

Sexual Harassment

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Introduction

- Sexual harassment is an offence that contains numerous intersecting issues of human rights, gender equality, dignity, health, work conditions, productivity, freedom to practice and chose one's profession, right to livelihood, to name a few, since it impacts on all these areas.
- If workplaces are not made free of discrimination for women, then a community is set-back. More importantly, it personalises, silences and makes invisible, a systemic pattern of violations in the workplace and puts women at risk. In that sense, the importance of naming and censuring the problem in law cannot be understated.

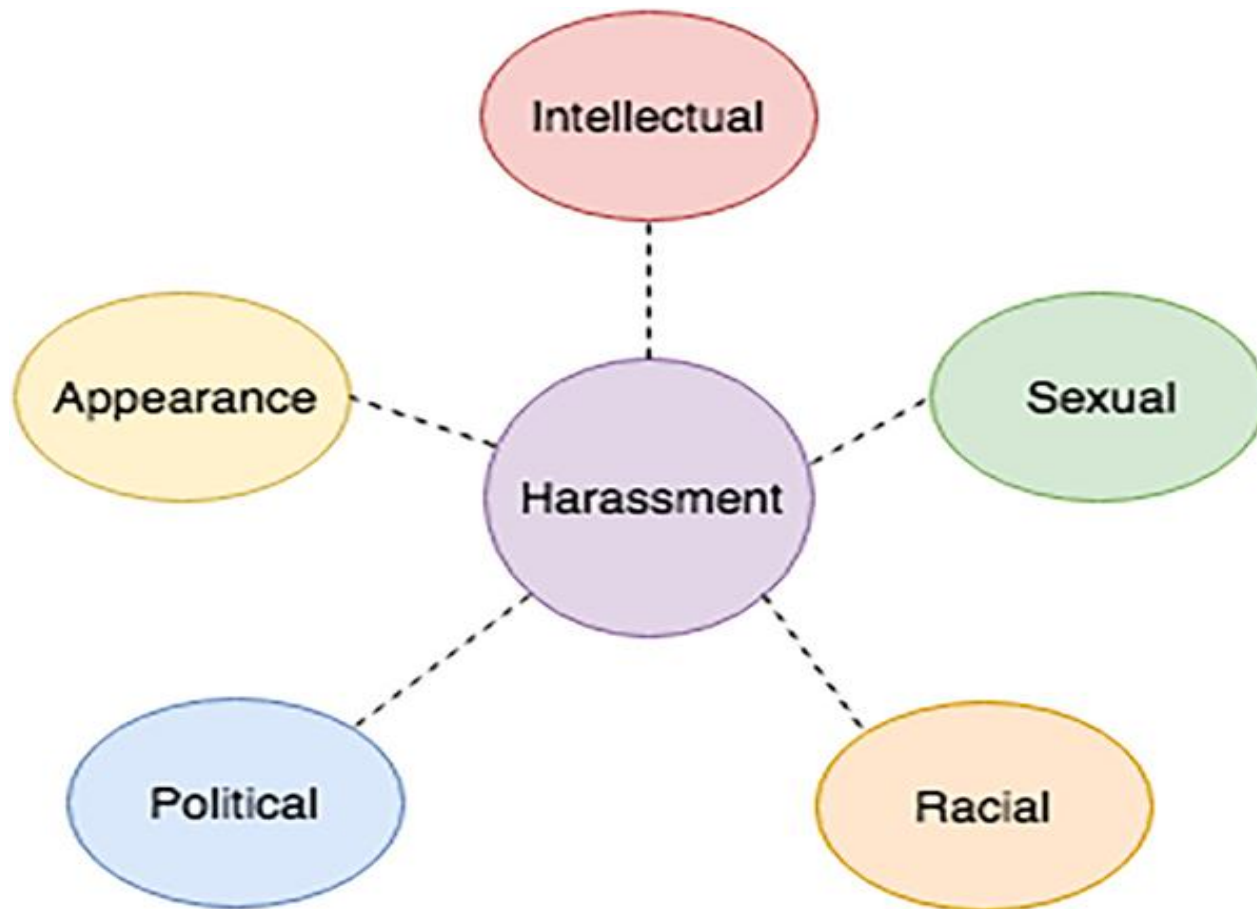
Differences between harassment and bullying

Harassment	Bullying
<p>Harassment is an action that is meant to or happens to cause discomfort for the victim.</p>	<p>Bullying is when one individual, or party, socially degrades the victim either for the purpose of increasing their own self-comfort or for the enjoyment of others.</p>

Harassment

- Harassment is any improper and unwelcome conduct or comment by a person which offends, humiliates, or degrades another person.
- It can take place in different settings, including home, place of work, school or via the phone or the internet.

