



# Dignified Workplace Policy: A Study Of Policy On Sexual Harassment

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## Abstract

Sexual Harassment is a type of sexual violence that involves unwanted sexual behavior towards another person which makes them feel upset, humiliated, intimidated or unsafe. It covers all sexual activities which take place without the consent of another person involved. The other person is forced to be a part of it.

The main aim of this paper is to study Sexual harassment cases or incidents in the workplace, study the policy implemented to prevent sexual harassment, know about the different sections under the POSH act, provide suggestions to prevent sexual harassment, and analyse the effectiveness of POSH Act. This paper is an academic paper and secondary data from different sources were collected for the study.

Key Words: Sexual harassment, POSH Act, policy

## Introduction

Sexual Harassment is any unwanted sexual conduct that makes the other person feel humiliated, offended or intimidated. Sexual harassment can occur anywhere, be it at the workplace, home, religious institutions, etc. Acts of sexual harassment generally include people offering rewards in exchange for involvement in sexual activities, making inappropriate sexual comments on employees, demanding or request for sexual favours, showing pornography, leering, sexual flirting, etc.

To make sure no further cases of sexual harassment take place, 'The Ministry of Women and Child Development' sanctioned a policy- 'Policy on Sexual Harassment (POSH Act)' on April 13, 2013. The Policy focused on three main things i.e. Redressal, Prevention and Prohibition. The Ministry notified December 09, 2013, as an effective date for the POSH Act and implementation of its rules. The main aim of this policy is to protect women in workplace who face sexual harassment by employees or employers. It ensures a safe and respectful working environment. The Act is applicable all over India. All the businesses and jobs, whether public or private, in Indian states, cities, territories and towns are covered under the POSH Act regardless of their size and nature. The implementation of POSH at the workplace does not mean that only employees are a part of it but also the trainees, interns, apprentices and workers are included (if they face any sexual harassment at work during their training or job).

## Objectives of the study

- To study the Sexual harassment cases or incidents in the workplace.
- To study the various policies to prevent sexual harassment
- To know about the different sections under the POSH act
- To provide suggestions to prevent sexual harassment.
- To analyze the effectiveness of the POSH Act

## Research Methodology

Secondary data is collected for the study. The secondary data is collected through various sources such as websites, journals, newspapers, magazines, books, publications etc. The present Study is descriptive in nature.

## Importance of the Study

Sexual harassment breaks a person not only physically but also mentally and psychologically due to which there is a creation of a victim society. People who encounter such harassment cases are unable to perform as per their caliber and this ultimately hinders the growth & development of the country which is not possible without the participation of every individual. Some of the definitions that defines the word "Sexual harassment" very clearly mentions the impact of sexual importunity in the workplace and the society.

According to United Nations, "Sexual harassment is any unpleasant conduct of a sexual nature that might reasonably be anticipated or be perceived to cause offense or demotion to another, and includes conduct that creates an intimidating, hostile, or humiliating working environment for the philanthropist".

As per the Catherine Mackinnon, "The unwanted obtainance of sexual requirements in the context of a relationship of unequal power is Sexual Harassment".

Lin Farley described Sexual harassment as a "unwanted sexual wants and attention, such as sexual looks or gestures, forceful touching or pinching, unwanted sexual teasing, jokes, comments, or questions".

Louise Fitzgerald, Describes "Sexual harassment is unwelcome, unwanted, or offensive behavior of a nature that affects the dignity of both men and women at work".

Deborah Rohde said "Sexual Harassment is a form of sex discrimination that involves sexually unwanted and unwelcome behavior, of a physical or verbal nature that creates an uncomfortable, intimidating, or offensive work environment".

Ellen Bravo says that, "Sexual harassment is any unwanted sexual behavior that makes one feel uncomfortable, threatened, forceful, or humiliated, and creates a hostile or abusive work environment".

According to David F. Greenburg, "Sexual harassment is undesirable, unpleasant and unfavorable behavior of a sexual nature that disturbs the working environment, creates a unwelcomed or offensive atmosphere, or results in an adverse employment decision".

So, it is important to understand the unwanted and unwelcome behaviour with the perspective of each and every gender before making policies & taking corrective measures, hence the present study is important.

