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STUDY OF CONSCIOUSNESS AGAINST WORKPLACE HARASSMENT IN INDIA

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Abstract

Workplace environment plays a major role in the mental satisfaction of the employees. Having a safe working environment is their legal right, and includes both physical and mental safety. Workplace harassment can occur when one party at the workplace demonstrates behavior that causes or is likely to cause alarm or distress to another party. Under Vishaka Guidelines laid down by Supreme Court in 1997 sexual harassment at workplace include unwelcome sexually determined behavior like physical contact and advances, a demand or request for sexual favors, sexually colored remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature. (http://www.curaj.ac.in/sites/default/files/Vishaka-Guidelines%20CCSH%20GOI%20Instructions_1.pdf). The study was focused on understanding the perception of men and women with respect to workplace harassment in India. The data was collected through structured questionnaire and was statistically analyzed using appropriate statistical tools. The results showcases that almost 55.9% of lawyers and policemen agree that India is unsafe in certain circumstances for women. 26.5% of them believe that the laws against harassment are not fully practiced. They also suggest that there should be more concrete laws with respect to harassment at workplace. Workplace harassment was perceived in a very different way by the respondents. Majority of the people believe that the main cause of harassment is lack of fear of the law. More than half of the respondents were unaware about Vishakha guidelines and strongly agreed that Mumbai is safer than any other city in India for women.

Keywords: Harassment, sexual harassment, laws, consciousness, workplace harassment, psychology of people, perception of society.

Introduction

With the changing economic condition, the working pattern also has changed. Gone those times when men were the only bread earner of the family. There is a drastic change by women becoming part of the workforce. Harassment at workplace is becoming a common phenomenon especially with women. Harassment is to create an unpleasant or hostile situation for especially by uninvited and unwelcome verbal or physical conduct (<https://www.merriam-webster.com/dictionary/harass>). Harassment is at times a threatening behavior directed at an individual worker or a group of workers. Workplace

harassment occurs when an employee or group of employees feel threatened or get belittled by their colleagues. Though workplace harassment is very common phenomena but people resist speaking about it openly. Many are not aware what is included under workplace harassment, only sexual harassment is seen as harassment, hence many such crime is unreported and not given much attention. There are five major types of workplace harassments - Verbal harassment, psychological harassment, cyberbullying, sexual harassment and physical harassment (<https://blog.vantagecircle.com/workplace-harassment/>). Workplace harassment may lead to negative work environment, the employee moral may go low, increase in absenteeism, low productivity, depression, substance abuse and many more.

There are various laws framed to safeguard employees from workplace harassment like Section 354,354-A,B,C,D, 294, of the Indian Penal code 1860, The Indecent Representation of Women (Prohibition) Act, 1986, The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and many more (Saluja R., 2021).

Discrimination de-empowers because discrimination in any form masks the human capabilities. Any factor that negates the human capability has to be reckoned as a factor of de-empowerment. Discrimination in matters pertaining to personal status de-empowers an individual from leading a dignified life. (Kumari K. Rajani, 2005).

Workplace sexual harassment violates a woman's fundamental right to equality and right to life, guaranteed under Articles 14, 15 and 21 of the Constitution of India. Under POSH Act, an 'aggrieved woman' in relation to a workplace, is a woman of any age, whether employed or not, who claims to have been subjected to any act of sexual harassment. It is given that the aggrieved women does not necessarily to be an employee, even a customer/client who may be sexually harassed at a workplace can claim protection under the POSH Act (Nishith Desai Associates, 2020). Workers in informal sectors are required to take their complaint to a Local Committee within three months of the incident, and risk facing a condonement of three months from the Committee if the complaint is brought outside of this window (Usman, 2019).

Crimes against women have been steadily increasing over the year. According to the NCRB report there was an increase by 5% in the year 2019 (4 lakh) compared with 2018 (3.78 lakh). According to the report Uttar Pradesh have maximum reported cases in 2019 followed by Rajasthan and then Maharashtra. (Times of India, 2020). In individual research it was found out that there are many dysfunctional committees in many states. Hardly 30% respondent mentioned that they have local committees to look into workplace harassment (Bhuyan A. & Khaitan S, 2021). There are so many laws to safeguard the employees at the workplace, but awareness is questionable.

Objectives of the Study

1. To ascertain the perception of working employees (males and females) with respect to workplace harassment.
2. To obtain the opinion of law abiders (police and lawyers) with reference to laws for workplace harassment.

