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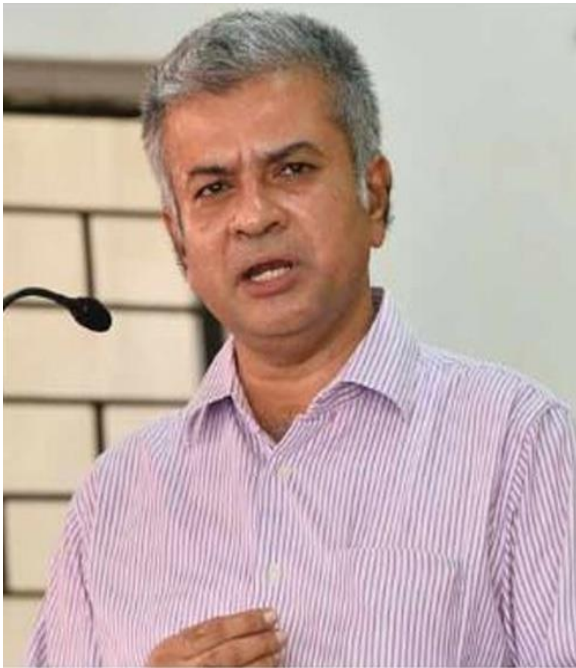
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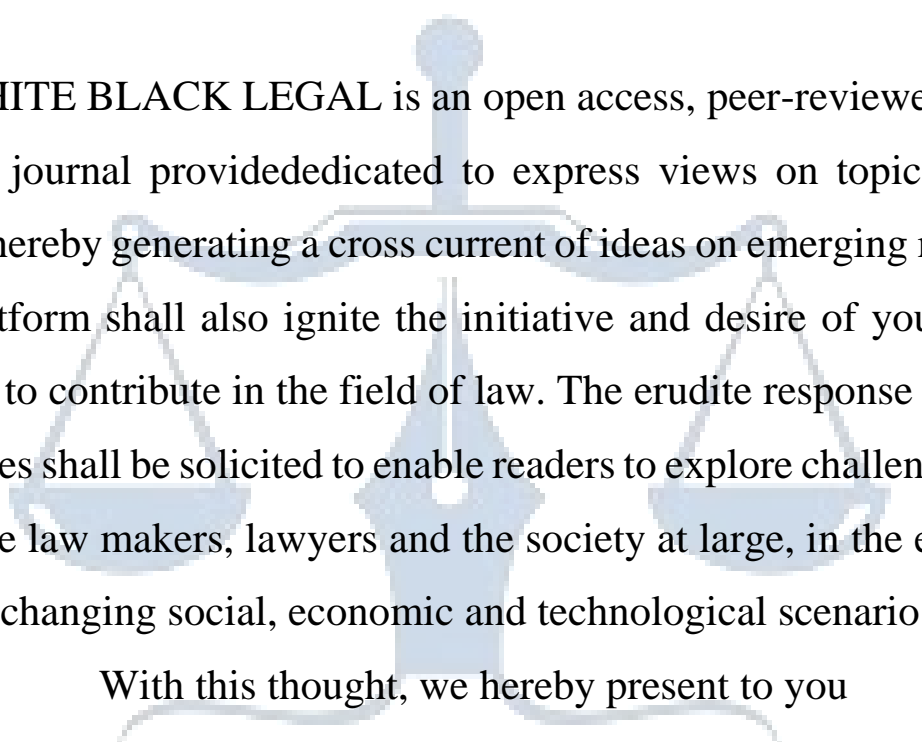


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E B L A C K
L E G A L

SEXUAL HARASSMENT IN WORKPLACE

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1. INTRODUCTION

Sexual harassment in the workplace is a form of sex discrimination which negatively affects the working environment, undermines gender equality at work, creates unfair practices in employment and adversely impacts the dignity and well-being of workers. Sexual harassment is one of the most venomous problems that is faced by this society, the term has not evolved till the 1970s, however, since its docking in the public forum, this concept has briskly expanded and started coming into picture. It has taken divergent connotations and inspired diverse outlook over the period of time. Sexual harassment in the workplace has existed in the workplace for decades. It was considered a 'workplace hazard'. The laws of various countries have tackled it in different ways.