## Role of POSH Act

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) was enacted as a comprehensive legislation to provide a safe, secure and working environment, free from sexual harassment to every woman. The POSH Act provides protection against sexual harassment to every woman in their workplace, i.e., a woman can complain if she ever faces any sexual harassment case in her workplace or a workplace of any other person. Is POSH gender based or neutral? What is the awareness rate of POSH in India?

United States Equal Employment Opportunity Commission (EEOC) states that “Sexual Harassment is an unwelcome sexual behavior, requests or demands for sexual favors, and any other physical or verbal conduct of a nature that constitutes sexual importunity, when submission to or rejection of this conduct implicitly or explicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, truculent or offensive work environment”.

Section 3: Various forms of sexual harassment are defined under the section.

Section 4: To investigate complaints of sexual harassment an Internal Complaints Committee (ICC) are mandatory to be formed.

Section 5: Functions and composition of ICC are defined under this section.

Section 6: A complaint of sexual harassment procedure is defined under the section.

Section 7: In this section, the powers of ICC are explained.

Section 8: Dismissal from service and penalties for involvement in sexual harassment.

Section 9: As per the act, employers are required to must conduct awareness programs on sexual harassment for all employees.

Along with all the sections under POSH Act is a proper procedure to be followed if any sexual harassment case is encountered.

The aggrieved party usually has two options for filing of sexual harassment case. One is by requesting the Internal Complaints Committee (ICC) to take steps to solve the case through reconciliation, and the second one is by writing a formal complaint to ICC. Going ahead with the first option, if the matter is settled then the settlement is recorded and a copy of it is sent to the employer and the complaints respondent. But if the matter is not solved, then we have a common step between its proceedings and the second option which is, an inquiry is held keeping in mind the principles of natural justice. Further if the allegation is proven, then the ICC sends a report to the employer mentioning about the action to be taken against the respondent. But again if the allegation is not proven then an inquiry is conducted to cross check if the complaint filed was false or malicious. If it is proven to be so, a report is sent to the employer by ICC to take action against the complainant. If none of the above is proven then no action is taken.

The above is a procedure which is successfully taken if any sexual harassment case is encountered at workplace. There are 25 companies in total which were successful in implementing the procedure on coming across a sexual harassment case. These companies were awarded for the same. Few of those companies are ABC Consultants private limited, Tata Power, Titan Company limited, Volvo groups India, OEC India Services private limited, K Raheja Corp, etc.

The implementation of Policy on Sexual Harassment i.e. The POSH Act has been somewhat successful as it is seen that any woman who comes across such harassment incidents are beheld and required actions are taken. Such a case happened at the workplace of Tehelka Magazine. A woman accused Tarun J tejpai (who is an Indian Journalist, publisher and former editor-in-chief of the magazine) of sexual assault in a hotel at Goa. He had been arrested by the Goa Police and has been in jail ever since. Many such cases prove that education and awareness among women has led to decreased cases of sexual harassment which were earlier kept unattended or unseen.

The success rate of the POSH Act was undoubtedly acceptable but then came a case where the Internal Complaints Committee (ICC) did not give accused the reasonable time to effectively participate in the proceedings which was then handled by the Supreme Court. Moreover, those proceedings were held in a hasty manner. Such a case was in Aureliano Fernandes Vs. State of Goa and Others, popularly known as ‘The Aureliano Case’. Since then the Supreme Court has laid down several guidelines to ensure the purpose of implementing the POSH Act is served righteously.

Following are the guidelines:

- The Union of India, State Government, and Union Territories need to make sure that all the concerned institutions, public undertakings, etc. have constituted their Internal Complaints Committee (also known as Local Committee)
- All necessary and updated information regarding the composition and constitution of LCs/ICs, details and contact numbers of the designated person(s), the procedure prescribed for submitting an online complaint, as also the relevant rules, regulations and internal policies should be made readily available on the website of concerned organisations, institutions etc.
- The Legal Services Authority must conduct workshops and awareness campaigns to educate the employers, employees and adolescent groups regarding the POSH Act
- The members of the ICC should be properly educated on how an inquiry is to be conducted i.e. from the point of receipt of complaint to the submission of the enquiry report.
- Employers must conduct regular orientation programs, workshops and seminar and awareness programs to up skill members of LCs/ICs and to educate women employees about the provisions of the POSH Act and relevant rules and regulations.
- The Supreme Court has tasked the Secretaries of Ministry, Government of India, and the Chief Secretaries of every state or union territory to ensure effective implementation of the directions laid by them.

