



AWARENESS AMONGST WORKING PROFESSIONALS ABOUT SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

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Abstract:

Bhawari Devi, in 1992 was gang raped by five men as she tried to prevent a child marriage. This case opened a new avenue for the females who otherwise used to keep mum on the cases of harassment against them many a times even of sexual nature. A female employee would be denied promotion as she denied sexual favour to her boss. Many a times, some female employees would face embarrassment when their colleague would make a sexually coloured remarks on them. Many such events went unheard and women suffered in silence. Vishaka guidelines drafted after Bhawari devi case and which later got a face of an act as Sexual Harassment of women at workplace (Prevention, prohibition and redressal) Act, 2013 was a welcome change for women like a savior in times of difficulties.

Many cases have been addressed under this act but still the many cases have not been reported or many have not been resolved for years together. Also, another aspect to the law is the reports have come about women taking undue advantage of the provisions in the case and reporting cases against individuals with 'malicious intentions'. This paper explores whether employees are aware about the act, provisions in the act as well as punishment against malicious or false complaints.

Keywords: Sexual Harassment; Vishaka Guidelines; sexual favours; malicious complaints; PoSH Act, 2013

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Introduction:

On 9th August 2024, a 31 year old post-graduate student of R.G.Kar Medical College and Hospital is brutally raped and murdered at her workplace. This case once again raised concern over the security of women at their workplace. According to a Business Standard report in August 2024, on an average 400 cases sexual harassment at workplace per year were reported till 2018.¹ According to National Crime Records Bureau (NCRB), 419 cases were reported in 2022 almost 35 per month. This shows a grim situation. The dignity and security of women at workplace being at stake. The scenario globally also is not very promising. According to ILO (International Labour Organisation) report 1 out of 5

women globally are at risk of being sexually harassed. Women step out of their homes to gain their own income and become self-reliant and support their families financially. But, they do have to take risk of being exploited or face gender based discrimination. ILO in their convention number 190 (C190) on violence and harassment formalized process of addressing GBVH (Gender based violence and Harassment at workplace).³

History:

Bhawari Devi, a social-worker who worked in prevention of child marriages in state of Rajasthan, was raped by 5 men for preventing a child marriage in 1992. She was working as "Saathin" (a friend) for Women's Development Programme in a village in



Rajasthan. She was not challenging the patriarchal mindset but was doing her job. Unfortunately, she did not get justice and the five were let off with frugal punishment for lesser offences like assault and conspiracy. A Jaipur based NGO – Vishaka, then took up the challenge and filed a PIL in Supreme court where the court agreed that workplace needs to be safe for women and employers need to protect their women employees. As a result, Vishaka Guidelines came into existence in 1997. These were the norms laid down to be followed for the protection of women at workplace. Dr. Punita K. Sondhi vs. Bharat Sanchar Nigam Limited (BSNL) in 2006 held that upheld the internal complaints committee's decision and punishment given. This helped to give strength to the internal complaints committee and its power to take decisions. **Medha Kotwal Lele and ors. V. Union of India case in 2018 Supreme Court held that the Act** fulfils all the provisions on elimination of all forms of discrimination against women.

Data Analysis:

Out of 123 respondents, 70 respondents were females and 53 were males

88 Respondents worked at middle level, 33 at entry level and 2 at lower senior level management.

Objectives of the Research :

The research was conducted with the following objectives :

- To find out awareness amongst employees in organizations with regards to the Act.
- To find out awareness amongst employees in organization with regards to punishment against malicious or false complaints
- To find out the perception of employees about the act and its implementation at organizational level

Methodology:

The research was conducted by simple closed ended questionnaire provided to the 150 respondents out of which 123 filled in the questionnaire. Convenience sampling was used for selecting the samples. The respondents were working professionals placed at different levels in Mumbai. A simple analysis was done for the conclusion of the paper.

