

# A Study On “Effectiveness Of Preventive Measures Of Sexual Harassment Policies At It And Its Sectors”, Bengaluru

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## **Abstract**

*In India sexual harassment at workplace is one of the most common crimes against women and is also seen as unconstitutional invading on the fundamental rights of women. Occasionally women raise their voices against such discrimination, but more often than not it is buried with time. The necessity for preventing such injustice and suitably dealing with such cases, The Sexual Harassment Act, 2013 was brought into effect. Sexual harassment is a recurring problem around the globe. Different nations have taken measures to deal with the consequences of such a problem. Continuous development of policies is observed. Nations or companies are dealing with the topic by either reacting or pro-acting to the salient situations. The main objective of this chapter is to highlight the methodology used in order to state the hypotheses generated from the objectives of the study. The research design including the measurement of research variables, the questionnaire design, the sampling procedure, data collection and techniques of analysis used for the purpose of testing the research hypotheses is elaborately considered in this chapter. Introduction Piotrowski (1998) before 1970 there was no term like ‘sexual harassment’ used in the literature or in any published or unpublished media. It was only in late 1970s that first time the term ‘sexual harassment’ was used and got its place as one of rising issue in the world. This concept came into existence in the late 1970s, earlier it was a part of work life but never get noticed and no one has ever raised the voice against it. Cornell University first time took step to raise the issue of sexual harassment by conducting a session on ‘Women and Work’. The purpose of this session was to make people aware about their safety at work place. Farley (1978) harassment of women was prevailing in the society from very beginning; women employees have to leave their job or were fired from the job due to the uncomfortable behavior of the male employees. Women were facing harassment almost at every walk of life but our society is male ruled and consequently nobody has observed or raised the problem of sexual harassment at workplace. Nemy (1975) the trouble of sexual harassment turned into now no longer publicly mentioned however the idea of sexual harassment turned into first time publicized during the testimony of (Farley, 1978) associated with ‘Women and work’. The difficulty of sexual harassment turned into raised with The amative to make girls conscious that they have to protest and withstand any act that comes below this class and they have to have rights to take steps in opposition to such issues via a few felony manner which can bind both the organization and the harasser.*

*In India the regulation concerning sexual harassment turned into enacted in 2013, through a brand new act namely; Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. Before this Act, there has been a regulation in this difficulty and*

*the regulation turned into set up primarily based totally at the pointers given through the Supreme courtroom docket within side the case of Vishakha & others vs. State of Rajasthan and Others, 1997, virtually identified the records that sexual harassment violates the essential proper of a girls to stay her existence with complete liberty, dignity, to enrol in any work/ occupation and it's also in opposition to the 'gender equality proper' of Indian constitution. Thus, sexual harassment is taken into consideration because the violation of human rights and type of violence in opposition to girls. It turned into a past due motion due to the fact different international locations have commenced enacting precise regulation in this difficulty in early 1990s (ILO, 1999). This judgment turned into well-known as Vishakha pointers and virtually defines the sexual harassment, prevention and redressal mechanism to be observed through the employers .It is the felony responsibility of the organization to make the running surroundings secure and stable for all of the personnel. It is obligatory for the groups to setup a separate committee for submitting and resolving proceedings or grievances of personnel associated with girls. This committee have to additionally be accountable for prevention of atrocities in opposition to girl's within side the organisation. Major obligation of creating the running surroundings secure is of organization and if organization is observed responsible for negligence or forget about the sexual harassment proceedings then organization can also additionally need to pay penalties, first-class or to stand felony punishment as well. Employer have to make sure that the sexual harassment isn't always anon-public trouble of the sufferer and harasser most effective it have to be keep in mind as a trouble of organisation additionally.*

*It turned into highlighted within side the take a look at of (Indian Labor Organization, 2002) that it turned into most effective the judgement of Vishakha Case that the groups have commenced putting in or forming committees for sexual harassment cases. Before this judgement, groups have been now no longer having separate proceedings committees to appearance after the sexual harassment cases. Earlier, the groups have been used to terminate the girls personnel in the event that they document any sexual harassment proceedings in opposition to the male personnel. (Majumdar, 2003) additionally showed this reality that there have been no committees or rules for sexual harassment in groups whether or not huge or small. If a few groups have fashioned such committee, then such rules have been now no longer applied efficiently with inside the organisation or such committees have now no longer laboured efficiently, earlier than the Vishakha pointers.*