The United Nations General Recommendation 19 to the Convention on the Elimination of All Forms of Discrimination Against Women defines sexual harassment of women as:

“such unwelcome sexually determined behaviour as physical contact and advance, sexually coloured remarks, showing pornography and sexual demands, whether by words or action. Such conduct or act can be humiliating and may constitute a problem of safety and health; it is discriminatory when the woman has a reasonable ground to believe that her objection would deprive her in connection with her employment, including recruitment or when it hostile working space.”

In Indian Judicial experience with sexual harassment started with the case Vishaka v. State of Rajasthan . The case deals with the violent gangrape of a social worker , under this court decided to take chance to establish a security structure for this country female workforce , SUPREME COURT provided detailed guidance to ensure nation female workforce is safe from sexual harassment and inequality in the work place

In 2017 , the #Metoo movement swept through the U.S bringing a fresh focus on sexual harassment in workplace . In the late 1980's the Supreme Court interpreted Title VII of the Civil Right Act of 1964 to include discrimination based on ‘ ‘ sex’’ as sexual harassment in the workplace .

2. Research Methodology

Nearly each and every country faces the issue of sexual harassment. Because of which it become a worldwide issue, every country have their own way to deal with sexual harassment. Countries bring or make many laws and regulation for the prevention of sexual harassment . Few countries treat this harassment as gender biased issue and few treat it as gender neutral issue. The metoo movement got a lot of support and response from all over the world .

Laws in India related to this is given under Article 15(3) it mention that nothing in this article shall prevent the state from making any special law for women and children . The harassment laws are defined under the Indian penal code , Information and technology act and sexual harassment of women at workplace (Prevention , Prohibition and Redressal) act.

There are number of legal option for a complainant in the U.S , filing with the EEOC or filing a claim under a state Fair Employment Practices statutes (both are for workplace sexual harassment). Then in United Kingdom the Discrimination Act 1975 was modified to establish sexual harassment as a form of discrimination. The laws regarding Sexual harassment in Denmark is governed by law number 1385 of December 2005

The unfortunate reality of sexual harassment in the workplace today. This undesirable behaviour can create a hostile work atmosphere and make the victim and their

coworkers feel uneasy. According to a report by the Equal Employment Opportunity Commission (EEOC) in 2021, 78.2% of the sexual harassment claims filed by women between 2018 and 2021 involved harassment of the sex.

In an organisation at large ,sexual harassment has been linked to decreased job satisfaction in not just for the victim but among those who are aware of this incident . Sexual harassment can also decrease moral and productivity of the company .

Numerous scientific studies have established the significant negative effects that workplace sexual harassment may have on a victim's mental and emotional health, including diseases like anxiety, depression, and PTSD as well as a decline in self-esteem or motivation. Poor emotional health is also associated with poor physical health, which can result in lack of appetite, weight changes, headaches, emotional tiredness, and difficulty sleeping when dealing with a sex-based harassment case. Additionally, the risk of eating disorders or alcohol consumption to workplace harassment . Financial difficulties, like as missed pay or unpaid leave, are another undesirable result that harassment victims may experience. After experiencing sexual harassment in the workplace, some workers may decide to leave.

It is traumatising to experience sexual harassment at work. Everyone engaged in the incident, including the victim, bystanders, and the firm itself, may suffer long-term effects as a result of the encounter. Following are a few long-term effects of sexual harassment:

- Bodily and emotional harm.
- Decreased productivity and job satisfaction.
- Lawsuits.
- A tarnished corporate reputation.
- Decreased retention of workers.
- Lack of trust and a poor team spirit.

3. Scope and Limitation

SCOPE

To protect women from sexual harassment at work and to prevent it, the Government of India passed the Sexual Harassment of Women at Workplace (Prevention,

Prohibition & Redressal) Act in 2013. According to Vishakha's ruling in Vishakha v. State of Rajasthan, the Act defines sexual harassment. Any inappropriate behaviour with a sexual undertone, whether expressed explicitly or implicitly, is considered sexual harassment. This includes unwanted advances or physical contact, demands for sexual favours, remarks with a sexual undertone, the display of pornography, and any other inappropriate physical, verbal, or nonverbal behaviour of a sexual nature. The implied or explicit promise of preferential treatment in the workplace, the implied or explicit threat of adverse treatment in the workplace, and the implied or explicit threat about current or future employment are other situations or behaviours that may constitute sexual harassment.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act requires employers to implement zero-tolerance policies against sexual harassment in their respective workplaces. Failure to adhere to any of the act's requirements will result in a fine and even the revocation of business licences. The Act defines an aggrieved woman as a woman of any age, whether or not she is employed, who alleges to have been the victim of any act of sexual harassment. So, even if a woman is a consumer or client and experiences sexual harassment at a job, she may still be able to seek protection under the Act.

