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Analysing the Efficacy of Sexual Harassment Laws in the Workplace

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ABSTRACT

Sexual harassment is a significant issue in India's workplace, causing victims to feel unsafe, humiliated, and fear to go to work. Despite laws in place to protect employees, only 25% of women report harassment to their supervisor or HR department, and only 10% receive a satisfactory response. The reasons for this are the difficulty in proving harassment, the lack of severe penalties, and the lack of awareness among employees about the nature of harassment. To make laws more effective, increasing penalties, providing more training on harassment, and creating a culture of zero tolerance are suggested. This study aims to extend existing research on sexual harassment, considering both male and female employees, and understanding its effects on mental health and working performance. It will also explore factors leading to increased occurrence and preventive measures. A literature review will be conducted to provide an understanding of the impact of sexual harassment on employees' physical and mental health and develop programs against it. The study investigates the impact of sexual harassment in the workplace on witnesses' mental health. It found that witnesses were younger and more likely to suffer emotional and psychological consequences. The study also found a significant association between perceptions of mental health and age, gender, experience with sexual harassment, and self-efficacy strategies. The findings highlight the importance of sexual harassment intervention in the workplace, as witnesses suffer vicarious experiences, psychological impact, exhaustion, disengagement, and negative feelings.

KEYWORDS

Harassment, Dignity, Equality, Discrimination, Sexual Harassment, Rights, Gender Disparity

INTRODUCTION

The Legal Definition of Sexual Harassment

Sexual harassment refers to unwelcome sexual advances, requests for favors, or other sexual conduct that causes offense, humiliation, or intimidation, causing a reasonable person to anticipate such reactions.

Examples of sexually harassing behavior include:

- unwanted touching,
- staring,
- suggesting comments,
- sexually explicit pictures,

- unwanted dates,
- requests for sex,
- unnecessary familiarity,
- insults based on sex,
- sexually explicit physical contact,
- sexually explicit emails or SMS text messages, and
- inappropriate questions about a person's private life or body.

Sexual harassment in a workplace can be considered unlawful under the Sex Discrimination Act. Factors such as obscene materials, crude conversation, and offensive jokes can indicate a potentially hostile environment. The Act makes sexual harassment unlawful in various public life areas, including employment, education, and Commonwealth laws. The harasser is primarily responsible, but employers and others can be held responsible for acts of harassment. Employers can limit liability if they take reasonable steps to prevent harassment, such as policies and procedures for creating a harassment-free environment. Effective policies require ongoing training, communication, and reinforcement.

EVOLUTION AND DEVELOPMENT OF LAWS RELATED TO SEXUAL HARASSMENT IN INDIA

Ever since India gained independence, its commitment to women's protection has been conspicuous from the provisions provided in the Constitution and other available statutes. Over the past few years, various programs, policies, and strategies have been initiated to support the cause of Women's survival, growth, and development in all spheres of life. The Indian Constitution which was enacted in the year 1949, explicitly empowers the legislature to make laws on subjects related to the protection of women from prejudices occurring against them since time immorally. Exercising the same authority, the Indian Parliament has enacted a plethora of legal safeguards for the protection of Women against Sexual Harassment. In this chapter, we shall try to ponder upon all such laws.

I. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Before the landmark judgment in the case of *Vishaka and others v. State of Rajasthan*. There was no specific law that addressed the crime of sexual harassment. Based on this judgment, the Apex court led down certain guidelines which are commonly known as the Vishaka Guidelines. The following guidelines provide for an effective mechanism in every formal and informal organization to ensure that gender equality of the employees is not compromised. Nonetheless, the Vishaka guidelines also strongly established the fact that any form of sexual harassment is a violation of basic human rights. It also foreshadowed the way for legislation of competent laws on sexual harassment in India. Ironically it took sixteen years for the Indian parliament to enact such a law. However, later in the year 2013, the act was finally passed, with the primary objective of explicitly defining sexual

harassment, its types, and various measures that should be adopted by the respective organizations to avoid the occurrence of such an act. Above all the act also provides for the establishment of a redressal mechanism and in particular also prescribes the punishment which will be imposed on the organization.