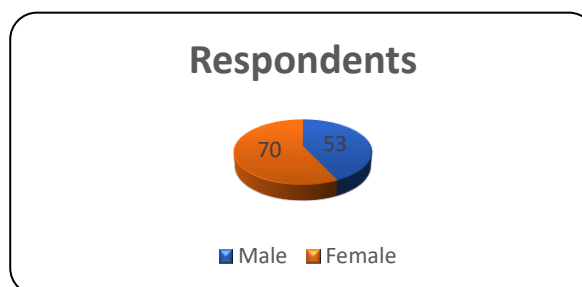


Fig 1

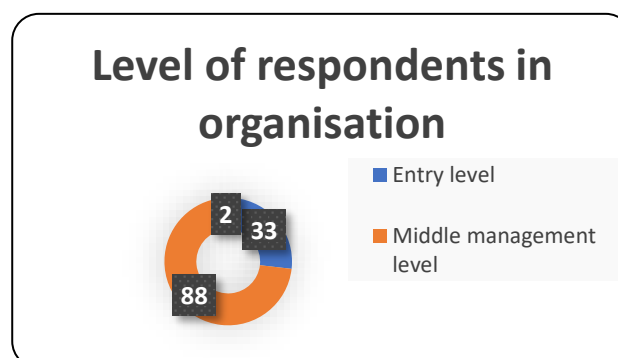


Fig 2



All respondents were aware about the existence of the Act. This can be seen as a positive aspect. As Karun Jadhav, Shrikant Pawar and Deepak Walokar in their paper “Awareness of Sexual Harassment among Women Working in Chakan MIDC Pune”, concluded that more than half respondents were not aware about the act.³ Whereas, I. Arun Prem Prashanth and Christi Chandan in their paper “Awareness on sexual harassment act among women employees”, concluded that majority of the employees were aware about the act.⁴

When the respondents were asked about whether they are aware what kind of behaviour is considered as sexual harassment, 67 females and 51 males were aware about the same. Whereas, 3 females and 2 males were not aware about such behaviour.

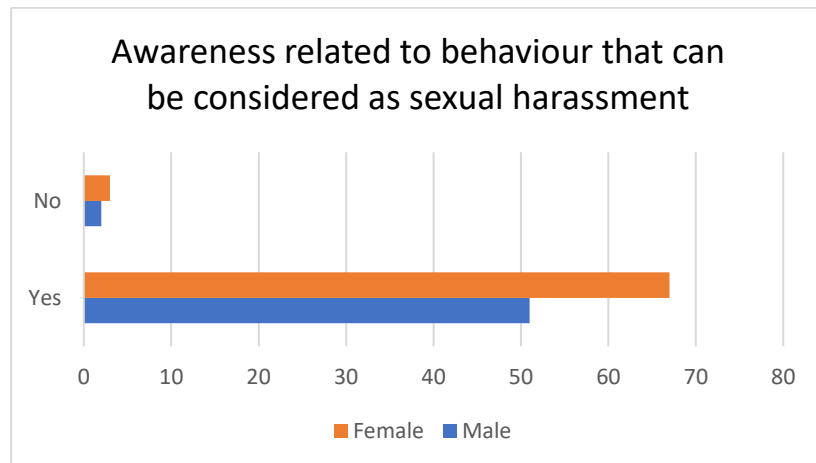


Fig 3

The awareness about the posters or materials at notice board or different places in the organization, 103 had seen the posters, 12 had not and 8 were not sure about it. 111 respondents believed that stronger focus should be there on preventing sexual harassment rather than acting on it.

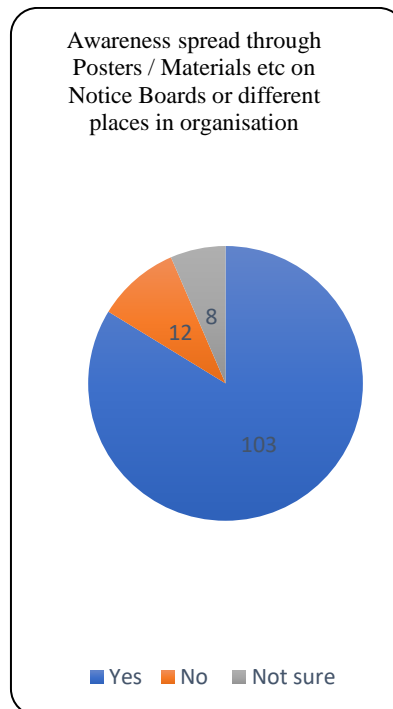


Fig 4

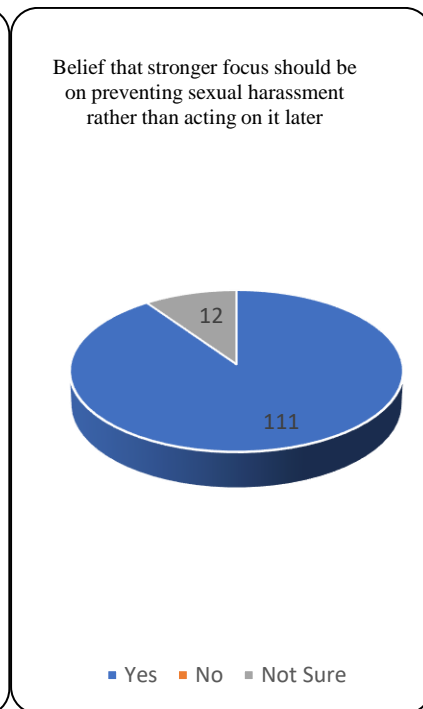


Fig 5



77 respondents are aware about compulsory training in their organization, 20 have training in their organization but its not compulsory and 19 don't have it regularly. 7 respondents don't have any training related to sexual harassment in their organization.