The Act offers the minimal level of legal protection that each employee legitimately deserves in acknowledgment of India's commitment to uphold human rights on a global scale. The employer's organisations have the primary obligation to eliminate sexual harassment of any kind from the workplace.

According to the Delhi High Court, "absolutely nothing" restricts the application of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (SHW Act) to situations in which a woman employee is sexually harassed by a coworker who works in her own office or department and excludes situations in which the offending coworker is employed elsewhere. The court ruled that gender equality in all spheres of life is a fundamental requirement and that women's workplace environments must be as safe and secure as those of males.

There are many laws and convention which deals with sexual harassment in india and as well as in international domain .

LIMITATION SEXUAL HARASSMENT LAWS:

According to the Vishakha rules, it is required to establish a complain committee in every workplace, however private businesses virtually ever do so, while government organisations merely do it on paper. The organisations where these committees function have other major issues because victims have complained that the committee members aren't even aware of their authority, duties, and responsibilities, which makes it difficult for the victim to receive justice. The employer's mentality is well ingrained because they assume that anything like this cannot occur in their workplace, which is why the women's complaint goes unanswered. People used to make fun of her, which rendered her powerless of receiving justice or having a fair hearing.

The criminal provisions used in the majority of sexual harassment cases are sections 354 and 509 of the IPC, but these laws are only partially effective (as evidenced by the Mrs. Rupan Deol Bajaj v. Kanwar Pal Singh Gill decision). As a result, we can conclude that workplace sexual harassment is not strongly prohibited by law.

There have been several measures developed (by the national commission for women, women's organisations, and the government), but it is still unclear which one will best accomplish the goal. The Ministry of Women and Child Development is still debating the Bill Protection of Women against Sexual Harassment at Workplace, 2007 at this time.

It is not sufficient to simply tighten the law, impose harsh penalties, or create internal complaint committees. The bigger problem of the workplaces' intrinsic gendered power relations needs to be addressed. According to a 2018 McKinsey analysis, just 79 women get promoted to management positions for every 100 men. In the workplace, asymmetrical power dynamics are obvious. We do observe a few women deviating from the norm, but this small minority's victory over patriarchal norms does not, in and of itself, alter the culture.

This reading list explores the sexual harassment phenomenon and highlights the shortcomings in the current legal framework.

- 1) Sexual Harassment is an expression of power

Little to do with desire, sexual harassment is more about exerting control over women. It is a manifestation of patriarchal impunity and power.

2) The Inadequacies of the Law

Instead of empowering women, the law itself diminishes them. There are various flaws in it that permit violations. According to Monica Sakhrani, the law also establishes mechanisms like creating an inquiry committee. However, it is possible to doubt the effectiveness of these legal protections. Although it essentially adheres to the Vishaka principles, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hence the act) diverges from both the court's ruling and the bill created by women's organisations in numerous respects. The act specifies a maximum six-month window for filing complaints and gives the committee only limited authority to pardon violations. So if the law in its content itself is weak, one can only expect poor implementation of it.

3) Civil society must fill the void

It is the responsibility of civil society to mainstream discussions about sexual harassment. Given that our laws have not only failed to make women feel safer at work, but also to make the issue a topic of public discussion, this is a proposal that deserves careful consideration.

4. Research Question

Q1. How does law of India and different countries define sexual harassment?

Q2. How does sexual harassment affect workplace and what impact does this harassment have on victim?

5. Literature Review

a) Workplace Sexual Harassment

It can be classified to three interrelated elements. Gender harassment, Sexual coercion and Unwanted sexual attention. Gender harassment refers to a huge range of verbal and at the same time non-verbal behaviour that abuse and disrespect the women. Sexual coercion defined as an exaction of sexual cooperation in return for considering that are connected to job. Whereas Unwanted sexual attention includes both verbal and

defining sexual harassment there are two different perspectives: psychological and sex based. In the psychological perspective, sexual harassment is intolerable sexual behaviour at the workplace that is viewed as distasteful and menacing one's wellbeing. Whereas the sex based perspective includes instigation and banishment that can humiliate another. Sexual harassment in the workplace may cause a victim (aggrieved one) short-term and long-term negative consequences; it leads to PTSD i.e. Post-traumatic stress disorder, individuals may feel ashamed and lose self-esteem and it will also impact the work performance.