II. *The Criminal Law (Amendment) Act, 2013*

Another consequential legal provision concerning sexual harassment was added on 2nd April 2013, when the then president of India, Pranab Mukherjee consented to an anti-rape bill into a legally binding statute. The newly enacted provisions redefined the definition of rape; it also experientially increased the quantum of punishment on the conviction of rape and gang rape. For the first time in the course of history, India recognized stalking and voyeurism as crimes. Privacy and Security of women were given prime importance while formulating the said provisions. Acid Attacks, trafficking, oral sex, etc are also briefly discussed in this Act. Non-treatment of victims or any sort of ineffectiveness or misconduct by the public officers during any stage of investigation has been made punishable with imprisonment up to six months which might extend to one year with a fine. The Aforementioned law also struck down and amended certain provisions from the Indian Penal Code, of 1860, The Code of Criminal Procedure Code, of 1874, The Indian Evidence Act, of 1872, and The Protection of Children from Sexual Offences Act, of 2012.

III. *Indian Penal Code, 1860*

Another significant piece of legislation, analogous to the Criminal Law (Amendment) Act, of 2013 is the Indian Penal Code, of 1860. Chapter sixteen of this act deals with offenses affecting the human body, it elucidates all such acts that fall under the umbrella of Sexual Harassment. In particular, section 294 states that “if any person does any sort of obscene act in public or sings or recites any obscene song, ballad or statements or words in a public place or near any public place to the annoyance of others. Then such a person shall be punishable with imprisonment for a term which may extend to three months or with fine or with both”. This section aims to protect the victims of eve-teasing and harassment. In connection with the same, section 354 of the same objectifies to safeguard the modesty of women.

The following two sections, i.e. Section 375 and 376 criminalize rape and also acknowledge it as the most heinous crime punishable with imprisonment and fine, once *actus rea* and *mens rea* are proved beyond doubt by the prosecution. Any sort of sexual advances made in the form of threats or intimidation to physically harm the property, body, or reputation of any woman is given protection under section 503, contrary to which section 499 of the same act safeguards the dignity and modesty of women by criminalizing the act of morphing pictures with a malafide intention of destroying her image in the eyes of reasonable people residing in the society. Finally, the last provision concerning sexual harassment in IPC is section 509, which states that “if any person to insult the modesty of

a woman says something or makes sounds or gestures or exhibits any object with an intention that the same be noticed and heard or in any way intrudes the privacy of a woman then such a person shall be liable for an imprisonment which may extend to one year or with fine or both”.

IV. Information Technology Act, 2000

With the advent of technology, social media has become an indispensable part of our lives. According to a survey conducted by the Central Women’s Commission of India, 60 percent of the total sexual harassment cases are through social media platforms such as Instagram, Facebook, Snapchat, etc. To overcome the same the Indian legislature in the year 2000 had enacted the Information Technology Act, 2000 which specifically in section 67 provides punishment for phishing obscene material in any sort of electronic form. This section was enacted to limit the exploitation of women and make them less vulnerable to cyberspace and on the other hand, safeguard their decency and morality. In the subsequent section, cyber Stalking is defined and under the authority of this provision, the police officers can book the perpetrator if he misuses electronic means to harass, frighten, or threaten the victim. Ritu Kholi’s case is a classic example of the same. All the significant provisions related to sexual harassment have been discussed above. In the chapter that follows, we shall try to examine the various issues and loopholes in the existing statutory provisions related to sexual harassment.

ANALYSIS OF LAWS RELATED TO SEXUAL HARASSMENT WITH REFERENCE TO CASE LAWS

Over five years have passed since India introduced sexual harassment laws. Indian courts have analysed the law, interpreted it, and made decisions. This chapter examines the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 203, focusing on judicial interpretations. The law aims to raise awareness among citizens and provide a platform for females to report sexual harassment cases.

➤ What constitutes Sexual Harassment

Sexual harassment under the POSH Act is broad and includes situations such as power plays, rape, assault, and inappropriate jokes. The Delhi High Court in the *Shanta Kumar v. Council of Scientific and Industrial Research (CDIR) and Ors* case held that physical conduct with an undertone of a sexual nature is necessary for it to be considered sexual harassment. However, alteration in an unwelcoming workplace environment is not considered harassment. In *K.P. Anil Rajagopal v. State of Kerala*, the court ruled that the act or behavior must be connected with sexual harassment, including allegations of promise, threat, or hostile work environment towards female employees. A solitary allegation of intemperate language against a female employee in a report does not constitute an offense under the POSH Act, 2013.