## Literature Review

Naina Kapur (2013), in her paper titled, “Workplace sexual harassment: The way things are” describes that before 1997, the term ‘sexual harassment’ was never a part of Indian history. People always focused on insulting or incensing the women's modesty. Since then, harassment, violence, molestation, unwelcomed words and images have become a part of our everyday work life. She also mentions what happened in the Bhanwari Case. Bhanwari was gang-raped several times due to the negligence of the local authorities even after reporting. Bhanwari's experience paved a way towards change. Her study mainly focused on Sexual Harassment of women at work which leads to labour absenteeism, impaired growth and their hampered progress. She emphasizes that other than considering it as an offence on an individual level, it should be considered as a constitutional concern. As a result, the Vishaka judgement was implemented. Naina Kapur was an advocate who pioneered the Vishaka Directions on workplace sexual harassment. Under this, the organisations, institutions and businesses focused on spreading awareness regarding the same, and taking preventive steps in case any such harassment is faced. Though Vishaka judgement had its own good doings, it wasn't successful as not all organisations and public adhered to the bars set under Vishaka. A Committee was also set up named Committee on the Elimination of Discrimination against Women (CEDAW) which again didn't turn out to be really fruitful.

Paramita Chaudhari (2008), in her paper titled, “Sexual harassment at the workplace: Experiences with complaints committees” says that most workplaces neglect the need for implementation of policies and guidelines against the sexual harassment as they feel that such incidents cannot happen there. They give reasons supporting the above by quoting the workers as ‘people with good families, good backgrounds, highly educated’ and another reason being the ‘family like relationships (sic) in the workplace’. He conducted interviews over a period of three months from April to June 2006. As per his survey, it was found some of the respondents claim that sexual harassment does not happen in government sectors and if it does, the perpetrator is most likely to be an outsider. This study by Paramita Chaudhari was conducted in parts of West Bengal. All those who were considered assailable consisted of a large section of women. The findings of his study confirmed that a complaint committee was setup in compliance with Vishaka judgement to ensure proper implementation of guidelines, avoidance of sexual harassment yet it remained largely non-functional and sexual harassment incidents took place at the workplace. He also notes that the effective implementation of guidelines by Supreme Court on sexual harassment at workplace depends largely on complaints committee and monitoring mechanisms. His report is based on interviews with

chairpersons of 25 complaints committees. Their discussions involved the constitution of the committees, how the committee functions, meetings held, awareness programs organised, complaints dealt with and the perceptions regarding the sexual harassment at workplace.

Sanjay Parikh and Manoj Kumar Sinha (1999), in their paper titled, 'Sexual harassment: A wrong beyond discrimination' outlines that Sexual Harassment at workplace is a major issue to be looked at. Millions of women work in an environment which is polluted by sexual misconduct most of the time. They state that Sexual Harassment of women at workplace is generally considered as employment discrimination based on gender. They talk about the case where Mechelle Vinson who is an Assistant Branch Manager at Meritor Savings Bank FSB was sexually harassed by the Vice President of the bank- Sidney Taylor. She filed a suit against him and stated that 'she had been constantly subjected to sexual harassment by Sidney Taylor in the violation of Title VII'. The District court dismissed the same by saying that she was voluntarily a part of it, so she had to take her case back on sexual discrimination she had been through. The judgment was reversed in the appeal by stating that the loss of employment or barriers in promotion isn't necessary, and that the point of voluntary participation was immaterial. An action against the sexual harassment considering it as discrimination is not enough, as discrimination in itself is a part of sexual harassment.

Ankita Tiwari (2013), in the Newspaper 'India Today' emphasizes on Women's safety as it has been neglected in India at the workplace. She talks about a case that took place, where Brij Bhushan Sharan Singh, a former head at Wrestling Federation of India (WFI) was accused of harassing women by touching them, making them feel uncomfortable by putting his hand on their chest, and then moving his hand touching their backs and intentionally chasing them. He was detained from wrestling and was sent to jail. But due to negligence towards the case, no further action was taken and he got bailed from the jail.