*After Vishakha pointers, Criminal Law (Amendment) Act, 2013 turned into surpassed on account of Delhi Gang Rape case which came about in December 2013.*

## 1. Review of Literature

Piotrowski (1998) before 1970 there was no term like 'sexual harassment' used in the literature or in any published or unpublished media. It was only in late 1970s that first time the term 'sexual harassment' was used and got its place as one of rising issue in the world. The concept of sexual harassment came into existence in the late 1970s, earlier it was a part of work life but never get noticed and no one has ever raised the voice against sexual harassment. Cornell University first time took step to raise the issue of sexual harassment by conducting a session on 'Women and Work'. The purpose of this session was to make people aware about the sexual harassment, women employees suffer at workplaces and to raise the consciousness among women employees. Farley (1978) sexual harassment was prevailing in the society from very beginning; women employees have to leave their job or fired from the job due to the uncomfortable behaviour of the male employees. Women were facing harassment almost at every walk of life but our society is male dominated and therefore no one has noticed or raised the issue of sexual harassment at workplace. Nemy (1975), the problem of sexual harassment

was not publicly discussed but the concept of sexual harassment was first time publicized during the testimony of (Farley, 1978) related to 'Women and work'. Sexual harassment can be unwanted sexual favours, squeezing bodies, forced intimacy, pinching, or leering. The issue of sexual harassment was raised with a purpose to make women aware that they should protest and resist any act that comes under the category of sexual harassment and they should have rights to take steps against the sexual harassment through some legal process that can bind both the employer and the harasser. In India the legislation regarding sexual harassment was enacted in 2013, by a new act namely; Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. Before this Act, there was a law for sexual harassment which was established after the case of Vishakha & others vs. State of Rajasthan and Others, 1997). The judgement of Supreme Court in the case of Vishakha, clearly recognized the facts that sexual harassment violates the fundamental right of a women to live her life with full liberty, dignity, to join any work/occupation and sexual harassment is also against the 'gender equality right' of Indian constitution. Thus, sexual harassment is considered as the violation of human rights and type of violence against women. It was a late movement because other countries have started enacting specific legislation for sexual harassment in early 1990s (ILO, 1997). This judgment was famous as Vishakha guidelines and clearly defines the sexual harassment, prevention and redressal mechanism to be followed by the employers. It is the responsibility of the employer to make the working environment safe and secure for all the employees. It is mandatory for the organizations to set up a separate committee for filing and resolving complaints or grievances of employees related to sexual harassment. This committee should also be responsible for prevention of sexual harassment cases in the organization. Major responsibility of making the working environment safe is of employer and if employer is found guilty for negligence or ignore the sexual harassment complaints then employer may have to pay penalties, fine or to face legal punishment as well. Employer should ensure that the sexual harassment is not a personal problem of the victim and harasser only it should be consider as a problem of organization also. It was highlighted in the study of (Indian Labor Organization, 2002) that it was only the judgement of Vishakha Case that the organizations have started setting up or forming committees for sexual harassment cases. Before this judgement, organizations were not having separate complaints committees to look after the sexual harassment cases. Earlier, the organizations were used to terminate the women employees if they file any sexual harassment complaints against the male employees. (Majumdar, 2003) also confirmed this fact that there were no committees or policies for sexual harassment in organizations whether big or small. If some organizations have formed such committee, then such policies were not implemented effectively in the organization or such committees have not worked effectively, before the Vishakha guidelines. After Vishakha guidelines, Criminal Law (Amendment) Act, 2013 was passed as a result of Delhi Gang Rape case which happened in December 2013. The definition of rape was changed and the punishments were revised in this act. Sexual harassment refers to any act or behavior which affects the dignity of a woman. It can be in different forms varying from eve teasing, whistling, to serious acts of demanding sexual favours. The undesired behavior of an individual can make a woman feel uncomfortable. Offering a woman employment benefits on condition of sexual favours, can be considered as harassment. There is no universally accepted definition of sexual harassment. The legal definition of sexual harassment varies among judiciary system of different countries. Countries have evolved their own legal definitions of sexual harassment as per the need of the hour and circumstances. The problem is that sexual harassment is usually taken as sexual harassment at workplace in broader sense. The concept of sexual harassment is ambiguous. There are different definitions of sexual harassment in different cultures and religions. These all reasons make it difficult for researchers to study and measure the sexual conducts (Bortei and Aryetty, 2004).