Whether training programs were conducted in their organisation

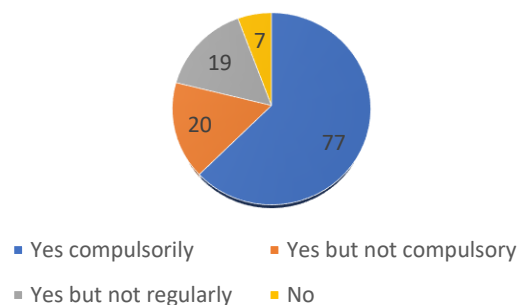


Fig 6

Witnessed act of Sexual Harassment

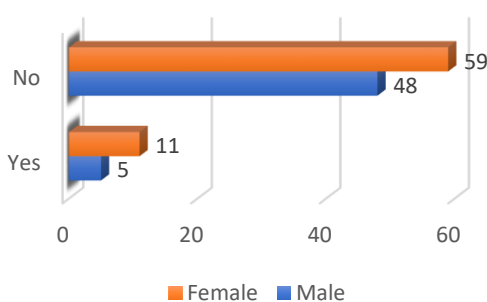


Fig 7

Whether convinced about reporting the case to Internal Complaints Committee

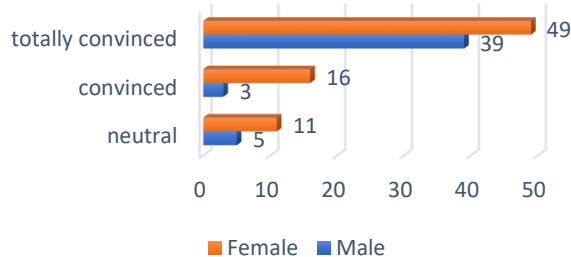


Fig 8

16 respondents witnessed sexual harassment act and most surprisingly none reported the act to the internal complaints committee. Whereas many respondents were convinced that they should be reporting any such act to the internal complaints committee.(Fig 8)

What organisations do to spread awareness related to PoSH amongst working professionals

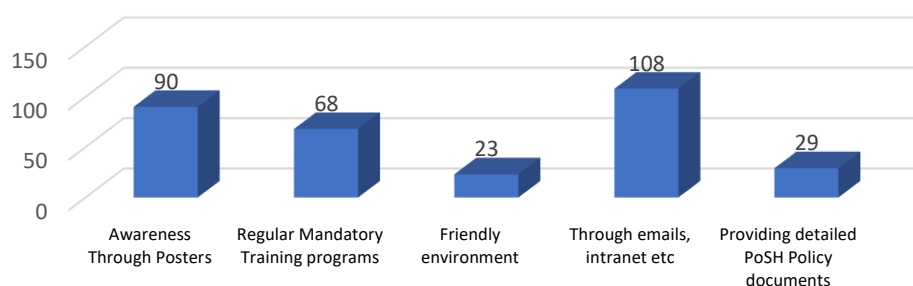
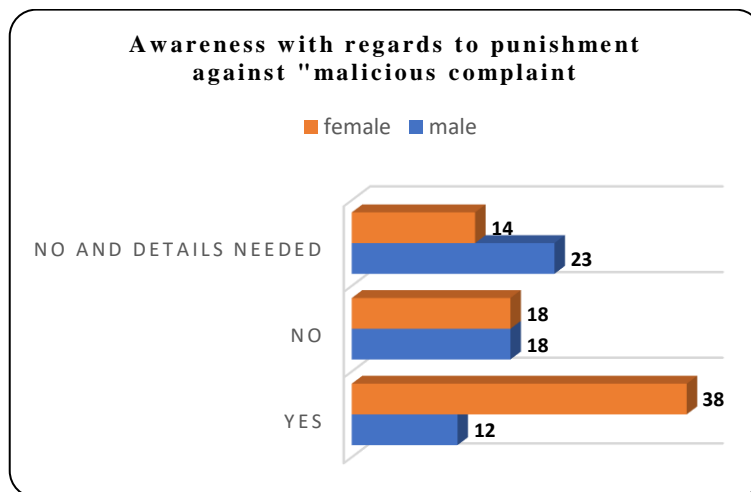