Sexual harassment and non-verbal behaviour that are derogatory and obnoxious (Fasting et al, 2010)

b) Male dominance

The body of research suggests that another important factor influencing the prevalence and impact of SH is the ratio of males to women in various organisations. Male dominance (greater percentage of men) in numerous industries against less women increases the job susceptible to Sexual harassment. Additionally, women who work in organisations with a male predominance experience severe workplace animosity. It is logical to assume that men's domination puts women in an even worse position because of the inadequate laws, regulations, views, and attitudes that force women into a worse position. However, it is important to recognise that both male and female employees have violated men sexually in a variety of work situations.

The overall solution is to encourage women in the workplace and keep gender discrepancies under check/balance in workplace settings.

c) Effect of Sexual Harassment on working Performance

No matter how big or small the harassment incident is, it requires employer and employee to respond properly. Sexual favour has become something exchangeable for higher position. Most of the victims or aggrieved ones leave their job, it also leads to low productivity, low job satisfaction and emotional trauma or mental disturbance. A study has disclosed that sexual harassment curtails work effort, stopped the completion of tasks causing victims less productive, and also victims become more anti-social.

If the issue or the incident of sexual harassment at the workplace is being ignored, the company image will suffer and get damaged. But there are some cases where the victim blames themselves instead of other party. Victims are often discontented in keeping

their job . In fact study showed that around 2.8 million people have resigned from their organization due to happening of sexual harassment . Major cause like illnesses , building up of stress resulting from it leading to problem of sabotage in the organisation environment .

d) Effect of Sexual harassment on Health , Mental status

Employees are believed to have both psychological and physical effects as a result of sexual harassment . But that depends on how strong it is. Thus, the potential effects of sexual harassment are taken into account. As a result, there are numerous situations involving people who deny having been hurt in some way or another or having been the object of sexual harassment. People may be concerned that their account of what happened won't convince others.

(d.1) Emotional and psychological consequences

According to a research, workplace sexual harassment has a variety of effects on victims and how those encounters affect them. Victims stated feeling angry, insecure, frustrated, and many other unfavourable emotions. Similar results were obtained from additional research, which identified additional unpleasant emotions in both genders, such as self-blame, humiliation, diminished self-esteem, loss of self-esteem, loss of confidence, and harm to interpersonal relationships . Chung and Tillm appeared in the Bryant-Davis (2009) study 45% of the women harassed women felt mistrust . 30% feel anger. The negative psychological issue of sexual assault has been studied widely. First, a decreased sense of self. According to research, self-esteem is a key component of wellbeing. According to research, there is a link between sexual assault and lower self-esteem . In contrast to non-victims, Gruber (2008) showed that victims of harassment had lower self-esteem. However, a study by Einarsen and Nielsen (2014) found that people who had experienced severe sexual violence in the past frequently placed the blame on themselves, which led to poorer self-esteem. Second, victims of sexual harassment frequently develop sadness , some victims had a twofold higher likelihood of receiving a depression diagnosis than those who had been subjected to physical abuse. According to another study, people who had experienced trauma before developed significant depression.

The study discovered that workplace harassment has an impact on employees' personal lives. Victims in the survey disapproved of sexual behaviour in their personal life.

The victims indicated that it had a negative impact on their relationships with friends and relatives.

(d.2) Sexual harassment's effects on the organisation

According to a survey, employees thought sexual harassment was a "major problem," while thought it was a "less important problem," and only few did not think it was a problem at all. By making the workplace difficult for all employees, the psychological and physical repercussions of sexual harassment negatively impact organisational culture. All employees are impacted by such events, according to studies. As a result of developing misperceptions about organisational norms and behaviour relating to justice and fairness, victims may come to believe that organisations do not care about them. The outcome can be a decline in trust and loyalty towards the company and management, which would lower output and raise absenteeism. Additionally, discovered that harassment has a negative impact on working relationships. The consideration of any criticism resulted in worker divides in addition to financial costs.

e) How Has Sexual Harassment Been Decreased in the Literature?