## 2. Experimental Details Hypothesis

### Hypothesis 1:

**H0:** Seeking sexual favors in lieu of support, promotion etc as a measure of sexual harassment in IT companies is insignificant (or, Seeking sexual favors in lieu of support, promotion etc does not amount to sexual harassment in IT companies).

Vs

**H1:** Seeking sexual favors in lieu of support, promotion etc as a measure of sexual harassment in IT companies is significant (or, Seeking sexual favors in lieu of support, promotion etc amounts to sexual harassment in IT companies).

### Objectives of the Study

- To understand the meaning of sexual harassment in the light of work culture of IT and ITES sectors.
- To study the policies adopted by IT and ITES sector for prevention of sexual harassment against women. •
- To analyse the effectiveness of policies adopted by IT and ITES sector for prevention of sexual harassment against women.

**Sampling Technique** The technique of sampling comprises of simple random sampling.  
**Sample Size** The sample size is 100  
**Sampling Unit:** Samples are drawn from the women employees of IT sector at Bengaluru

**Sources of Data:** The sources of data include both primary and Secondary data. Primary data is gathered personally by the researcher and secondary data is gathered from sources like internet, Magazines, Journals and periodicals.

**Techniques Of Data Collection:** Primary data is collected by distributing the questionnaire and Secondary data has been collected by review of literature

**Research Model :** Every company has to prepare a comprehensive Policy and the policy should clearly define the Act of Sexual harassment

### (Objective Number-1).

- The policy should be communicated to all.
- Preventive measures can be taken by way of Counselling and gender sensitization Programs
- (Objective number 2 and -3).
- In case of sexual harassment instances proper authority should be constituted to conduct the Enquiry.
- After Conducting the enquiry Corrective actions can be taken in the form of Suspending the delinquent employee, dismissal or penal action.
- Periodical Feedback should be obtained from the women employees to understand the effectiveness of Policies

## 3. Results and Discussion

### Results:

According to this test, the null hypothesis is to be rejected if  $z$ , where  $z$  is calculated as and is obtained from normal distribution table at  $\alpha=0.05$ . From normal distribution table, the critical value is obtained as  $=1.96$ . Since  $z > 1.96$ , the null hypothesis is rejected at 5% significance level. Hence, it can be inferred that seeking sexual favors in lieu of support, promotion etc as a measure of sexual harassment in IT companies is significant. i. e., seeking sexual favors in lieu of support, promotion etc amounts to sexual harassment in IT companies.

