CHAPTER-II

CONTOURS OF SEXUAL HARASSMENT –
DIMENSIONS, DIVERSE FORMS AND ITS EFFECTS

INDIAN SCENARIO

The sexual harassment as understood in contemporary times includes the following unwelcome sexually determined acts (whether directly or by implication) as:

(i) physical contact and advances,
(ii) a demand or request for sexual favours;
(iii) sexually coloured remarks;
(iv) showing pornography;
(v) any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature 1.

This does not mean that the concept of sexual harassment was unknown in the earlier times but directly it was not mentioned in the statute books. The law existed which checked obscene behaviour and the definition was wide enough to include any representation or object which can be classified as obscene. Though the people were not aware of the computers or like other gadgets, yet the definition could easily include these modern scientific developments. Obscene publications were totally prohibited in all its manifestations 2.

Furthermore, provisions existed which prohibited obscene acts and sounds in a public place to the annoyance of others 3. The dimension of obscenity was sufficient to include what is now termed as acts of sexual harassment.

In relation to females, specific provisions existed which prohibit insult to the modesty of the females 4. The dimensions of insult to the modesty includes:

(i) verbal attack,
(ii) non-verbal attack,
(iii) visual representation

1 Vishaka v State of Rajasthan AIR 1997 SC 3011
2 Indian Penal Code, 1860, Secs. 292 and 293
3 Id., Sec. 294
4 Id., Sec. 509
All other acts or advances for sexual pleasures can come within the ambit of rape\(^5\), attempt to rape\(^6\), satisfaction of unnatural lust\(^7\) or attempt to do so\(^8\), hurt\(^9\), grievous hurt\(^10\) or assault\(^11\). Such physical acts against females are prohibited specifically\(^12\). Therefore, all the dimensions of the modern definition of the sexual harassment finds its existence in the scattered law of the past.

This Indian perception of sexual harassment envisages that a variety of behavior is designated as sexual harassment in the different measures which proscribe it. These range from some of the most egregious behavior prohibited by the criminal law- rape, sexual assault to conduct which can in certain circumstances be an innocuous part of day to day interaction- comments, jokes, physical contact etc.

**United Nations:**

The United Nations Committee on the Elimination of Discrimination Against Women\(^13\) defines sexual harassment as such such unwelcome sexually determined behavior as :-

(i) physical contact and advances;
(ii) sexually coloured remarks;
(iii) showing pornography and
(iv) sexual demands, whether by words or actions.

Such conduct can be humiliating and constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection

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5 Id., Secs. 376, 376B, 376C, 376D
6 Id., Secs 375 and 511
7 Id., Sec 377
8 Id., Secs 377 and 511
9 Id., Sec. 323
10 Id., Sec.325
11 Id., Sec. 352
12 Id., Secs. 354 and 355
13 Constituted by the UN in its General Recommendation No 19 (January 1992) titled ‘Violence against Women’ and has dealt with the issue under the application of the CEDAW.
would disadvantage her in connection with her employment including recruiting or promotion, or when it creates a hostile working environment\textsuperscript{14}.

**United States of America**

The United States Equal Employment Opportunity Commission guidelines define sexual harassment as :-

(i) unwelcome sexual advances;

(ii) requests for sexual favours and

(iii) other verbal or physical conduct of a sexual nature

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,

(b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment\textsuperscript{15}.

In California, the Fair Employment and Housing Act\textsuperscript{16} defines the term harassment as includes but is not limited to

(i) verbal harassment e.g. epithets, derogatory comments, or slurs….

(ii) physical harassment e.g. assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual……

(iii) visual forms of harassment e.g. derogatory posters cartoons or drawings ……..


\textsuperscript{16} The Californian Administrative Code, title 2, Regulation 7287.6 (1988)
(iv) Sexual favours e.g. unwanted sexual advances which condition an employment benefit upon an exchange of sexual favours.

**United Kingdom**

The Employment Equality (Sexual Orientation) Regulations, 2003 defines harassment as unwanted conduct of sexual orientation with the effect of violating the dignity of the victim or creating an intimidating, hostile, degrading, humiliating, or offensive environment for him\(^{17}\).

**Canada**:

The Canada Labour Code defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature.

(a) that is likely to cause offence or humiliation to any employee; or

(b) that might, on reasonable grounds be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion\(^ {18}\).

**Western Australia**:

The Equal Opportunity Act, 1984 defines sexual harassment as

(i) unwelcome sexual advances; or

(ii) an unwelcome request for sexual favours; or

(iii) any other unwelcome conduct of a sexual nature,

Where refusal to such demands/requests would disadvantage the victim with respect to his employment or work\(^ {19}\).