Paul McDonald and Sara Charlesworth (2016), in their paper titled, 'Workplace sexual harassment at the margins' mentioned that almost every literature focuses on a woman being harassed by another man. They took a Representative Prevalence survey in Australia whose result said that there are more cases of a man being harassed by another man and lesser cases of a woman being harassed by another woman. The survey's result revealed that around 16% men and 25% women have reported to have experienced sexual harassment at their workplace in the past five years (AHRC, 2012). Research elsewhere also suggests that while the predominant form of Sexual Harassment involves a male harasser and a female target, men are the targets of Sexual Harassment. At the same time, it is seen that the cases dealing with a woman as a target are neglected and not taken much into consideration. The data consisted of both qualitative and quantitative information contained in all 282 formal complaints of Sexual Harassment filed in the area of employment in the six-month period from 1 July to 31 December 2009 in the nine federal, state and territory equal opportunity commissions in Australia. Four groups of Sexual Harassment complaints were compared: male complainants who alleged Sexual Harassment by men (N = 31), male complainants who alleged the same by women (N = 14), female complainants who alleged sexual importunity by women (N = 16) and a much larger comparison group of typical or classic complaints comprising female complainants who alleged Sexual Harassment by men (N = 221). Comparison was made across characteristics including the hierarchical relationship of the complainant and alleged harasser, whether or not the SH involved physical and/or non-physical harassment and the employment and personal impacts of the conduct.

## Some Incidence /Cases of sexual harassment across the World

Nationwide, 81% of women and 43% of men reported passing some form of sexual importunity and/ or assault in their continuance. Worldwide, 1 in 3 women have endured physical or sexual violence — substantially by an intimate mate. When counting for sexual importunity, this figure is indeed advanced worldwide.

### United States

EEOC Charges: The U.S. Equal Employment Opportunity Commission (EEOC) reported a significant number of sexual harassment charges during this period.

Notable cases include:

2003: The case of Mitsubishi Motors Manufacturing of America, Inc., where the company had allegations of systemic sexual harassment and retaliation against female employees, settled the whole case at \$34 million.

2011: A case at National Restaurant Association where several women accused Herman Cain of sexual harassment during his tenure as a CEO.

### United Kingdom

EHRC Reports: The Equality and Human Rights Commission (EHRC) in the UK documented a rise in reported cases, indicating increased awareness and scrutiny.

Key incidents include:

2004: The case at the Royal Bank of Scotland where a senior executive was alleged with sexual harassment allegations by several women and was dismissed for the same.

2009: A presenter at television networks was accused of sexually harassing the junior staff members.

### Australia

Australia's Fair Work Commission handled numerous cases across different sectors.

Noteworthy instances include:

2007: A landmark case in the mining industry where a supervisor was found guilty of sexually harassing female employees, leading to substantial financial penalties and reforms in workplace policies.

2012: Multiple sexual harassment claims brought up by female traders and analysts were settled by a prominent investment firm.

### Canada

Canada observed an increase in reported incidents, highlighting efforts to address systemic issues.

2005: A legal battle involving a provincial government office where a senior official was accused of sexually harassing his subordinate, leading to significant changes in workplace regulations and training programs.

2010: A high-profile case in the healthcare sector where a hospital settled multiple harassment claims by nursing staff, prompting a review of organisational culture and policies.

### Japan

Ministry of Health, Labour, and Welfare: Japan faced challenges due to cultural barriers affecting reporting rates. Notable incidents include:

2008: The case of a leading electronics manufacturer where female employees filed a lawsuit alleging widespread sexual harassment by senior managers, prompting national discussions on workplace ethics and gender equality.

2011: The enforcement of new guidelines aimed at preventing harassment in corporate settings, following public outcry over several well-publicized incidents in the technology and automotive sectors.

## India

National Commission for Women: India saw a surge in reported cases, particularly in the IT and manufacturing sectors. Key cases include:

2006: The landmark judgment involving a multinational software company, where a female engineer successfully sued for harassment, leading to significant reforms in corporate policies and legal protections.