➤ ***What defines a Workplace***

The Bombay High Court in the *Jaya Kodate v. Rashtrasant Tukdoji Maharaj Nagpur University* case emphasized that the definition of 'workplace' is inclusive and deliberately broad to prevent sexual harassment of women. The term now refers to any place available to an employee for work purposes, regardless of their role. This change reflects the Parliament's efforts to ensure that workplaces are not left unattended or unprovoked for sexual harassment.

➤ ***Filing a complaint with the Internal Committee***

Section 9 of the Sexual Harassment Act outlines the process for complaints of sexual harassment. However, there are conflicting provisions, requiring employees to file a criminal complaint with the police, and the other requiring employers to assist women in filing complaints. These provisions have created ambiguity in recent years. In *Shital Prasad Sharma v. State of Rajasthan*, the court ruled that the aggrieved woman could file a complaint with the IC without submitting it in person. In *Sarita Verma v. New Delhi Municipal Corporation & Ors*, the court ruled that the IC's findings should not be ignored on vague grounds and that the petitioner's alternate remedy does not act as a constitutional bar for the court to adjudicate.

➤ ***Constitution of the Internal Complaints Committee***

Section 4 of the act establishes an Internal Complaints Committee within an organization. However, it does not specify all the prerequisite qualifications for appointed members. In the case of *Gaurav Jain v. Hindustan Latex Trust and Ors*, the Delhi High Court clarified that an external member need not have a legal background or knowledge in sexual harassment aspects, but experience in social work is sufficient. The court also specified that the appointment of external members should be in strict compliance with the POSH Act and its rules, and inquiry proceedings conducted by an IC not properly constituted may be treated as invalid.

➤ ***Powers of the Internal Complaints Committee***

In *Tejinder Kaur v. Union of India*, the apex court granted the Internal Complaints Committee (IC) the authority to extend the period for filing complaints related to sexual harassment within an organization. However, this is not compulsory but is left at the discretion of the organization. In *Confidential v. Indian Institute of Corporate Affairs*, the victim has the right to seek immediate protection in case of imminent danger or threat, and the IC is responsible for doing so if satisfied with the petitioner's contentions. The IC has the absolute right to enforce employee attendance, as highlighted in *Askok Kumar Singh v. University of Delhi and Ors*. In *Vidya Akhave v. Union of India, Department of Women & Children & Ors*, the Bombay High Court ruled that the court is not expected to re-appreciate the evidence and come to a different conclusion than the one arrived at by the ICC.

➤ ***Territorial Jurisdiction of the Courts***

The Gauhati High Court in *Biplab Kumar Das v. IDBI Bank Limited and Others* ruled that the court with territorial jurisdiction to hear sexual harassment cases should be the place where the act occurred. This means that if harassment occurred in Kolkata while the parties were traveling for office work, the court in Kolkata would have jurisdiction. Despite the Sexual Harassment of Women at Workplace Act, 2013 being at a nascent stage, these case laws help us understand the

law's position and analyse it better.

LITERATURE REVIEW

- ***Sexual Harassment of Women at Workplace: (Prevention, Prohibition and Redressal) Act, 2013, 1 Dec 2013 by Justice P. S. Narayana (Author)***
In this article, the author explains the POSH ACT 2013 and how it prevents the sexual harassment of women in the workplace and how the complaints have been filed that complaints filed in committee are civil and the complaint filed in the police station is criminal and also explains about the vishaka case which leads to the enactment of POSH ACT, 2013
- ***(Kishore, 2011), The Root cause of sexual harassment:***
The author explains that women are subject to sexual harassment in the workplace due to their gender the poor status of women in society, lack of knowledge of Human Resource Departments, and poor law and order contribute to the issue of sexual harassment in the workplace. Despite the constitution of India guaranteeing individual rights, such acts still occur, violating the basic motives of the constitution. Violence in the workplace is emerging as a national issue, highlighting the larger social context of jobs. Women must break the glass ceiling to address this issue. Awareness of the current situation and the desire to overcome obstacles posed by society and themselves can be the answer to addressing harassment and violence in the workplace.