### Findings

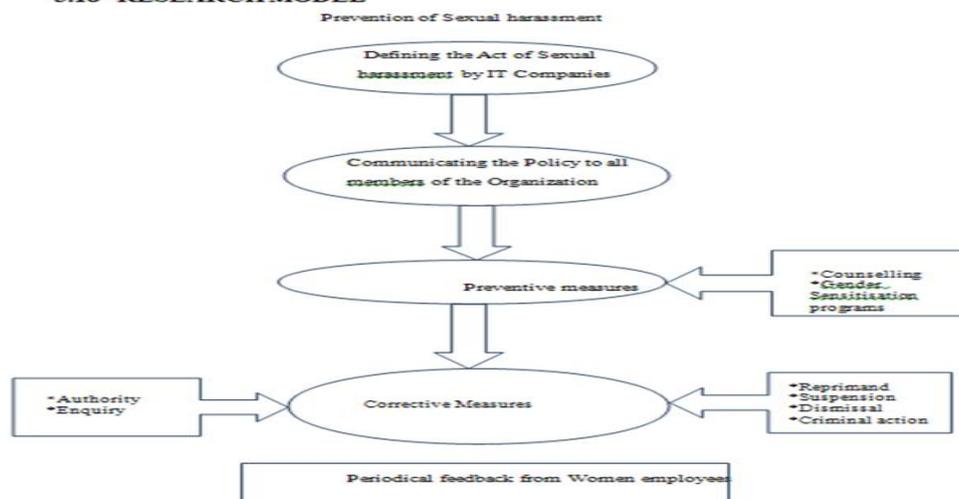
- Majority (89%) of the women employees felt that they are safe and secure during working hours
- Majority (88%) of the women employees said that they are treated at par with their colleagues
- Majority (95%) of the women employees felt that they have friendly working environment
- Most (88%) of the women employees were of the opinion that the organization takes the complaints seriously and are concerned about the complaints
- Majority (95%) of the women employees opined that complaints of sexual harassment are victimized
- Most (88%) employees expressed that due to lack of evidence perpetrators might go unnoticed
- Many (89%) women employees were aware about the Vishaka guidelines which deal with specific regulations to be followed during sexual harassment
- Large number (85%) of women employees has felt that organizations have not come out with stringent policies to tackle sexual harassment. Which indicates their casualness towards curbing sexual harassment?
- More (82%) women employees feel that the organizations takes them into consideration by collecting feedback before finalizing anti-sexual harassment policies which indicates their participative attitude .
- Majority (82%) of the women employees felt that about anti-sexual harassment policies were not circulated.

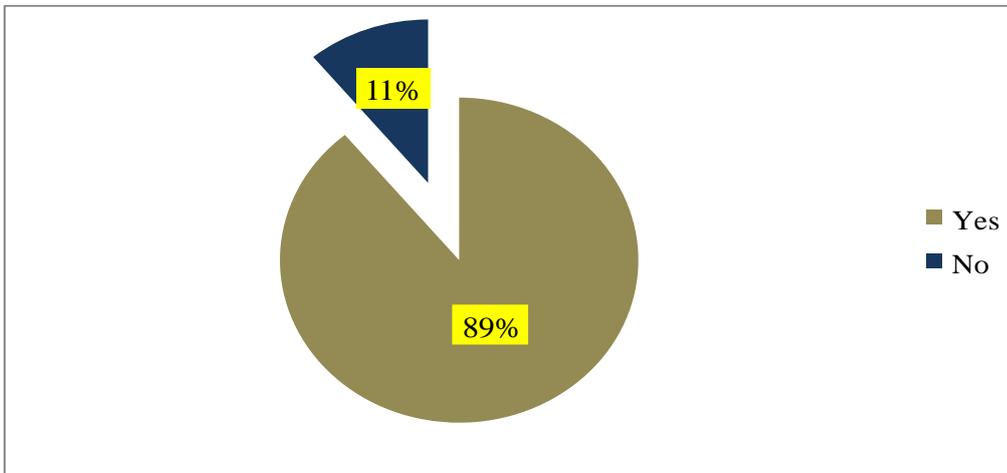
### Suggestions

Based on the findings of the research study the following suggestions/recommendations are made.

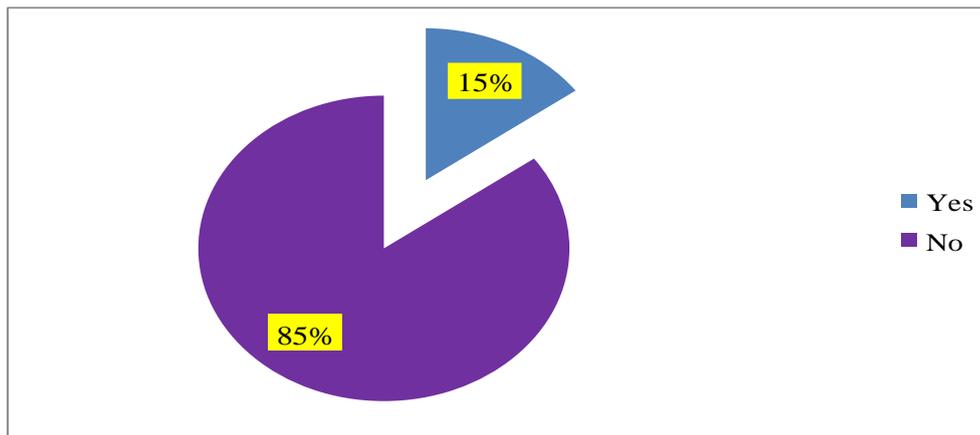
- IT and ITES companies have to come out with a stringent policy to tackle sexual harassment rather mere framing some rules in this regard
- IT and ITES companies/Organizations have to take proactive steps to make aware each employee regarding the policies that exist and the members of the committee in this regard
- IT and ITES companies/Organizations should ensure the presence of a woman representative of a reputed registered NGO to be a part of the monitoring committee to ensure impartiality
- IT and ITES companies/Organizations should provide proper safety and security measures to the women employees who would like to depose themselves fearlessly regarding any disorderly act .