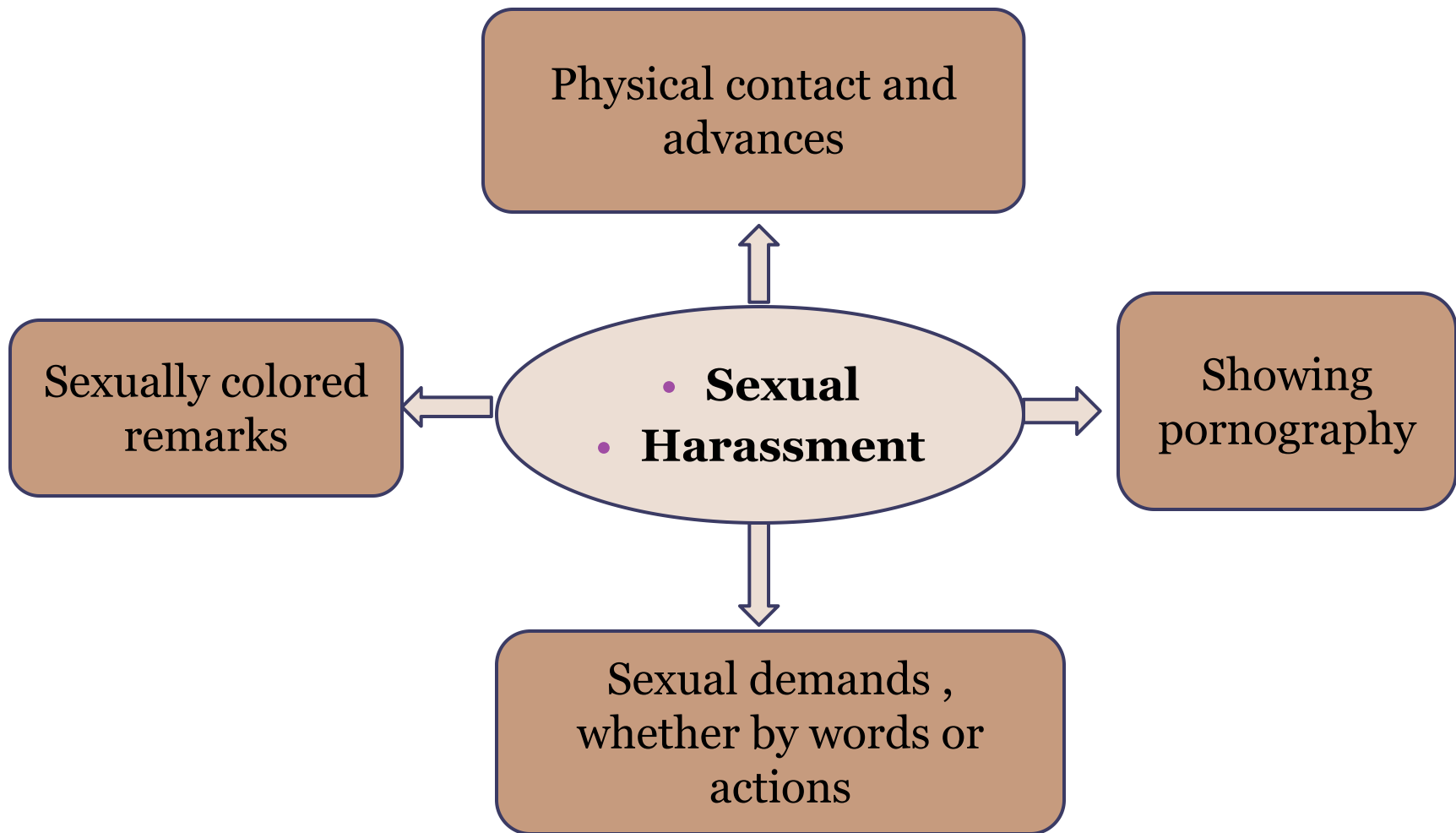
TYPES OF HARASSMENT



What is sexual harassment?