Despite their effectiveness being based on a country's culture, customs, and values, numerous laws with the aim of combating sexual harassment in the workplace have been and continue to be established. Only a small percentage of sexual harassment victims speak out against the offenders. However, a survey had shown that this culture of silence was shifting and that there were more official reports than before. The numbers grew of victims, which is still a very small portion of all victims. Nevertheless, this suggests a favourable shift in culture.

First off, the government is crucial in preventing such incidents and helping victims by putting legislation into effect. When they passed laws like the Equal Pay Act and the Sex Discrimination Act of 1975, the UK acknowledged sexual harassment in the 1970s. The Equal Employment Opportunity Act (EEO) and affirmative action were also implemented in the USA. These laws contributed to a decrease in the frequency of these incidents. Nevertheless, the problem persists in nations with comparable legislation, thus new and improved regulations are required. Second, businesses can lessen sexual harassment by doing so themselves. According to research, "workplace anonymity," "supervisor harmony," "co-worker solidarity," and "physicality of the

work" all have an impact by doing this. The research's conclusions showed that coworkers and managers could protect people from harm.

6. Sexual Harassment laws in International and Indian domain:

6.1) International Laws and Policies for Addressing Sexual Harassment in the workplace

Sexual harassment has been recognised as a human rights violation at an international level since it insults the victim's dignity and can have a negative impact on their emotional and mental health. Because sexual harassment is typically directed towards women, it is thought to be a result of the ongoing prejudice women experience. As a result, international treaties like the UN Charter and CEDAW talk about eliminating all types of discrimination against women. Bullying in the workplace is a problem that is widely acknowledged, as evidenced by recent agendas of international bodies like the World Health Organisation (WHO) and the International Labour Office (ILO). The ILO also promotes general awareness of the problem of sexual harassment, which is sex-based discrimination in employment and occupation. Because it undermines equality, harms working relationships, and reduces productivity, sexual harassment is a form of sex discrimination against women in the workplace, according to a 1996 special survey on Convention No. 111 conducted by the Committee of Experts on the Application of Conventions and Recommendations.

{6.1.1} Universal Declaration of Human Right (UDHR)

The UN General Assembly approved the Universal Declaration of Human Rights (UDHR) in 1948. Although this statement of fundamental human rights principles was not at first obligatory on member states, it has gained such widespread acceptance as a statement of law that it is now acknowledged as a binding expression of customary law and an authoritative interpretation of the UN Charter. The UDHR's Article 3 declares that "everyone has the right to life, liberty, and security of person." The International Covenant on Civil and Political Rights, which guarantees both the right to life (Article 6) and the right to liberty and personal security (Article 9), reaffirmed this right in 1966. Along with other rights outlined in the UDHR.

Additionally to the International Covenant on Violence against women cases

often involve violations of International Covenant on Economic, Social, and Cultural Rights (ICESCR), including the right to the best possible level of physical and mental health and the right to equal protection under the law. Therefore, as part of their commitments, States that are party to these instruments have an implied duty to protect women against abuse.

{6.1.2} United Nation General Assembly Resolution 48/104 on the Declaration on the Elimination of violence against women .

Defines violence against women to include sexual harassment which is prohibited work , in educational institution and elsewhere (Article 2(b)).

And promotes the creation of legal, civil, or administrative penalties, as well as proactive measures to end violence against women, Article 4(d-f).

{ 6.1.3} The Convention on the Elimination of all forms of discrimination against Women (CEDAW)

Instructs States Parties to take the necessary steps to end discrimination against women in all areas, including the law, politics, the employment, healthcare, education, and other spheres of public and social life. (Arts. 7-16) .

{6.1.4 } Furthermore, the **Beijing Platform for Action,. 1787**, calls on a variety of actors, including the government, employers, unions, and civil society, to ensure that governments enact and enforce laws against sexual harassment and that employers develop anti harassment policies and prevention strategies.

{ 6.1.5 } Sexual harassment is a type of sex discrimination that is covered by the **Discrimination (Employment and Occupation) Convention (No. 111) of 1958**, according to the ILO Committee of Experts on the Application of Conventions and Recommendations. Sexual harassment at work is expressly forbidden by the Indigenous and Tribal Peoples Convention (No. 169) of the ILO.