RESEARCH GAP

Workplace sexual harassment is a significant social issue that affects a person's autonomy, human rights, and freedoms. It creates a hostile work environment, hinders professional development and economic growth, and can negatively impact personal life and emotional health. Employers must ensure a safe work environment and discourage such practices.

Identifying and addressing these discrepancies is crucial for effective combat, as the following issues are detailed:

➤ ***Gender Neutrality***

The Act on Sexual Harassment in the Workplace is a significant piece of legislation that aims to protect women's employment rights and increase female workforce participation. However, it is criticized for limiting the scope to women, limiting the opportunity for complaints raised by men or LGBTQ+ individuals. This bias may have been beneficial, as it has historically disadvantaged women and perpetuated the stereotype of male harassers and female victims. The Act's limitations on gender and sexuality, however, suggest that a gender-neutral law could be proposed, mandating workplaces to have policies to address sexual harassment of both males and LGBTQ+ individuals. The Act's inclusion of perpetrators of sexual harassment, whether male or female, supports the idea of a gender-neutral law. It is suggested that this law should extend to all victims, regardless of gender, to successfully raise their voices against unsafe situations and promote an inclusive workplace.

➤ ***Fear of Retaliation***

People often avoid reporting workplace harassment due to fear of retaliation, fearing social stigma, embarrassment, and further harassment. This regressive habit of victim blaming and silencing creates an environment where victims feel discouraged and fearful. The Act does not address preventing retaliation, but it lists actions employers can take during the inquiry, such as transferring the aggrieved person or granting leave for up to three months. However, there is a lack of measures to promote a healthy environment and secure working conditions for people who choose to continue their tenure in the same place. Section 19 of the Act does not establish a responsibility to ensure complainants are not stigmatized or harassed, which may project a feeling of lack of security at the workplace.

To create a climate that encourages people to report incidents and fosters healthy interactions, employers must be sensitized to these conversations and continue to spread awareness of a zero-tolerance policy towards harassment, shaming, or bullying. They can also encourage people to ascend the power ladder, creating a climate that feels approachable and relatable. The law must be amended to include anti-discrimination policies and place a responsibility on employers to ensure these policies are enforced.

➤ ***Limited Recourse for the Informal Sector***

A 2020 Human Rights Watch study highlights the failure of the Act to address sexual harassment in the informal sector. The report reveals that people in the informal sector feel their incidents are trivial and should be ignored rather than participating in the long justice process. The Act has provisions for complaints, but implementation of these provisions is often unfair. Workers complain about limited access to remedies and fear of social stigma, embarrassment, and harassment from employers, local authorities, and committee members. If they raise the issue, they face false complaints, threats, and pressure from the police. Persons, who are often breadwinners, choose to stay silent and bear the lewd comments and propositions of sexual favors, fearing the cost of speaking out.

The consequences of their silence include unreported cases of sexual harassment, encouraging perpetrators to continue their acts. Governmental authorities must intervene and eradicate this unhealthy culture. Training workers on rights, risks, protection measures, and grievance mechanisms is necessary, as well as providing training to employers on the repercussions of such acts. Police and judicial officers should be trained to handle complaints with sensitivity and conduct fair investigations without harmful social biases. Free legal aid may be provided to encourage workers to come forward. Monitoring mechanisms must also be implemented to ensure transparency and accountability.

➤ ***Compliance Audit and Governmental Scrutiny***

The Sexual Harassment at Work Act, as outlined in Sections 21, 23, 24, and 25, mandates the government to oversee the functioning of Internal Committees, Local Committees, Employers, and all aspects of its implementation. Monitoring is crucial for assessing compliance and identifying areas for improvement. Without such scrutiny, responsible parties may face no penalties for non-compliance, reducing the efficiency of the law. The Act's failure can be attributed to the lack of review and supervision of government agencies. Statistics show instances of non-compliance, but little action has been taken to address these issues. A 2015 survey found that 31% of companies were not compliant with the Act, while a 2018 study revealed many districts and states failed to establish committees or constitute them under the Act. In 2020, the National Commission for Women reported 201 complaints related to workplace sexual harassment.

