

International Journal of Innovative Research in Science, Engineering and Technology

(An ISO 3297: 2007 Certified Organization)

Website: www.ijirset.com

Vol. 6, Issue 6, June 2017

Preventive Measures against Workplace Sexual Assault

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ABSTRACT: Workplace sexual assault is an extension to abuse in real life which is patriarchal and exploitative as it impacts the freedom of women to life and livelihood. It is a violation of a woman's basic rights to freedom according to Articles 14 and 15 and her right to live with dignity, as enshrined in Article 21 of the Indian Constitution. Millions of Indian women are joining the nation's workforce today with increased access to education and jobs. Many working women face sexual abuse on a regular basis in the workforce. Therefore, as a country, we aim to eradicate sexual abuse in the workplace, because women have the right to work in a healthy and protected climate. For gender equality and the growth of the nation as a whole, the security of women is important. The paper thoroughly analyses the new Sexual Harassment Act in India. For the legislation to work efficiently and successfully, the cooperation and engagement of all parties is crucial.

KEYWORDS: Abuse; Harassment; POSH Act, 2013; Sexual; Violence; Women; Workplace.

I. INTRODUCTION

The manifestation of an abusive human relationship is sexual harassment. In any social system, it is not only a breach of humanity, the right to social security and the right to freedom granted to human beings, but it is also a violation of the right to life and to peace guaranteed by statute. While sexual harassment has received a lot of coverage in the social and legal situation in the last two decades, including the 2014 Sexual Harassment Act, the cause and effect of sexual harassment in educational institutions has not received much attention until recently[1].

This research paper is an effort to provide insight into the problems of sexual assault faced by teaching faculty and students in educational institutions across India, which seriously impact women who aspire to better work opportunities and girls in a developing world pursuing higher education. The purpose of this study is to prove the behaviour of the harasser, who is either the employer or the educational institution's employee, and to explore how to address the victim's grievance expeditiously, but equitably[1].

When a woman subjected to sexual harassment raises her voice against illegitimate persecution, the sanctity and security of educational institutions can also be seriously impaired and tainted. The relevance and significance of this subject is due to the seriousness of the consequences experienced during their term in educational institutions by young women and teachers who are subjected to sexual harassment, due to the existence of fiduciary relationships between the aggrieved woman and the perpetrator[2].

It is important to understand what sexual harassment really is, how to respond to it and how to prevent it in educational institutions for employers, employees, students and their parents. Within every educational institution, it takes time to create and implement an effective Grievance Redressal Mechanism to address the situation without fail[2].

Sexual abuse has helped individuals worry deeper about the 21st century, as one of the most upcoming and divisive topics. In assessing the prevalence and defining the variables associated with abuse, this paper will prove significant. Women typically do not lift their voice against sexual discrimination, frequently leaving these injustices unspoken and

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unnoticed[3]. It is necessary to provide legal precautions with sufficient enforcement to deter this kind of injustice. Understanding sexism in the workplace is mandatory. But several academic articles concentrate on impact consequences and harassment causes, this paper focuses on the evolution of legislation and acts of harassment in an evolving time span at the workplace. A critical knowledge for not only women but for those that could pave the path to removing this social evil is as legal frame work[4].

It is really important to have a gender-sensitive workplace in this century that will clearly address the needs of its workers, particularly the needs of women. Many offices are not even gender conscious, and many individuals are also not aware of discrimination in the workplace. It is necessary to build skills and launch a phase of individual thought, taking this scenario into account. Standards and laws of rules are still theirs, but enactment and execution is important and this knowledge is necessary to recognize. Implementing the Sexual Harassment Act will provide women with a fair and secure work environment[5].

Legal enactment is necessary for the proper development of our society for both men and women. In our Indian culture, women take legal reporting as their last resort because they don't want any new obstacles to make their lives more fragile. They fear reacting to society and facing and responding to the organisation as well. It is the responsibility of the employer to provide a healthy working atmosphere for all, especially women. Although businesses should seriously recognize their corporate obligations, businesses should provide any woman with a healthy, harassment-free atmosphere. When everybody would work independently, this will lead to businesses benefiting[6].