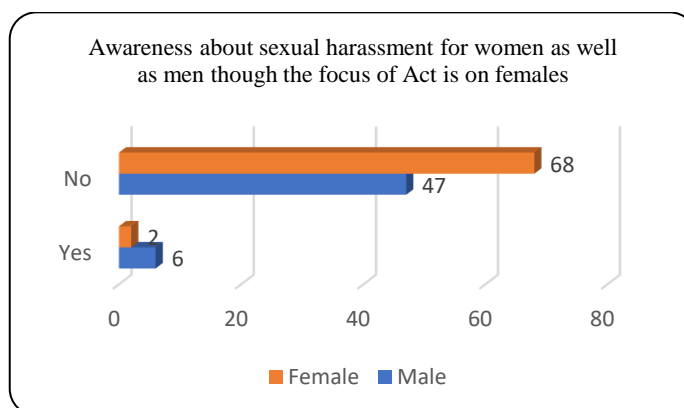
Fig 8

Organisations according to respondents are spreading awareness amongst employees through various medium so that they can avoid any cases.

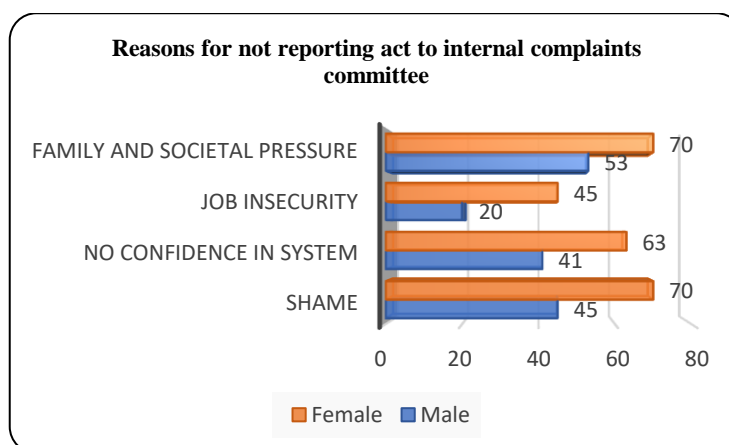
38 females and 12 males were aware about the punishment against malicious or false complaint. Whereas 14 females and 23 males were not aware but showed interest to know more about it. 36 individuals were unaware about it.


Fig 9

Maximum respondents were not aware that sexual harassment can happen for both men and women. While discussing with few of the respondents they happened to mention that they were aware about it but feel that the acceptance legally may not be there.


Fig 10

It was astonishing to find that all respondents felt that the cases may not be reported due to family and societal pressure. Maximum female respondents agreed that one of the reasons of not reporting act to internal complaints committee was due to shame of being a victim.


Fig 11



Conclusion:

From the above data it can be concluded that individuals are aware about the act. They may not be aware about the provisions or punishments but at least what act is considered as sexual harassment is known to the individuals. Organisations need to make it a norm to train every individual irrespective of level and gender with regards to the procedure, provisions and the punishments under this act. While maximum respondents positively responded with regards to whether they feel safe and secured in their organization, but till the individual doesn't face such act would always feel secured. It is sad to note that maximum acts go without being referred to the internal complaints committee as the employees face societal and family pressure as well as they feel shameful as a victim. Hence, it's the responsibility of the organization to provide safe environment to their employees where they can strongly fight against uncalled acts and also would be able to convince their family. A safe and conducive environment where employees have respectful behaviour for each other has to be promoted by organisations.

The way ahead.....

- What organisations can do for spreading awareness and implementing the Act successfully, some points are mentioned below.
- Orientations during onboarding process of new hires to be made compulsory so that when they join the company they are well aware.
- Posters related to behaviours that are respectful could be used rather than mentioning what behaviours come under sexual harassment.
- Street plays, small acts or some games based sessions could help to imbibe respectful behaviour amongst employees.

- It is sad to note that employees feel shameful as a victim and not as a perpetrator. A conducive environment is needed for the employees to feel confident. Unique email id for only the internal complaints committee or specific individual who is named as contact whom employees can talk to can be mentioned in intranet as well as posters regarding the awareness of PoSH.
- Anonymity of an individual who has witnessed the act of sexual harassment (who is not a victim) should be maintained and he / she should never be brought in front of the victim as well as perpetrator whatever the circumstances may come.
- Males employees of organization also should be given confidence that if some malicious / fake complaints come against them and they are able to prove their innocence they would be protected by the organisations. Similarly, organisations should ensure awareness amongst female employees that they cannot take undue advantage of the provisions under PoSH.

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