2012: The legislative amendments to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, broadening the definition of harassment and enhancing penalties for non-compliance, reflecting growing societal awareness and advocacy.

2024: A female employee from spicejet was vexed by CISF personnel of CISF. She was doing her work when a CISF officer at Jaipur airport approached her with a lewd offer. This prompted her to slap him. The spicejet airline has taken strict actions to ensure safety of its female employees.

## Brazil

Ministry of Labor and Employment: Brazil tackled notable cases in industrial sectors:

2005: A manufacturing scandal saw a multinational corporation facing accusations of ignoring harassment complaints from female assembly line workers, prompting regulatory investigations and labour union negotiations.

2010: The hospitality industry was embroiled in allegations of harassment against female housekeeping staff in a hotel chain, leading to public demonstrations and industry-wide policy changes.

## South Africa

Commission for Gender Equality: South Africa addressed significant incidents in its corporate landscape:

2007: The telecommunications sector faced inquiries when a senior executive was accused of harassment by female employees, sparking discussions on corporate governance and workplace ethics.

2012: A legal sector controversy involved a law firm accused of misconduct towards female associates, prompting regulatory scrutiny and reforms in professional ethics.

## France

Ministry of Labour: France handled cases across diverse sectors:

2006: A retail industry case highlighted harassment allegations against store managers, leading to reforms in employee training and workplace policies.

2011: The aviation sector faced scrutiny after allegations of harassment towards female flight attendants, prompting industry-wide discussions on workplace safety and gender equality.

## Germany

Federal Anti-Discrimination Agency: Germany saw notable cases impacting various industries:

2008: A technology sector scandal involved harassment allegations against senior managers, leading to corporate governance reforms and internal investigations.

2010: The healthcare sector faced criticism when a senior physician was accused of harassment towards nursing staff, resulting in regulatory reviews and organisational changes.

## Measures taken by different countries

### Brazil

#### Legal Reforms

1. **Strengthening Laws:** Brazil revised its legal framework to provide better protection against sexual harassment. The 2001 amendment to the Penal Code (Article 216-A) specifically criminalized sexual harassment in the workplace.
2. **Labor Laws:** The Consolidation of Labor Laws (CLT) was amended to include provisions that addressed sexual harassment, mandating employers to maintain a safe working environment.

#### Enforcement and Judicial Actions

3. **Enforcement Agencies:** The Ministry of Labor and Employment (MTE) and the Public Ministry of Labor (MPT) increased their efforts to enforce laws against sexual harassment. They conducted inspections and investigations to ensure compliance.
4. **Judicial Precedents:** Several high-profile court cases raised awareness and set precedents. Notable cases where companies were held liable for not preventing harassment helped create a deterrent effect.

#### Awareness and Education

5. **Public Campaigns:** National campaigns were launched to educate the public and workers about their rights and the consequences of sexual harassment. Campaigns like "Assédio Sexual no Trabalho" (Sexual Harassment at Work) played a significant role.
6. **Training Programs:** Companies began implementing training programs for employees and management to recognize and prevent sexual harassment. These programs often included workshops and online courses.

#### Organisational Policies

7. **Internal Policies:** Many companies adopted comprehensive anti-harassment policies. These policies outlined procedures for reporting harassment, conducting investigations, and imposing sanctions on perpetrators.
8. **Whistleblower Protections:** Mechanisms were established to protect whistleblowers who reported harassment. Anonymous reporting systems and protections against retaliation encouraged more victims to come forward.

#### Societal Changes

9. **Cultural Shift:** There was a gradual cultural shift towards zero tolerance for sexual harassment. Advocacy groups and NGOs played a crucial role in changing public attitudes and pushing for stricter enforcement of laws.
10. **Support Systems:** Organizations and government bodies set up support systems for victims, including counselling services and legal assistance.

Between 2002 and 2012, Brazil took significant steps to address workplace sexual harassment through legal reforms, enforcement, awareness campaigns, and organizational changes:

1. **Strengthening Laws:** In 2001, the Penal Code was amended (Article 216-A) to specifically criminalize workplace sexual harassment. Labour laws, including the Consolidation of Labor Laws (CLT), were also revised to ensure a safer working environment.