Methodology

Exploratory research design is used for this study. Two sample groups were designed for the data collections.

Sample group one was the working employees comprising of a total of 130 respondents (62 males and 68 females) within the age range of 18 to 35 years were chosen using random sampling technique. Only the working-class population from the Mumbai region were included in the study. Any individual who are from the labour category, below 18 years of age, above 35 years and residents out of Mumbai region were excluded from the study.

Sample group two comprising of a total 35 respondents [the lawyer (17) and the police (18)] were selected using convenient sampling technique. Only the law enforcement people from the Mumbai region were included in the study. Any individual who are residents out of Mumbai region were excluded from the study.

Self-constructed questionnaire (10 closed end items) was formulated for the sample group one males and females. Interview technique was employed 10 semi-structured items for the lawyer and police. Data collected was tabulated and appropriate statistical tool was used to analyse the data. Frequency and percentages were calculated.

Results and Discussion

Perception of males and females with respect to workplace harassment

A large majority of the women (76.4%) and little less than half of the men (48.3%) perceives absence of strict law as one of the major reasons for the harassment at work place. Little less than half of the working employees (47.4%) felt that the lack of fear as the second most reason for the harassment.

When the respondents were asked to rate which sector was safest for the women to work and which was most unsafe? It was found that large majority of the working employees (73%) felt that the teaching field was the safest place for the female employees, while a large majority of the working employees (71.4%) felt that fashion [females (75%) and males (64.5%)], film [females (82.2%) and males (76.4%)] and media [females (77.4%) and males (52.9%)] was the most unsafe sector to work.

When the working employees were asked to rate the metro cities as safe and unsafe/ women friendly for women employees, a majority of working employees (68%) indicated Chennai was the safest region as per the women safety is considered, while a little more than half (52.3%) consider Mumbai. Shockingly, a large majority of the working employees (76%) felt Delhi was the most unsafe region for women.

Astonishingly, the awareness about the laws to safeguard was found to be least. Majority of the working employees (64.4%) are not aware for Vishaka Guidelines or POSH act for the safety of women at workplace. Surprisingly, a majority of working employees (60%) had not learnt about these acts or laws in school or colleges, however they were of the opinion that these topics should be dealt at school and college level.

View of law abiders (police and lawyers)

Majority of the law abiders which included police and lawyers working in law enforcement felt that India is not very safe for women in certain circumstances (60%), wherein the foremost worrying situation is the late working hours.

Majority of the law abiders (65%) argued that there were stringent laws available to protect against workplace harassment but they also agreed that the awareness is not as much.

More of the participants (57.1%) reported that primarily, the time lack of evidence is the major reason the cases go unreported one third of the law abiders (31.4%) mentioned fear of losing the job was key reason for working employees not reporting the cases.

Out of court settlement initiated and reasons for the same by number of working employees was another question to the law abiders, however, a majority of respondents (68%) felt that approximately 10 – 15 % cases go in for out of court settlement. The reasons stated by them were to avoid the hassles to persuade the case further as well as to protect the reputation of both victim and the defendant.

As per the results it was found out that the number of cases in last few decades have also seen an increase by 7-8% on an average every year. Which is also seen in the statistics provided by the NCRB report (Times of India, 2020).

Discussion

Right to work in a free and safe environment is the fundamental rights endowed on every human being. Safe environment should include both mental and physical safety. There should be an awareness with respect to the laws against harassment and every institution should focus and communicate about it. There is an increase in trust in law with more legislature which was introduced but lack of evidence is felt major drawback in prevailing justice. There has to be government apps and portal for reporting cases against harassment, and assistance for pursuing the case further. It is been observed that both the sample group agrees that the lack of awareness is one of the major reasons for increasing crime against men and women at workplace. Lack of trust in law is also one of the major reasons for not reporting the cases, whereas, the law abiders feel that the victims are been given justice on submission of proper evidence. They police and lawyer feel that the common people should start having trust in law and order of our country.

Contribution of the study

There has to be government apps and portal for reporting cases against harassment, and assistance for pursuing the case further. Special education subject should be introduced at school and college level to introduce then about the basic fundamental rights and laws associated with it. More stable and stringent laws should be made for cases which contain lack of evidences. There should be timely survey to check

the functioning of the local committees. It should be made mandatory for all the sectors whether organized or unorganized to set up committees to safeguard employee against workplace harassment. As harassment is not gender specific more unanimous laws should be introduced.

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