- Any unwelcome sexually determined behaviour such as; physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem

- Unwelcome sexually determined behaviour such as



Types of Sexual Harassment

SN	Types	Description
1.	Gender Harassment	Generalized sexist statements and behavior that convey insulting or degrading attitudes about women. Examples include insulting remarks, offensive graffiti, obscene jokes or humor about sex or women in general.
2.	Seductive Behaviour	Unwanted, inappropriate and offensive sexual advances. Examples include repeated unwanted sexual invitations, insistent requests for dinner, drinks or dates, persistent letters, phone calls and other invitations.

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3.	Sexual Bribery	Solicitation of sexual activity or other sex-linked behavior by promise of reward; the proposition may be either overt or subtle.
4.	Sexual Coercion	Coercion of sexual activity or other sex-linked behavior by threat of punishment; examples include negative performance evaluations, withholding of promotions, threat of termination.
5.	Sexual Imposition	Gross sexual imposition (such as forceful touching, feeling, grabbing) or sexual assault.

Forms of sexual harassment

- **Physical**

Verbal

**Visual
(non verbal)**

Physical

- Touching
- Unwanted massages
- Patting, caressing, or fondling
- Impeding or blocking movement
- Standing closer than appropriate or necessary for the work being done, touching or rubbing oneself sexually around or in view of another person, or assault.



Verbal

- sexual comments, slurs, jokes, or rumors
- Verbal sexual advances, threats /propositions
- Verbal abuse of a sexual nature
- Making sexual comments –clothing/ body/looks
- Sexually degrading words used
- Suggestive/obscene letters, notes/ invitations
- Turning academic discussions into sexual discussions
- Asking sexual fantasies, preferences, or history
- Asking questions about to social or sexual life Insulting



Visual

- Leering (looking at someone in sexually suggestive manner)
- Making suggestive gestures
- Displaying pornography, sexually suggestive pictures, cartoons, posters or literature
- Having sexually suggestive software on a work or academic computer
- Suggestive or insulting sounds



Who are the victims?