2. Enforcement Agencies: The Ministry of Labor and Employment (MTE) and the Public Ministry of Labor (MPT) increased inspections and investigations to enforce anti-harassment laws.
3. Judicial Precedents: High-profile court cases set important precedents, holding companies liable for not preventing harassment and creating a deterrent effect.
4. Public Campaigns: National campaigns, such as Sexual Harassment at Work, educated the public and workers about their rights and the consequences of harassment.
5. Training Programs: Companies implemented training programs to help employees and management recognize and prevent harassment, including workshops and online courses.
6. Internal Policies: Comprehensive anti-harassment policies were adopted by many companies, outlining procedures for reporting, investigating, and sanctioning harassment.
7. Whistleblower Protections: Mechanisms were established to protect whistleblowers, including anonymous reporting systems and protections against retaliation.
8. Cultural Shift: Advocacy groups and NGOs contributed to a cultural shift towards zero tolerance for sexual harassment, pushing for stricter law enforcement.
9. Support Systems: Support systems for victims, including counselling services and legal assistance, were set up by organisations and government bodies.

### India

1. Vishaka Guidelines: In 1997, the Supreme Court of India laid down the Vishaka Guidelines, which mandated employers to take steps to prevent sexual harassment. These guidelines acted as a precursor to later legal frameworks.
2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Though slightly outside the 2002-2012 timeframe, the groundwork for this act was laid during this period. The Act legally obligated employers to prevent and redress sexual harassment at workplaces. (write about POSH)
3. Internal Complaints Committee (ICC): Following the Vishaka Guidelines, many organizations set up Internal Complaints Committees to handle complaints of sexual harassment. These committees included a mix of internal and external members to ensure impartiality.
4. Awareness Campaigns: Government agencies, NGOs, and companies launched awareness campaigns to educate employees about their rights and the mechanisms available to report harassment. Campaigns included workshops, seminars, and distribution of informational materials.
5. Training Programs: Regular training sessions were conducted for employees and management to sensitize them about sexual harassment, its implications, and how to handle complaints.
6. Landmark Judgments: Several high-profile court cases during this period reinforced the importance of preventing sexual harassment. These judgments underscored the responsibility of employers and helped build a robust judicial precedent.
7. Comprehensive Policies: Companies developed detailed anti-harassment policies. These policies clearly outlined what constituted sexual harassment, procedures for reporting, and the steps for redressal.
8. Grievance Redressal Mechanisms: Companies implemented mechanisms to ensure that complaints were addressed promptly and fairly. These included clear timelines for investigations and resolution of complaints.

9. Cultural Shift: Advocacy by women's rights groups and increased media attention led to a cultural shift where workplace sexual harassment was no longer tolerated. Public discussions and debates helped in changing societal attitudes.

10. Support Systems: Support systems, such as counselling services and legal assistance, were made available to victims. NGOs and legal aid societies played a crucial role in providing support to victims.

11. Government Directives: The government issued directives to public sector undertakings and departments to comply with the Vishaka Guidelines and later the 2013 Act. Regular audits and compliance checks were conducted.

12. National Commission for Women (NCW): The NCW actively took up cases of sexual harassment, conducted inquiries, and made recommendations to employers and government bodies.

Australia

## Legal Reforms

1. Sex Discrimination Act 1984: The Act, amended multiple times during this period, provided a strong legal framework against sexual harassment. The amendments strengthened the provisions and clarified definitions related to sexual harassment.
2. Fair Work Act 2009: This Act introduced additional protections against workplace discrimination and harassment, making it easier for employees to seek redress.

## Institutional Framework

3. Australian Human Rights Commission (AHRC): The AHRC played a pivotal role in addressing workplace sexual harassment. It conducted inquiries, provided guidelines, and handled complaints.
4. Workplace Gender Equality Agency (WGEA): The WGEA worked towards promoting gender equality in workplaces, including efforts to combat sexual harassment.