Despite these findings, there is no information available on the government's efforts to track cases or initiatives to combat such issues. It is suggested that the government's efforts have been limited or non-existent, which goes against the duty imposed by the Act. To ensure effective application of the Act, the government must conduct regular audits, monitor committee creation and operation, and reprimand employers for non-compliance. They should also collect and upload data online for widespread dissemination.

In conclusion, the government's responsibility lies in ensuring accountability and promoting safe workspaces for people.

➤ ***Procedural and Technical Drawbacks of the Act***

The Sexual Harassment Act (SHA) has technicalities that hinder the true realization of its intent. Section 9 mandates victims of sexual harassment to file a complaint within three months of the incident, with the possibility of extension if the Committee is convinced of certain instances. The Act also lacks an option for anonymous complaints. These provisions create an uneasy atmosphere that does not adequately accommodate the gravity of sexual harassment incidents. Such acts are insults to dignity and may take time to understand. Victims may need strength and time to speak out against the perpetrator, which may take days, weeks, or months. Fear of being named may prevent victims from coming forward due to shame, embarrassment, and stigma. A strict interpretation of these provisions prevents justice delivery due to procedural inconsistencies, defeating the Act's purpose of encouraging safe reporting, social protection, and accurate redressal of issues.

It is necessary to address these technicalities and make them more lenient. The ***MJ Akbar v. Priya Ramani*** defamation case held that women have the right to raise grievances on any platform of their choice, and the right to reputation cannot be protected at the cost of the right to dignity.

RESEARCH OBJECTIVES

The following are some objectives of the Article: –

- The study aims to analyse the current state of workplace sexual harassment in India and its emotional, psychological, and professional consequences on individuals.
- The study evaluates the effectiveness of the Sexual Harassment in Workplace (Prevention, Prohibition, and Redressal) Act, 2013 in monitoring sexual harassment in India's workplaces.
- The study aims to identify the obstacles encountered in implementing and enforcing legislation, such as insufficient awareness, inadequate reporting mechanisms, a negative organizational culture, and inadequate accountability.
- The study investigates the strategies employed to increase awareness and understanding of workplace sexual harassment, encompassing training programs, workshops, and awareness campaigns.
- The study evaluates the efficacy of reporting and redressal mechanisms in facilitating victims' access to justice and overcoming obstacles like fear of retaliation and social stigma.
- The text emphasizes the significance of promoting a culture of gender equality, respect, and inclusivity within organizations to prevent workplace sexual harassment.
- The text emphasizes India's progress in addressing workplace sexual harassment, including increased reporting and improved legal protection for victims.
- The text emphasizes the need for ongoing efforts, including monitoring and evaluation, to effectively handle workplace sexual harassment cases and foster a safe and inclusive environment.

These objectives aim to provide a comprehensive analysis of the efficiency of workplace sexual harassment in India, including the existing challenges, efforts, and positive developments in addressing this critical issue.

RESEARCH METHODOLOGY

This paper uses doctrinal research methodology, primarily utilizing research papers, articles, and books to gather necessary material. The methodology is analytical and descriptive, relying heavily on secondary sources like journals and articles. The research also collects information from various online sources and legitimate sites, all of which have been given proper credit.

Research Design: Adopted a mixed-methods approach, combining qualitative and quantitative research methods, to provide a comprehensive understanding of the topic.

ANALYSIS AND DISCUSSION

India remains one of the worst countries for women's crimes, despite enacting laws and introducing programs, policies, and initiatives for their development. The country was ranked 112th in the

World Economic Forum's Global Gender Gap Index 2019-2020. The Indian Constitution guarantees women equal treatment, payment, opportunities, and a safe environment. However, sexual harassment in the workplace places women in a disadvantaged position, affecting them physically, mentally, economically, socially, and emotionally. This violates their constitutional rights and basic human rights. There is a need for the enactment and enforcement of stringent laws to protect women's social and economic interests. Recommendations and suggestions to reform the situation of women regarding sexual harassment are provided.

