. The concern for this group at that time was the case of Carmita Wood, who was an administrator at the University. Wood was forced to leave her position at the

University because of sexual harassment committed by a senior employee. She was also denied unemployment benefits due to the incident. Working Women United conducted a survey of women workers, and conducted the first 'speak-out' on sexual harassment, and helped Wood appeal her case. The first recorded use of the term was in a survey developed by the research branch of this group in May 1975 (Thomas, 1997).

The term was subsequently adopted in the United Kingdom in the 1980s and very soon public bodies and institutions in the UK and USA began to view sexual harassment as a serious cause for concern and to formulate specific codes and grievance procedures to deal with it. It was soon viewed as a trade union issue, a civil liberties issue, as an equal opportunities issue and in Canada as a human rights issue.

2.3. Historical Background Of Sexual Harassment In India

In the Indian context, sexual harassment at the workplace has been one of the central concerns of the women's movement since the 1980s, when militant action was taken by the Forum Against Oppression of Women (Mumbai) against the sexual harassment of nurses in public and private hospitals by patients and their male relatives, ward-boys and other hospital staff; of air-hostesses by their colleagues and passengers; of teachers by their colleagues, principals and management representatives; of PhD students by their guides; the list is endless. However, this received a lukewarm response from the trade unions and adverse publicity in the media (Patel, 2005).

The issue of sexual harassment in the workplace gained precedence with the pivotal case of Vishaka and others vs. The State of Rajasthan, 1992. This was the much publicized case of the gang-rape of a government community worker (Bhanwari Devi) for carrying out her duties and the subsequent denial of justice. A Writ Petition filed in the Supreme Court under the collective platform of Vishaka, a women's organisation, along with four others, led to the Supreme Court directives which were to serve as guidelines on prevention of sexual harassment of women. These directives, termed the Vishaka

Guidelines were part of the historic judgment passed on August 13 1997. They held that sexual harassment of working women amounts to violation of the rights of gender equality; violation of the right to practice any profession, occupation, and trade and states that “such conduct can be humiliating and may constitute a health and safety problem”.

These Directives were considered as the law until the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act* was enacted on 23rd April 2013. This new Act is a comprehensive legislation that takes cognizance of the fact that one of the factors that adversely affect the rights of women, including the Right To Work, is that of sexual harassment in the workplace. This new law focuses on the prevention of sexual harassment of women at the workplace, as well as provides a redressal mechanism in the event of such incidents taking place.

Unit 3: National And International Frameworks For Sexual Harassment At The Workplace

3.1 Understanding the workplace with context to sexual harassment

There has been much debate about the definition of workplace in the context of sexual harassment, which is the reason it is important that there is clarity and a common understanding on what exactly constitutes a workplace.

Some arguments put forth that only the premises within which employees sit and work constitutes a workplace, while other arguments define it to include public, as well as places that are frequented by employees in the context of their work. Whatever the argument, it is now increasingly being accepted that a workplace is any place where working relationships between employers and employee(s) exist, and thus, prevention of sexual harassment now goes beyond the physical premises of the office.

In the Indian context, in the case of Bhanwari Devi, her own home was considered to be her workplace, since her constituency of work was her very own village and the villages surrounding it.

The definition of 'workplace' as provided by the Vishakha Directives was first expanded in a Delhi High Court order of May 9th 2008, in a judgment involving S.K. Mallick, Director of National Academy of Audit and Account (NAAA), against whom an inquiry of sexual harassment was in progress. Mallick had allegedly entered the room of his colleague, a senior woman officer at Shimla in an inebriated condition and misbehaved with her. In this case, the court noted that, with the advancement of information technology, it has become common for senior private sector officials to run their businesses from home. The court also noted that, similarly, it is also possible for a person to interact or do business with other persons, while located in some other country, by means of video conferencing; even while an officer or teacher may work from the accommodation allotted to her or him. This implies that the home of an

individual is also considered to be a workplace, if it is being used as a space to conduct the activities of the organization – e.g. a woman being called to her employer’s home to conduct official work. The Court in this case noted therefore that sexual harassment at the workplace included misconduct outside office premises. The concept of workplace extending beyond the premises of the office building is extremely important and applicable if a woman is conducting her duties in the premises of another organisation (ILO & PRIA, 2013).