## Awareness and Education

5. Awareness Campaigns: Government agencies and NGOs launched campaigns to raise awareness about workplace sexual harassment. Campaigns included educational materials, public service announcements, and community outreach programs.
6. Training Programs: Employers were encouraged to conduct regular training sessions for employees and management to educate them on recognizing, preventing, and addressing sexual harassment.
7. Landmark Cases: High-profile cases during this period raised public awareness and set judicial precedents. These cases highlighted the consequences for perpetrators and the responsibility of employers to maintain a harassment-free workplace.

## Organisational Policies

8. Internal Policies: Companies developed comprehensive policies to address sexual harassment. These policies included clear definitions, reporting procedures, and disciplinary actions.
9. Grievance Redressal Mechanisms: Effective mechanisms were established within organisations to ensure that complaints were handled promptly and fairly. This included setting up dedicated committees or appointing harassment officers.

## Societal Changes

10. **Cultural Shift:** Increased advocacy by women's rights groups and media coverage led to a societal shift towards zero tolerance for sexual harassment. Public discussions helped change attitudes and foster a safer workplace environment.
11. **Support Systems:** Organizations and government bodies set up support systems for victims, including counseling services, legal aid, and hotlines.

## Government Initiatives

12. **National Plans and Strategies:** The government developed national plans and strategies to promote safe and respectful workplaces. These plans often included specific targets and action points to reduce incidents of sexual harassment.
13. **Regular Audits and Surveys:** Regular surveys and audits were conducted to assess the prevalence of sexual harassment and the effectiveness of measures taken. The results guided further policy development and implementation.

## Challenges

Overcoming sexual harassment in the workplace has been a significant challenge for many countries. Here are some of the key challenges faced by different nations:

### United States

1. **Cultural and Organizational Resistance:** Many workplaces exhibited resistance to change, with some organizations reluctant to acknowledge the prevalence of sexual harassment or implement necessary reforms.
2. **Legal Barriers:** Victims often faced legal hurdles, including the need to prove severe or pervasive conduct, which made it difficult to pursue legal action successfully.
3. **Retaliation and Fear of Reporting:** Many employees feared retaliation or damage to their careers if they reported harassment, which discouraged them from coming forward.

### India

1. **Lack of Awareness:** There was a significant lack of awareness about what constitutes sexual harassment and the legal protections available to victims.
2. **Implementation of Laws:** Although laws like the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act were enacted, their implementation was inconsistent across different regions and industries.
3. **Social Stigma:** Victims often faced social stigma, which deterred them from reporting incidents due to fear of shame.

### Japan

1. **Workplace Culture:** The hierarchical and male-dominated work culture in Japan made it difficult for victims to report harassment, as they often faced pressure to conform and not disrupt the status quo.
2. **Legal and Institutional Support:** The legal framework and institutional support for victims were often inadequate, with limited avenues for redressal.
3. **Awareness and Education:** There was a lack of comprehensive education and training on sexual harassment for both employees and employers.

## Australia

1. **Inconsistent Policies:** While Australia had progressive policies, their implementation varied significantly across different sectors and workplaces.
2. **Victim Blaming:** Victims frequently faced blame and scepticism, which discouraged them from reporting incidents of harassment.
3. **Complex Legal Processes:** The legal process for addressing sexual harassment claims was often complex and daunting, making it difficult for victims to seek justice.

## United Kingdom

1. **Cultural Change:** Efforts to change workplace culture faced resistance, particularly in industries with entrenched gender norms and power dynamics.
2. **Awareness and Training:** Despite legal frameworks like the Equality Act 2010, there was a need for more widespread awareness and training programs to educate employees and employers about sexual harassment.
3. **Support Systems:** The support systems for victims, including counseling and legal aid, were sometimes insufficient or inaccessible.

## South Africa

1. **Underreporting:** High levels of underreporting due to fear of retaliation, victimization, and cultural norms that discourage speaking out.
2. **Legal Enforcement:** Although there were laws against sexual harassment, enforcement was often weak, and there was a lack of faith in the justice system.
3. **Workplace Policies:** Many workplaces lacked comprehensive policies and mechanisms to prevent and address sexual harassment effectively.

Each country faces unique challenges in addressing workplace sexual harassment, often influenced by cultural, legal, and organizational factors.

## Suggestions

The Prevention of Sexual Harassment (POSH) Act, enacted in India in 2013, aims to provide protection against sexual harassment of women at the workplace and the prevention and redressal where it can be improved to ensure better protection and enforcement.