- ***The legislative vacuum should be filled up by comprehensive legislation***

Enforcement agencies face challenges in implementing existing laws, requiring the enactment of a suitable law that protects women in both organized and unorganized sectors and is understandable by all working women. Sexual harassment offenses are currently dealt with in different statutes, such as the POSH Act, Indian Penal Code, and IT Act, 2000. It is recommended that all women-related offenses be consolidated and a comprehensive statute drafted to recognize and penalize all crimes committed against women. This will ensure that laws are conversational-appropriate and accessible to all working women.

- ***Need for the protection of unorganized working women***

A survey by the Indus Scroll Organization shows that women in the unorganized sector are more sexually harassed than those in the organized sector. The POSH Act only protects working women in the organized sector, leaving them helpless and without protection. Therefore, providing adequate protection to women from the unorganized sector is crucial to curb sexual harassment.

- ***Need for Restructuring Labour Laws***

India, a signatory to the International Labour Organization's conventions, lacks provisions for safe work environments for working women in the unorganized sector. The recent cabinet proposal to allow night work increases risks and exposes women to sexual harassment. Therefore, labor laws in India should be restructured to provide justice to women in the unorganized sector.

- ***The government should Initiate to Create Awareness among the Working Class***

Indian laws criminalize sexual harassment and prescribe punishments, but cases have increased due to a lack of awareness among the working class. Women are not aware of available initiatives for sexual harassment. To address this, large organizations should have internal complaints committees and harassment policies, while the central welfare board should educate women about the possibility of being sexually harassed. Counseling centers should be established to support victims emotionally and financially, and free legal aid should be provided. This will help create awareness among women about sexual harassment, its types, laws, and punishments.

- ***Stringent Law for the Misuse of the Law***

In some cases, a perpetrator falsely accuses a victim to protect their interests, causing harm to the victim's mental health and character. This can lead to a loss of motivation and self-motivation, potentially leading to suicide. To address these cases, strict provisions should be made for exemplary punishment and effective mechanisms for providing relief and compensation to the victim.

RESEARCH FINDINGS

ISSUES AND LOOPHOLES IN THE PRESENTLY ENACTED LAWS

The Sexual Harassment of Women at Workplace Act, 2013 in India was enacted over five years ago, but its effective implementation remains a challenge. Employers face challenges in implementing the act, as most complaints are not sexual harassment but general harassment. Employees often fail to understand the difference between the two. Despite this, most firms refer complaints to the International Commission on Civil Liberties (ICC) committee, which informs the complainants of their rights under the act. However, this consumes most of the time allotted to the ICC to address sexual harassment grievances.

The laws are gender-specific, only protecting women, even if the perpetrator is male or female. This favoritism towards one based on sex demoralizes the character of the opposite sex. It is unfair to fail to recognize the rights of fellows, as men can also be sexually harassed and raped. A recent study by the Centre for Civil Society argues that the main shortcoming of the law is not acknowledging that men can be sexually harassed and raped. It is crucial to address these issues and ensure the effective implementation of sexual harassment laws in India.

Anonymous complaints are a challenge for organizations due to the law requiring disclosure of the complainant's name and the principles of natural justice. Organizations should not allow anonymous complaints, but if a person wishes not to be revealed, it is important to understand their reasons and address them. Complaints must be filed within three months, and the committee can extend them for an additional three months. The committee itself does not have the authority to accept complaints, which has been a challenge during the Me Too movement.

Defining the workplace is another significant challenge faced by employers and committee members. The lines between physical office space and online activities are blurring, and questions arise about the definition of a workplace. Committee constitution is another issue faced by organizations, with one challenge being finding a senior female employee to act as a preceding officer for each office. The law requires committee members to be committed to the cause of women, which is ambiguous.

To address these issues, organizations should choose someone with a balanced view and experience in dealing with such matters. This will help ensure that complaints are processed fairly and fairly, promoting a more inclusive and respectful workplace environment.

Loopholes in the presently operational law related to sexual harassment

Monika Sakhrani argues that laws related to sexual harassment in India weaken women rather than empower them. She questions the viability of the various mechanisms provided in the law and

believes that it departs from the expectations of courts and the bill drafted by Women's groups by limiting the powers of the committee to condone the moratorium of the victim. Sakhrani concludes that the Sexual Harassment at Workplace Act, of 2013, is a developing, nascent, and nuclear law.