#### 3.18 RESEARCH MODEL

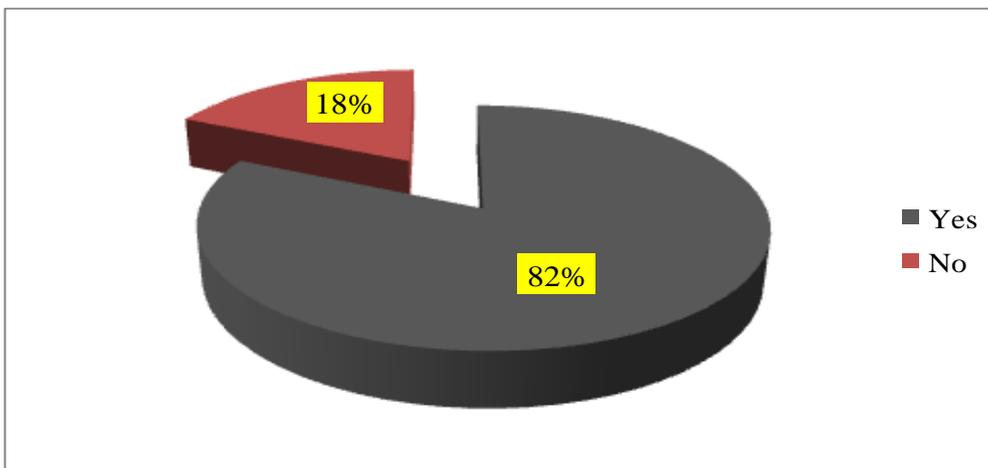




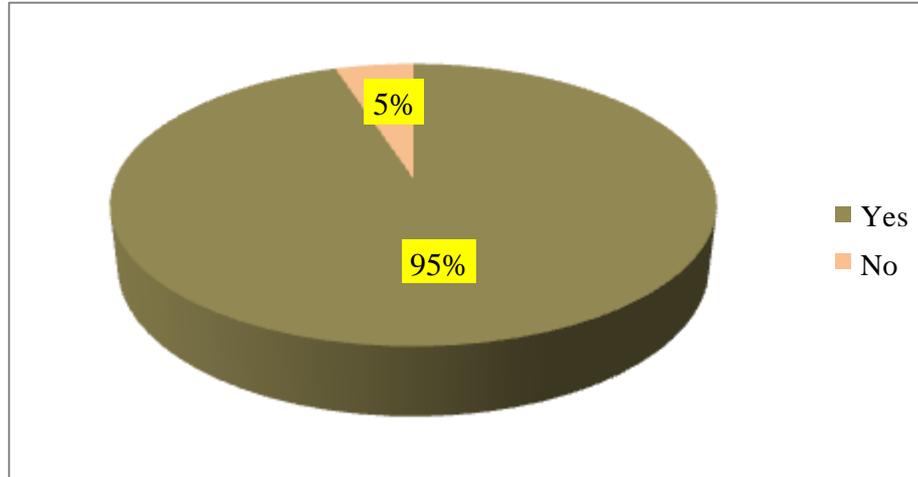
**Figure 1: Opinion about safe and secure during office hours**