A workplace also constitutes	
Workplace of an external client	Restrooms/toilets
Premises of other organisations	Corridors
Hotels etc. during official functions/events	Canteens/cafeteria/entertainment zone
Work station of other employees	Official tours/field visits etc.
Lifts in the building	Car park/lobby

- With the enactment of the new law on sexual harassment, the definition of ‘workplace’ has been further expanded to include all the places that an employee visits during the course of employment, including use of transportation. The definition takes into account hospitals or nursing homes, sports institutes, stadium, sports complex, dwelling place or house etc.

With this broad definition a workplace today, is no longer limited to any one geographical area. It is defined in the context of workplace relationships and/or whilst fulfilling workplace duties.

For instance, a female employee who is harassed by her male colleague or a male supervisor while travelling to a venue for an office party will constitute sexual harassment at the workplace. Though, the incident is not happening within the physical premises of the office, the fact remains that the relationship between the two is based on their common workplace.

Similarly, in a situation in which a nurse/care taker is sexually harassed at the home of a patient, while on a home based nursing duty, the incident will be a case of sexual harassment, as she is in the patient's home, which is her workplace.

Additionally, in a situation where a female staff is sexually harassed on the premises of an external party, her organization is obliged to register and deal with her case, as per procedures laid down by the Act. In such an instance, the organization's Internal Complaints Committee that deals with sexual harassment in the workplace, is mandated to address her complaint.

3.2 Constitution And Legal Framework For Sexual Harassment In India

India's participation in the various international forums and the ratification of the international treaties is testimony of its commitment to ensure dignity and equality of women in all spheres of life as clearly envisaged in the Constitution. The core objective of the Constitution of India is to secure to all its citizens: justice, liberty, equality, fraternity and dignity as is clearly laid down in the Preamble to the Constitution of India.

In India, the redress and prevention of sexual harassment is a central concern for ensuring that women are working in conditions and spaces conducive for their equal and safe growth and optimal productivity. Sexual harassment of women at the workplace is a violation of the Right to life and personal liberty enshrined in Article 21 of the Constitution.

Fundamental Rights vested by the Constitution of India	
Article 14	Equality before the law and the equal protection of the law. Includes gender equality, which is a universally recognized basic human right
Article 15	Prohibits discrimination on grounds of religion, race, caste, sex or place of birth
Article 19 (1) (g)	All citizens shall have the right to practice any profession, or to carry on any occupation, trade or business
Constitutional provisions of the Constitution of India	
Article 51	The state shall endeavor to foster respect for international law and treaty obligations
Article 253	The Parliament has the power to give effect to international agreements or decisions made at International Conferences
The Penal Code of India (IPC)	
Sections 292, 293 and 294	Deals with obscenity
Section 354	Assaulting or using criminal force on any woman, intending to outrage her modesty, shall be punished with imprisonment for a term, which may extend to two years, fine, or both.
Section 354 A	This section was added to the IPC upon the presidential approval of the <i>Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013</i> The Amended Criminal Law Act, 2013 recognises and provides a clear definition of sexual harassment and punishment for it in the form of Rigorous Imprisonment for up to 3 years.
Section 354 C IPC	Deals with voyeurism
Section 354 D IPC	Deals with stalking
Section 375	Deals with the offence of rape

Indian laws that address Sexual Harassment at the workplace

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act

This Act was enacted on 23rd April 2013 after it received presidential assent. It was passed by the Lok Sabha on 3rd September 2012 and by the Rajya Sabha on February 26, 2013. The Act recognises that with India's ratification of CEDAW, it is party to recognising women's protection against sexual harassment and the right to work with dignity as a human rights issue as laid down by CEDAW.

It also recognises that sexual harassment results in the violation of a woman's fundamental rights to equality under Articles 14, 15 and 21 which speaks of equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth and protection of life and personal liberty. It also established that the actions resulting in a violation of one's rights to 'Gender Equality' and 'Life and Liberty' is in fact a violation of the victim's fundamental right under Article 19 (1) g.

The recently enacted Act deems it the duty of the employer, as well as other responsible persons in work places or institutions to prohibit acts of sexual harassment from taking place within a workplace. It also makes it mandatory for organisations to implement a sexual harassment prevention redress mechanism as prescribed by the law. Non-compliance of the same will be punishable by the law and can result in a large fine of up to Rs. 50,000 with the possibility of having one's license revoked.

The Act also states that:

- No court shall take cognizance of any offense punishable under this Act, or its rules, unless it is a complaint that is made by the aggrieved woman, or any other person authorized by the Complaints Committee
- No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class, shall try any offense punishable under this Act.