- The Act fails to recognize retrospective accusations and relies on the subjective wisdom of concerned organizations to address grievances related to sexual harassment.
- It also fails to highlight the need for a formal redressal committee in the informal sector and does not impose fines or penalties for non-compliance.
- Additionally, the Act is gender-specific, failing to strike a balance between the rights and duties of men and women.
- Absolute steps to manage such possibilities would only assure women that their rights are taken seriously by the Indian parliament.

Based on the research findings, provide recommendations for policy improvements, organizational interventions, awareness campaigns, training programs, and support systems that can effectively address sexual harassment, promote gender equality, and empower women in the Indian workplace context.

CONCLUSION

This study highlights the need for immediate attention to address sexual harassment in the workplace, not just for victims but also for those who witness it. Sexual harassment contributes to a negative climate for individuals and organizations, and if not addressed, it can continue in a self-reinforcing cycle. In the Italian context, sexism, gender stereotypes, and tolerance of harassment persist, highlighting the need for preventive measures and curbing the phenomenon. To promote change, it is crucial to sensitize the wider audience and promote awareness of the problems of sexism, homophobia, patriarchal views, and gender stereotypes. Teaching principles of gender equality and respect for others in all workplaces through appropriate training, prevention, and monitoring is essential. This cross-sectional study emphasizes the importance of timely intervention in the sociocultural context of organizations.

Preventing sexual harassment in the workplace in India is crucial due to the challenges, laws, and empowerment initiatives. Addressing power dynamics, promoting gender equality, and raising awareness through sensitization and training programs can create a safe and respectful work environment. Overcoming social stigma, fear of retaliation, and limited knowledge of legal rights is essential for empowering victims and fostering a culture of reporting and accountability. Successful interventions and redressal processes require prompt responses, confidentiality, non-retaliation measures, and support systems for victims. Establishing internal complaints committees, transparent investigations, and appropriate consequences for offenders are essential for effective harassment resolution. Collaboration with external experts, regular monitoring, and awareness campaigns contribute to the success of efforts against sexual harassment. By actively

addressing challenges, promoting awareness, and implementing effective interventions, lasting change can be achieved, ensuring no person experiences the devastating impact of sexual harassment in the workplace.

SCOPE FOR FUTURE RESEARCH

This research paper critically analyses sexual harassment of women, focusing on provisions under the Criminal Procedure Code, Indian Penal Code, Constitution of India, and Prevention of Sexual Harassment Act. It discusses the meaning, definition, and types of sexual harassment, the evolution of Indian laws, issues, and loopholes, and the implementation of policies, conventions, and statutory laws. The study is gender specific and focuses on the victimization of women. The findings are hypothetically and critically derived, and the paper concludes with recommendations for reforms and codification of effective laws to curb sexual harassment in India.

LIMITATIONS

This is the first study in Italy to investigate Sexual Harassment in the workplace, focusing on witnesses and non-witnesses. The project's strength lies in its innovative nature, but it's crucial to acknowledge its limitations for future research.

This cross-sectional study used an adequate, non-random sample of Italian workers to examine sexual harassment in the workplace. The participants may not represent the general population and willingness to participate may be influenced by organizational policies, organizational climate, and prevention strategies. The decision to promote or not to promote the survey could indicate sensitivity to the phenomenon. Further research could analyse the relationship between prevention strategies and employee perception of sexual harassment. Additionally, there could be a bias in participation, as participants might answer questionnaires positively, indicating they may not identify as victims or perpetrators but as witnesses. Combining questionnaires and interviews could provide a better understanding of the phenomenon and its meaning in an organizational context.

The study on Sexual Harassment in the Workplace has limitations, including the inclusion of participants from different organizations and not considering the relationship between the victim and perpetrator, their gender, and sexual orientation. Future research should consider factors such as the perceived severity of the experience, the impact of multiple minority statuses and intersectional oppression, and organizational values and norms that promote workplace misconduct. The nature of the relationship and gender are important predictors of intervention intent, and future research could use the vignette method to analyse how gender and the nature of the victim-offender relationship influence intervention intentions. The study is also anchored in the specific Italian sociocultural context, which may differ from other countries, making it not transferable to other sociocultural contexts.

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