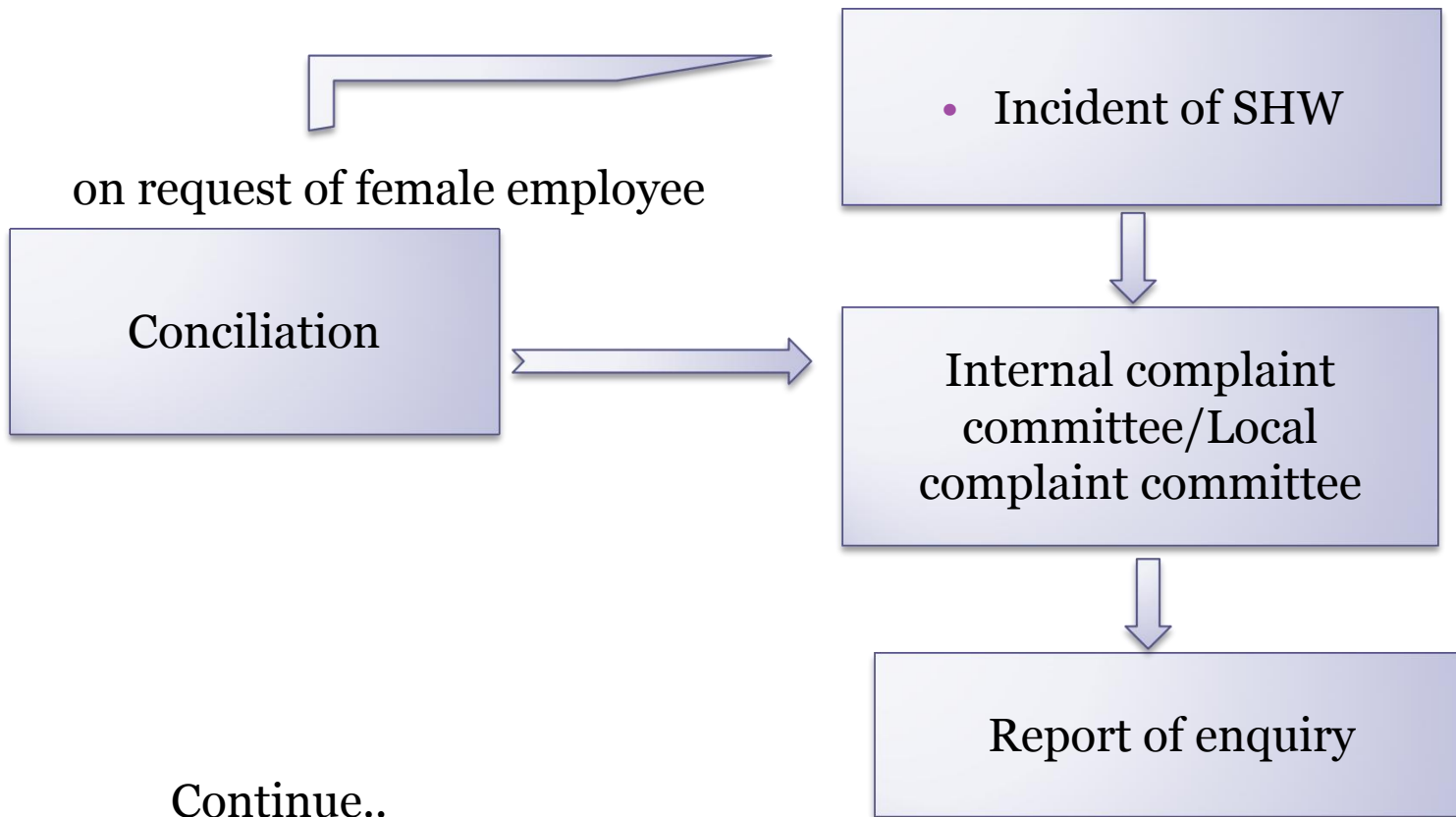
- Sexual harassment does not affect women alone, as men can also be victims. However, women are more vulnerable due to their position in society.
- Most sexual harassment is carried out by men against women.
- Sexual harassment affects victims regardless of age, relationship, disability, physical appearance, background or professional status.