{6.1.6 } The International Covenant on Economic ,Social and Cultural Right

has certain provisions that are crucial for women. Article 7 affirms her right to a fair working environment and states that sexual harassment at work is prohibited since it can harm the working environment for women.

6.2) Constitutional Safeguard against Sexual Harassment at Workplace

The right "to practise any profession, or to carry on any occupation, trade, or business" is guaranteed by Article 19(1)(g) of the Indian Constitution for each and every person. Every woman has a fundamental right to participate in public employment, yet sexual harassment robs her of that right and forces her to avoid those jobs. When a woman is sexually harassed at work, she faces significant risks and hazards that put her in an unequal position to other employees and limit her capacity to exercise her constitutionally protected right under Article 19(1)(g).⁸ The Article 21 right to life and personal liberty is also violated when women are subjected to sexual harassment at work. The right to a standard of living is an important part of the right to life.⁹ Sexual harassment violates the right to a livelihood.

According to Article 21 of the Constitution of India, every woman has the right to be free from barriers and gender discrimination to enjoy life meaningfully.

6.3) Development of Law on Sexual Harassment in India

Sexual harassment is prohibited under Indian law because it infringes on women's fundamental rights to equality with men and to live in dignity under articles 14 and 21, respectively. There are provisions in other laws, such as the Indian Penal Code, which protects against women being sexually harassed, despite the fact that there are no particular laws in India to prevent sexual harassment at work.

[6.3.1] The Vishaka judgement

Sexual Harassment in the Workplace in India first recognized by the Supreme Court of India in Vishaka and Ors v State of Rajasthan and Ors¹¹.

Vishaka and other women's groups filed Public Interest Litigation against the State of Rajasthan and the Union of India to enforce the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India. The guidelines were :

- a) It shall be the duty of the employer or other responsible persons in workplace or other institution to prevent or deter the commission of the act like such and at the same time to provide the procedure for the resolution .
- b) The following inappropriate sexual activity is classified as sexual harassment:
 - (a) unwanted physical contact and approaches;
 - (b) demands or requests for sexual favours;
 - (c) sexually oriented remarks.

- c) In the public or private sectors, all employers or those in control of the workplace should take the necessary precautions to prevent sexual harassment. They should perform the following actions, without limiting the generality of this obligation: (a) Appropriate notice, publication, and distribution should be made regarding the express ban of sexual harassment as stated above at the workplace. (a) The conduct and discipline policies of government and public sector organisations should include policies preventing sexual harassment and include appropriate sanctions against offenders. As for the private employer, action should be taken to include the prohibition in the Industrial Employment Standing Order.
- d) Employee should be allowed to raise issues of sexual harassment at workers meeting and in other appropriate forum and it should be affirmatively discussed in employer-employee meeting.

[6.3.2] Post Vishaka development

According to the Vishaka judgment, the Central Public Services (Conduct) Rules 1964/130, amended 1998 by adding r. 3C which prohibits sexual harassment of female workers. First case in Supreme Court after Vishaka here . In the case Apparel Export Promotion Council v. A. K. Chopra. In the relevant case, the Supreme Court reiterated the law passed The judgment of Vishaka and confirmed the dismissal of the senior official Delhi-based Apparel Export Promotion Council, which was found guilty of sexual harassment by a subordinate female employee at the workplace. That's it with the decision, the Supreme Court expanded the definition of sexual harassment arguing that physical contact is not necessary for an act to be an act Sexual assault. Further Supreme Court Medha Kotwal Lele and Ors. V. The Union of India and Ors took notice and took action Monitoring of implementation of Vishaka guidelines everywhere in the country directing the state governments to submit affidavits emphasizing the steps they have taken to implement the Vishaka guidelines. Not being he was pleased to call on countries to set up appropriate mechanisms to ensure this Effective implementation of Vishaka guidelines. Finally, the Most of the High court noted that if the conditions are not met or fulfilled . The guidelines must be open to those affected respective high courts. The Supreme Court also ordered appeals . The commission referred to in the Vishaka judgment is deemed to be intelligence

officer Central Civil Rules, 1964 and the appeal committee's report is considered an investigative report according to these rules. According to this direction, the Central Government (Department of Personnel and Training) was modified by Central Civil Services (Classification, Inspection and Appeal) Rules, 1965, R. 14, sub-r. contains the necessary supply.