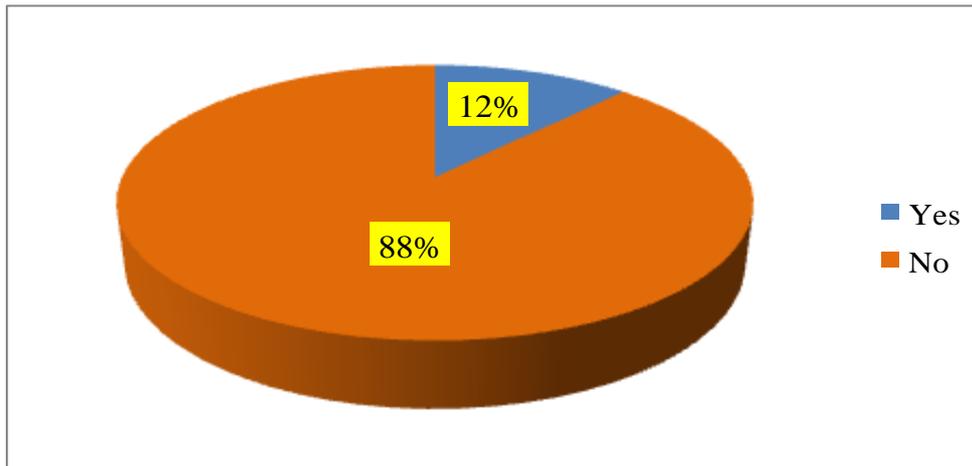
**Figure 2: Opinion about equal level of treatment with male colleagues**



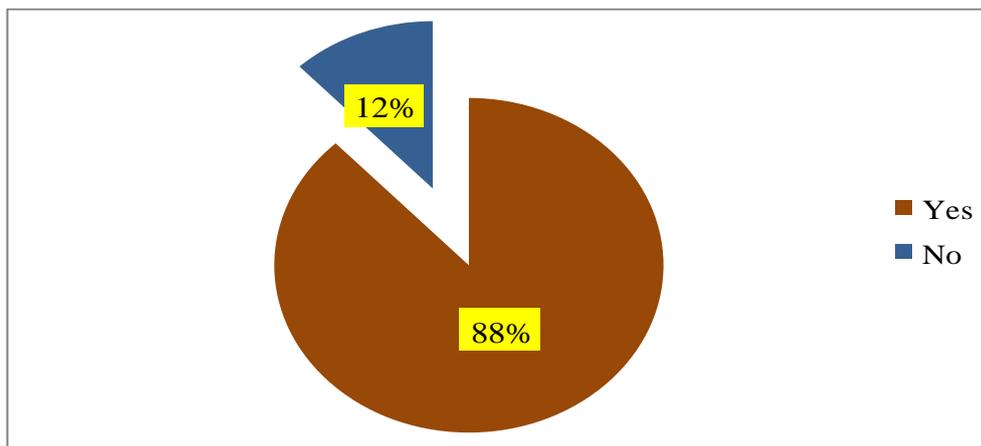
**Figure 3: Friendly working environment**



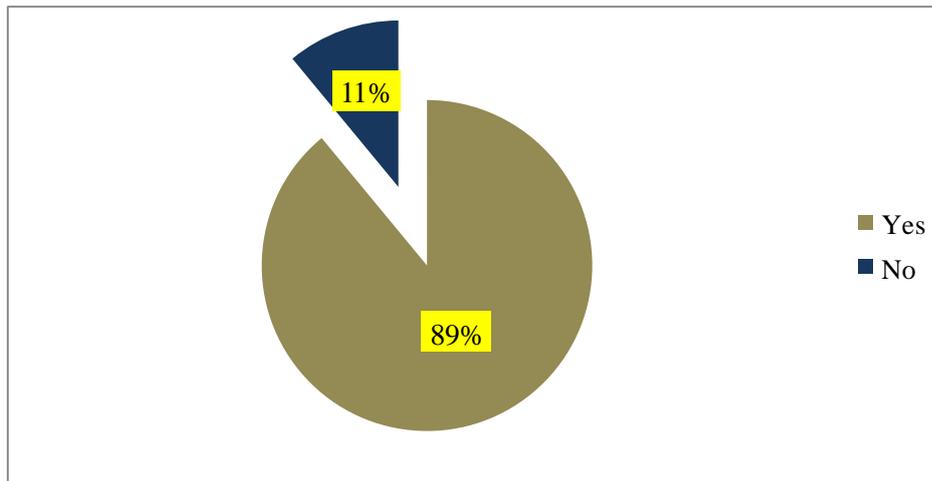
**Figure 4: Complaints taken seriously**