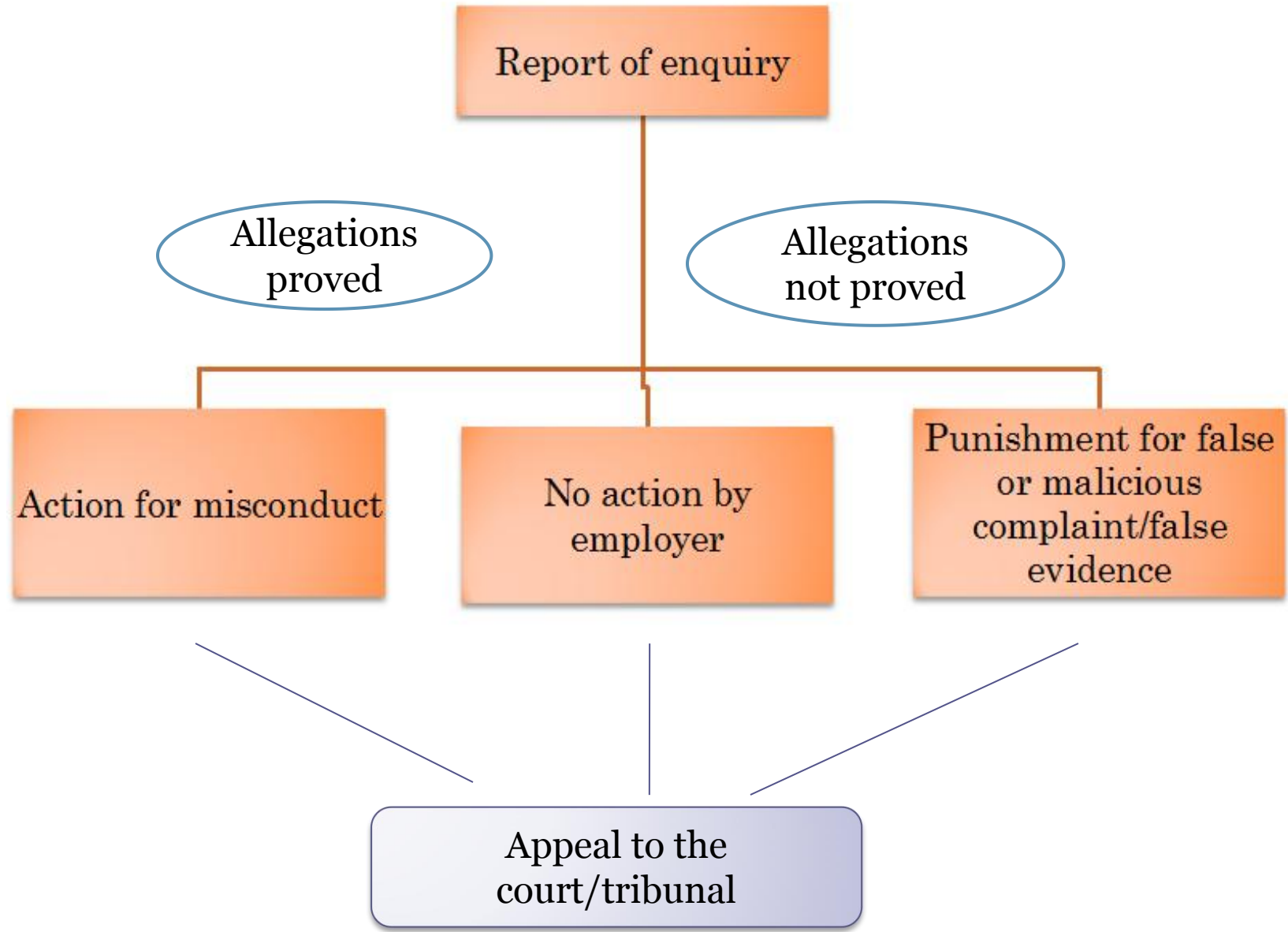
Who are the harassers

Workplace harassment can be committed by:

- an employer
- worker
- co-worker
- group of co-workers
- client or customer or
- a member of the public

Legal frame work (Indian context)





Timeliness

A written complaint has to be filed by female employee within three months of the date of incidence



The enquiry has to be completed within 90 days



The enquiry report has to be issued within ten days from the date of completion of enquiry

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Employer is required to act on the recommendations of the committee within 60 days of receipt of enquiry report



Appeal against the decision of the committee is allowed within 90 days of recommendation

Effect on victim

- It leaves them feeling threatened, humiliated, patronised or harassed, and creates a threatening, intimidating work environment.
- In the worst cases women have committed suicide. it affects workers' morale it makes them less efficient.

International recognition and moves to stamp out sexual harassment at work

- **International Labour Organisation:** In 2003, the ILO's Governing body adopted a Code of practice on workplace violence in services sectors, offering guidance, including against sexual harassment.
- **United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Beijing Declaration and Programme for Action** The 1995 United Nations' Women's Conference in Beijing
- **Regional Measures**
- **Europe** The European Union's 1991 'Code of Practice' called on Member States to promote awareness of sexual harassment and take measures against it, and a Directive prohibiting sexual harassment was adopted in 2002.

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- **Organisation of American States** ‘Inter-American Convention on Violence Against Women’
- Over 50 countries have prohibited sexual harassment at work through national legislation or labour codes:
- Prohibition of sexual harassment is included in the national human rights
- legislation of three countries: Canada (Canadian Human Rights Act), Fiji (Human
- Rights Commission Act, 1999) and New Zealand (Human Rights Act, 1993)⁶⁰. These
- statutes apply to harassment in a range of contexts, including education and housing, but refer specifically to workplace harassment(D. McCann. *Sexual harassment at work: National and international responses, Conditions of Work and Employment Programme, ILO, 2005.*)

THANK YOU