[6.3.3] Amendments in Indian Penal Code Post Nirbhaya case in 2013

- Section 354A Sexual harassment
- Section 354 B Forcing a women to undress.
- Section 354C Watching or capturing images of a women without her consent (voyeurism)
- Section 354D Following a women and contacting her or trying to contact her despite her saying she does not want contact . Monitoring a women using the internet or any other form of electronic communication (stalking) .
- In accordance with Section 499, which deals with defamation, morphing an image of a woman with the intent to disparage her is punished by up to two years in prison, a fine, or both. This clause safeguards women from harassment based on the publication of their images with the goal to malign them.
- According to Section 509, any person who speaks, gestures, displays an object with the intent that it be seen and heard, or intrudes in any other way on the privacy of a woman with the intent to insult her modesty is subject to a fine, a term of imprisonment up to a year, or both.

[6.3.4] Sexual Harassment of Women at workplace (Prevention , Prohibition , and Redressal Act,2013

The first piece of legislation to address the issue of sexual harassment was this Act. The Act addresses workplace harassment experienced by women. The Act specifies a thorough definition of the phrase "sexual harassment" and calls on the employer to enact a number of additional measures to combat the problem. To address accusations of sexual harassment in the workplace, the Act calls for the creation of local complaint committees at the district level as well as in the workplace. The Act also specifies how to file a complaint and the channels through which you can seek redress.

[6.3.5] The indecent representation of women (Prohibition) Act,1987

If someone harasses another using materials that show "indecent representation of women," such as books, paintings, videos, pamphlets, parcels, etc., they are subject to a two-year minimum term.

(6.4) Sexual Harassment case laws in India

There are various cases which had come before the court in india

1) Apparel Export Promotion Council V. A.K Chopra

In this case, the Supreme Court ruled that sexual harassment is a form of gender discrimination against women and that any attempt or act of molestation by a superior qualifies as sexual harassment.

2) Mrs. Rupan Deol Bajaj V. Kanwar Pal Singh Gill

The definitions of modesty and privacy have been altered as a result of this case, making it illegal to harass or interfere with a woman's personal or professional life.

3) Vishaka & others V. State of Rajasthan & others

The Supreme Court established the following rules in this case, recognising both a private injury to a specific woman and a breach of her basic rights. These rules are important because they mark sexual harassment as a distinct type of illegal conduct for the first time. Until any additional legislation in this area is passed by parliament, these are applicable to all workplaces.

4) G. Pushkala V. High Court of Judicature,2007

Is another instance similar to the boss misusing its control over the worker. This is a case where the substance of the protest against the criminal officier is that by using his official status he demanded the complainants sexual favours by passing slips and troubling her at midnight bt making telephone calls to her house, startling her modesty and causing her emotional anguish and suffering.

CONCLUSION

In India, workplace sexual harassment is a major problem, thus it's important to give female employees a supportive environment. Separate legislation should be passed by the government to address this problem. It should be aware that women workers

make up a significant portion of the working population in India, and that it is the responsibility of the government to ensure their safety at work. Employers and managers need to devise new tactics to safeguard the company against this threat. Government and employers should make sure that women are treated equally and that there is no gender discrimination at work. The emergence and impact of sexual harassment can be minimised with effective policy implementation.

A woman's fundamental rights are allegedly violated through sexual harassment. It violates the criteria for human rights established at the global level by conventions like the UDHR or the CEDAW. Prior to 1997, India lacked both a law addressing the problem of workplace sexual harassment and a strong judicial ruling on the subject, aside from the constitutional protections. The Sexual Harassment Against Women at Workplace Act is a welcome alternative structure and procedure, but it requires significant improvement. The Committee must take an inquisitorial stance while assisting the victims in making educated decisions regarding the many paths for dispute resolution, offering qualified mediators, and settlement possibilities through monetary compensation. After almost 4 years since its implementation, It is necessary to take into account the complaints levelled at it and afterwards adopt provisions that satisfy the current situation. By leaving gaps in the powers and duties of these non-judicially equipped organisations, the Act looks to be excessive in the redressal processes it has established. Additionally, several measures, such those for conciliation and penalty for malicious or false accusations, should have been more favourable to the female victim. The Act's problematic clauses and unresolved issues create a dilemma in its application, and they need to be resolved for the Act to be put into operation effectively.

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