Other Indian laws that address Sexual Harassment of Women	
Indecent Representation of Women (Prohibition) Act (1986)	Those found guilty of Indecent representation of women are liable for a minimum sentence of two years
Section 7 (Offenses by Companies)	Deals with companies where there has been "indecent representation of women" on the premises. Guilty are liable for a minimum sentence of two years
Protection of Children from Sexual Offences Act, 2012 Section 11 of the Act deals with Sexual Harassment	Provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography, all of which have been clearly defined in this law

3.3 International Frameworks For Sexual Harassment At The Workplace

International standards on discrimination at the workplace have been set in the six basic rights as formulated by the ILO, including the standards on wages, working hours, leave, overtime hours and wages and weekly rest and holidays. However, the most relevant of these in the prevention and redressal of Sexual Harassment at the workplace are:

- The Right to Equal Treatment (ILO Convention No. 111 Discrimination [Employment and Occupation] 1958 which was ratified by India in 1960)
- The Right to Safe and Healthy Work Environment Free from Sexual Harassment (Resolution on Equal Opportunity and Equal Treatment for men and women in Employment, 1985)
- ILO Convention No. 169 which specifically prohibits sexual harassment of indigenous and tribal women. As do ILO Occupational Safety and Health Convention (No. 155) and Recommendation 164, 1981 and ILO Decent Work for Domestic Workers Convention, 2011 (No. 189) respectively.
- ILO's Decent Work Agenda includes sexual harassment as an aspect of health and safety, discrimination, and a violation of workers' basic rights
- In 2003, the ILO's governing body adopted a code of practice on workplace violence in services sectors, offering guidance, including against sexual harassment.

- The ILO's 'Campaign for Decent Work' includes sexual harassment as an aspect of health and safety, discrimination and a violation of workers' basic rights

Other International standards on sexual harassment at the workplace are:

- The International Covenant on Economic, Social and Cultural Rights, 1966 enjoins all state party to the Covenant to guarantee rights enunciated in it without discrimination of any kind. It also means that states will ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights established in the Covenant. The right to fair conditions of work is also enshrined in Article 7 of the Covenant.
- Article 11 of the United Nations Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) (1979), states that equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the work place. Recommendation No. 19 on Violence against Women, 1992 called on States to take measures to protect women from sexual harassment, which was recognized as a form of violence at the workplace.
- The 1995 United Nations' Women's Conference in Beijing drew up a Platform of Action to advance women's rights, including outlawing sexual harassment at work.
- United Nations (UN) Declaration on Violence against Women, 1993 recognizes that sexual harassment and intimidation at the workplace as an egregious form of violence against women requiring state action.
- The European Commission's Code of Practice on the Protection of the Dignity of Women and Men at Work: In 2003, the ILO's Governing body adopted a Code of Practice for workplace violence in service sectors, offering guidance, and advice against sexual harassment.

Glossary

Cognisable and Non-cognizable offense: Offences are essentially of two types. The essential difference between "cognizable" and "non-cognizable" offence is that in the case of a cognizable offence, a police officer of a special rank shall have the power to arrest an offender without warrant. Cognizable offences are generally offences of a serious nature and which affect the whole society- such as murder, rape, theft, dowry death, cruelty to married women, kidnapping, etc.

Non-cognizable offences are generally offences which relate to the personal harm caused to an individual, such as defamation, bigamy, etc. In case of a non-cognizable offence, a police officer has no authority to arrest an offender without warrant issued by a Magistrate.

In cognizable offences, the police will record a "First Information Report (FIR)", and in non-cognizable offences, the police will record a "Non-cognizable FIR (NCR)".

The division of offences into cognizable and non-cognizable, under the Indian Penal Code is stated in the Criminal Procedure Code, 1973 (Cr. PC) called 'The First Schedule' and "Schedule II".

Summary

- The socially constructed differences and relations between males and females are known as gender.
- Gender relations are the outcomes of a whole set of cultural, economic and political relations within a given context.
- Preferential treatment for men as opposed to women, because of their gender is known as gender discrimination.
- Workplaces as microcosms of society mirror narrow gendered thinking and patriarchal attitudes and pose major challenges for working women
- Inequalities based on gendered biases and attitudes, including sexual harassment are a reality for women in the workplace
- Sexual harassment transcends occupational and professional categories and other parameters of age, educational background, race, ethnicity and income levels
- Although the term sexual harassment in the workplace is of recent origin, the phenomenon has existed ever since women joined the workforce.
- In India, the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act* was enacted on 23rd April 2013.
- Workplace is any place where working relationships between employers and employee(s) exist, and thus, prevention and redressal of sexual harassment goes beyond the physical premises of the office.

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