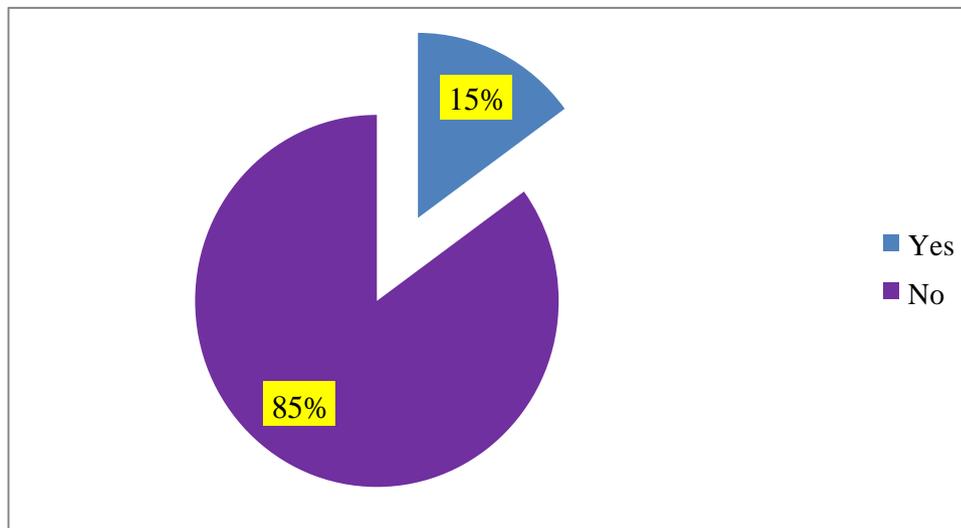
**Figure 5: Victimization of complainant**



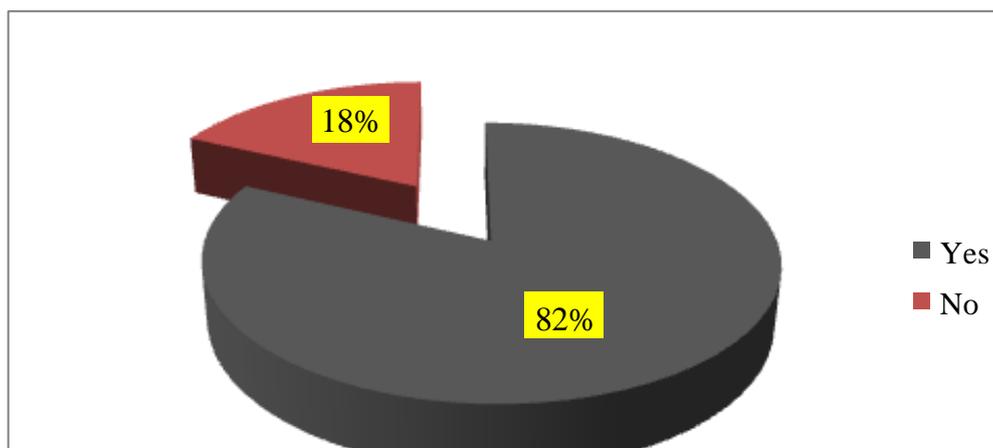
**Figure 6: Unpunishment due to lack of evidence**