II. DISCUSSION

The Constitution of India guarantees and guarantees the freedom of any citizen to "practice any profession or to engage in any occupation, trade or business" as provided for in Article 19(1) (g). Any woman has a protected right to partake in public jobs, and in the sexual harassment process, this right is refused, which requires her to stay away from such employment. Sexual abuse of women in the workplace puts her at great risk and threat, putting her in an unequal situation vis-à-vis other workers, and this adversely affects her capacity to realize her legally assured right under Article 19(1) (g)[7].

Sexual harassment of women at workplace is also a violation of the right to life and personal liberty as stated in Article 21 that no person shall be deprived of his life or personal liberty. An integral facet of the right to life is the right to work. The denial of the right to a livelihood is sexual harassment. For the meaningful enjoyment of life referred to in Article 21 of the Indian Constitution, all women are entitled to the removal of barriers and oppression on the grounds of gender. Because the 'right to work' rests on the existence of a healthy workplace atmosphere and the right to live with dignity, for these rights to have a sense, the risks posed by sexual abuse need to be eliminated[7].

If a woman's right to privacy is not considered to be her right to the protection of life and liberty guaranteed by Article 21 of the Constitution of India, the definition of gender equality reflected in our Constitution will be an unsuccessful exercise. In view of the fact that sexual abuse of women in the workplace threatens their sense of independence and their freedom to make a living with dignity, their fundamental rights and their fundamental human rights are completely opposed[8].

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Companies continue to consider the entire topic of sexual harassment to act responsibly. The troubling statistics behind the sometimes concealed issue, the legal reasons open to victims, the latest changes in the law, and the areas in which firms should defend themselves need to be considered. It needs a substantial commitment in time and personnel to eradicate sexual assault in the workplace. However, eventually, these expenses would be offset by considerable cuts in attorney fees and health care costs. Increased job efficiency would also benefit businesses[8].

With the march of civilisation, women benefit far less than men from the effects of social opportunities and developmental initiatives. For decades, social and moral reformers, enlightened public officials, and women's movements have battled fights against women's patriarchal roles. But now, in some parts of the world, illiteracy, poverty, superstition still remain, culminating in the abuse of women workers[9].

Despite extensive publicity about the risks of sexual abuse, reports indicate that several organizations that work have failed to resolve the problem. In comparison, recent news reports show that sexual harassment has reached the highest levels of government. While corporations recognize that it happens, they remain unaware about what to do with it. The spectre of employer responsibility for sexual abuse continues to loom over the workplace as a result[9].

However, failure to take a pro-active and aggressive approach on this issue will lead not only to expensive litigation, but also to a loss of employee morale, a reduction in competitiveness, and an erosion of the public reputation of an organization. That companies are still taking chances may represent a failure to consider the risks adequately[10].

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The POSH Act was introduced to discourage and defend women from sexual abuse in the workplace and to ensure efficient resolution of sexual harassment allegations. Although the purpose of the law is to provide a secure, safe and dignified working atmosphere for any woman (regardless of her age or employment status), free from all types of abuse, the proper enforcement of the statute's provisions remains a problem[10].

III. CONCLUSION & IMPLICATION

In its developmental aims, India is progressing quickly and more and more women are entering the workforce. The acceptance of the right to privacy against sexual abuse is an inherent aspect of the protection of the human rights of women. It is all a step towards providing women freedom, equality of opportunities and the right at work with respect.

A global challenge that needs to be tackled is sexual harassment in the workplace. It is necessary to raise employers' and workers' understanding of the prevalence of types of workplace sexual harassment, mitigation steps, and the regulatory structure for the prevention and control of sexual harassment.

Dissemination and awareness-raising programs should be undertaken and reviewed on a daily basis with a view to improving best practices on how to deal with sexual assault in the workplace, as well as forewarning and monitoring on aspects of sexual harassment to deter future victims. Improving sexual assault awareness classes and including workplace documentation or a handbook on the prevention of sexual harassment will help mitigate it.

The days when men used to be the only bread-winners in a household are long gone. A drastic change in the role of women worldwide has been brought on by globalization. Nevertheless, with the greater influx of women in India's mass population, sexual abuse in the workplace has taken on greater dimensions.

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If the person operating it is ignorant of the way it can be used, any tool will be worthless. Therefore, the aim of this booklet is to serve all stakeholders as a ready reckoner and re-educate them on the legislation relating to sexual assault at work.

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