Following are the suggestions:

1. **Increased Awareness:** Increased efforts should be made to spread awareness among people regarding the POSH Act to ensure that whenever one feels the need to file a case against sexual harassment case, they have an enacted policy to trust on. More awareness campaigns must be organised for the same.
2. **No Biasness:** The Internal Complaints Committee (ICC) should ensure that they are unbiased towards the parties involved in the reported case. Biasness from even a single member from ICC can favour the case against the biased. Hence, biasness should be ignored.
3. **Comprehensive Training programs:** Regular training programs must be conducted for all the employees and ICC members to ensure better understanding and handling of the sexual harassment cases.
4. **All gender inclusion:** The ICC should include people from all the genders. This corroborates gender equality and makes sure that a perspective from each of the gender is taken to see a sexual harassment case from all different and possible perspectives.

5. Simplified Procedure: There must be a simple procedure of filing and investigating process to make it less troublesome and more accessible to victims. This way illiterate or less educated people won't feel left out and will feel seen and heard.
6. Strict penalties for Non - Compliance: A huge fine must be charged to the companies and businesses who don't comply with the POSH Act Guidelines. The companies and businesses who fail to adhere to the act shall be held liable for any sexual harassment cases and strict actions must be taken against them.
7. Regular Review of the Act: Establish a mechanism for the periodic review and update of the POSH Act to address emerging issues and incorporate best practices
8. Improve data collection: The employees and IC members must focus on collecting more accurate data to enhance the outcome of any sexual harassment case.

## Conclusion

To provide safe and dignify work environment to all employees, it is important to address the issues of sexual harassment. Countries are concerned for sexual harassment cases and taking various measures to prevent it. Various measures include implementation of policies, providing training to employees, accessibility and availability of reporting mechanisms, and an environment of accountability and support. Organizations are required to take prompt action for any allegations and must focus on the well being of their employees. Companies need to create an environment where every employee feels comfortable, safe and valued.

## References

- 1) McLaughlin, H., Uggen, C., & Blackstone, A. (2012). Sexual harassment, workplace authority, and the paradox of power. *American sociological review*, 77(4), 625-647.
- 2) Kapur, N. (2013). Workplace sexual harassment: The way things are. *Economic and Political Weekly*, 27-29.
- 3) McDonald, P., & Charlesworth, S. (2016). Workplace sexual harassment at the margins. *Work, employment and society*, 30(1), 118-134.
- 4) Chaudhuri, P. (2008). Sexual harassment at the workplace: Experiences with complaints committees. *Economic and Political Weekly*, 99-106.
- 5) Hemel, D., & Lund, D. S. (2018). Sexual harassment and corporate law. *Columbia Law Review*, 118(6), 1583-1680.
- 6) Folke, O., Rickne, J., Tanaka, S., & Tateishi, Y. (2020). Sexual harassment of women leaders. *Daedalus*, 149(1), 180-197.
- 7) Farris, C., Jaycox, L. H., Schell, T. L., Street, A. E., Kilpatrick, D. G., Tanielian, T., ... & Gore, K. L. (2015). Sexual harassment and gender discrimination findings: Active component. *Sexual assault and sexual harassment in the US Military*, 2, 31-54.
- 8) Parikh, S., & Sinha, M. K. (1999). Sexual harassment: A wrong beyond discrimination. *Journal of the Indian Law Institute*, 41(3/4), 478-488.
- 9) Bhattacharyya, R. (2018). # Metoo movement: An awareness campaign. *International Journal of Innovation, Creativity and Change*, 3(4).
- 10) Bothra, N. (2014). The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Available at SSRN 2498990.
- 11) Mainiero, L. A., & Jones, K. J. (2013). Sexual harassment versus workplace romance: Social media spillover and textual harassment in the workplace. *Academy of Management Perspectives*, 27(3), 187-203.
- 12) <https://www.un.org/womenwatch/osagi/pdf/whatissh.pdf>
- 13) <https://bit.ly/3AmHYmA>
- 14) <https://www.indiatoday.in/diu/story/womens-safety-crisis-rise-in-sexual-harassment-assault-complaints-india-2410074-2023-07-21>