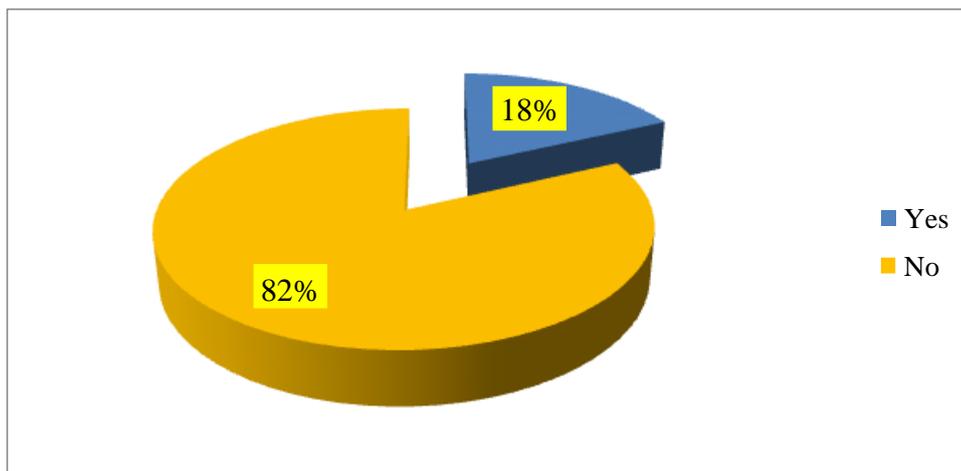
**Figure 7: Awareness about Vishaka guidelines**



**Figure 8: Established policy against sexual harassment**



**Figure 9: Feedback taken in finalizing policy**



**Figure 10: Policy circulated to all employees**

**Table 1**

Item	Yes	No
Do you feel yourself safe and secure during office hours?	(89%)	(11%)
Do you feel that your organization treats you at equal level with male colleagues?	(88%)	(12%)
Does your organization encourage a friendly environment of working?	(95%)	(5%)
Does your organization take complaints by women staff seriously?	(95%)	(5%)
Do you feel that complainant in case of sexual harassment might be victimized?	(12%)	(88%)
Do you feel that perpetrator might go unpunished due to lack of evidence?	(88%)	(12%)
Are you aware of the Vishaka guidelines?	(89%)	(11%)
Does your organization have an established policy against sexual harassment?	(15%)	(85%)
Were feedbacks from employees taken and considered while finalizing this policy?	(82%)	(18%)
Is this policy circulated to all the employees?	(18%)	(82%)

**Effectiveness of sexual harassment policies**

Item	S A	A	C	D A	S D A	M e a n
Your organizations take complaints of sexual harassment seriously.	0	(100%)	0	0	0	4
Perpetrators are generally not punished as it is difficult for victim to provide evidence.	0	(68%)	(32%)	0	0	3.6797
Many employees are reluctant to lodge complaint for fear of further victimization.	0	(100%)	0	0	0	4
Reluctance of victims in filing complaints against harassers reflects their lack of trust in the organization system	0	(72%)	(28%)	0	0	3.7187
Reluctance of victims in filing complaints against harassers reflects their ignorance with regards to the process.	0	0	(72%)	(28%)	0	2.4427
Past instances of delayed/botched up investigation may dissuade employees from reporting complaints of harassment.	0	(100%)	0	0	0	4
Sexual harassment cases are generally less in your company as it treats all its employees equally irrespective of their gender	0	0	(100%)	0	0	3
Your organization follows strict norms, rules and regulations and generally shows zero tolerance for the sexual harassment	0	(72%)	(28%)	0	0	3.7188

SA: Strongly agree; A: Agree; C: Can't; DA: Disagree;  
SDA: Strongly Disagree;M: Mean

**4. CONCLUSIONS**

The number of women working in IT sector has increased over the years. The supreme court of India has clarified that women can be appointed even during night shifts, but it is the concern of business organizations to protect the interest of women employees.

It is the utmost concern of every employer to be proactive and prevent the problem of sexual harassment against women, rather than trying to redress it after the occurrence of the event. Legal rules alone may not be helpful in preventing the instances of harassment. Awareness should be created among individuals which can play crucial role in combating the situation. Gender sensitization programs should be made popular, so that a congenial working atmosphere is created in the organizations. Cordial and healthy relations to be created among the employees

and superordinate goals should be created so that they focus on the fulfilment of such goals rather indulging in undesired behaviour.

### **Acknowledgments**

#### **Book**

Sexual Harassment in the Workplace: Perspectives, Frontiers, and Response Strategies

Edited by: Margaret S. Stockdale

Publisher: SAGE Publications, Inc.

Publication year: 1996

Online pub date: December 20, 2013

Discipline: Business & Management

Subject: Diversity, Sexuality in Organizations

DOI: <http://dx.doi.org/10.4135/9781483327280>

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