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17 The Employment Equality (Sexual Orientation) Regulations, 2003, Regulation 5 (1) (a) (b)
18 Section 247.1 of Canada Labour Code, part III Standard Hours, Wages, Vacations and Holidays, Division xv.1, R.S. 1985, C.9 (1st supp) S.17
19 Equal Opportunity Act, 1984, Sec. 24(3), (a), (b)
Australia:

The Sex Discrimination Act, 1984 defines sexual harassment as under:

A person sexually harasses another person if

(a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours to the person harassed; or
(b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed:

In circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

Queensland

The Anti Discrimination Act, 1991 defines sexual harassment as under:

Sexual Harassment happens if a person:-

(a) subjects another person to an unsolicited act of physical intimacy such as patting, pinching or touching in a sexual way, deliberately brushing against a person; or
(b) makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person such as sexual propositions; or
(c) makes or remark with sexual connotations relating to the other person such as unwelcome and uncalled for remarks or insinuations about a person’s sex or private life, suggestive comments about a person’s appearance or body; or
(d) engages in any other unwelcome conduct of a sexual nature in relation to the other person such as offensive telephone calls, indecent exposure;

and the person engaging in the conduct described above does so -

(e) with the intention of offending, humiliating or intimidating the other person; or

The Sex Discrimination Act, 1984 as amended by the Sex Discrimination and Other Legislation Amendment Act, 1992, Section 28-A.
(f) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.  

**New Zealand**

The Employment Contracts Act defines that an employee is sexually harassed if that employee’s employer or a representative of that employer—

(a) makes a request of that employee for sexual intercourse, sexual contact or other form of sexual activity which contains

(i) an implied or overt promise of preferential treatment in that employee’s employment; or

(ii) an implied or overt threat of detrimental treatment in that employee’s employment; or

(iii) an implied or overt threat about the present or future employment status of that employee; or

(b) (i) the use of words (whether written or spoken) of a sexual nature; or

(ii) Physical behavior of a sexual nature, subjects the employee to behavior which is unwelcome or offensive to that employee (Whether or not that is conveyed to the employee or representative) and which is either repeated or of such a significant nature that it has a detrimental effect on that employee’s employment, Job performance or Job satisfaction.

**Sri Lanka**

The Sri Lanka Penal Code, 1883 defines sexual harassment as—

(i) by assault or use of criminal force which sexually harasses another person; or

(ii) by the use of words or actions which causes sexual annoyance or harassment to such other person; or

21 The Anti Discrimination Act, 1991, Section 119
22 The Employment Contracts Act, 1999 Section 29 (i)
(iii) by unwelcome sexual advances by words or action used by a person in authority, in a working place or any other place\(^{23}\).

**European Communities**

The European Union’s revised Equal Treatment Directive defines sexual harassment as:

any form of unwanted verbal, non-verbal or physical conduct of a sexual nature having the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment\(^{24}\).

**International Confederation of Free Trade Unions (ICFTU)**

The ICFTU, 1986 defines sexual harassment as-

any repeated and unwanted

(i) verbal, physical or gestural sexual advances;
(ii) sexually explicit derogatory statements; or
(iii) sexually discriminatory remarks made by someone in the workplace
    (a) which are offensive to the worker involved;
    (b) which cause the worker to feel threatened, humiliated, patronized or harassed; or
    (c) which interfere with the workers’ job performance, undermine job security or create a threatening or intimidating work environment.

Sexual harassment encompasses a wide range of unwanted sexual advances including unnecessary physical contact, touching or patting; suggestive and unwelcome remarks, jokes, comments about appearance and deliberate verbal abuse, leering and

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compromising invitations; use of pornographic pictures at the workplace; demands for sexual favours; or physical assault.

The ILO’s Committee of Experts:

The Committee of Experts on the Application of Convention and Recommendations defines sexual harassment as -

(i) any insult or inappropriate remark, joke, insinuation and comment on a person's dress, physique, age, family situation etc;
(ii) a condescending or paternalistic attitude with sexual implications undermining dignity;
(iii) any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats;
(iv) any lascivious look or other gesture associated with sexuality; and
(v) any unnecessary physical contact such as touching, caresses, pinching or assault.

Thus in order to fall within the ambit of sexual harassment, the behavior must either be justly prescribed as a condition of employment or precondition for employment or influence decisions taken in this field and/or affect job performance.

The analysis of all these definitions signifies a uniform approach in the classification of the acts which can amount to sexual harassment. Invariably the acts must have a sexual flavour to constitute the act of sexual harassment.

The acts can be grouped into following heads

1. Physical contacts
2. Verbal expressions
3. Non-verbal gestures
4. Other non-verbal conduct

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1. Physical Contacts

Physical Contact is essential ingredient for an act of sexual harassment but simple physical contact as a sign of love and respect does not amount to sexual harassment e.g. certain enterprises have a practice of hand shaking as a welcome gesture which by any stretch of imagination cannot be classified as an act of sexual harassment. Certain enterprises and countries have a culture of welcoming by hugging each other or bowing down and kissing the hands or cheeks and such instances cannot be classified as acts of sexual harassment. Therefore, just a simple physical contact is not sufficient for sexual harassment but that physical contact which is driven by lust is an act of sexual harassment. In order to determine a physical contact to be an act of sexual harassment one has to determine the nature of the action. A Simple handshaking may not be an act of sexual harassment but rubbing of the fingers signifying sexual invitation will definitely amount to sexual harassment. A simple hugging may not amount to sexual harassment but touching the private parts or rubbing of private parts will fall within the ambit of sexual harassment. Kissing as a part of the culture may not amount to sexual harassment but forceful kissing or smooching will fall within the ambit of sexual harassment. Even the acts of pinching or patting on the private parts amount to sexual harassment.

2. Verbal Expression:

Conversation is necessary for living souls and is a sign of life. It is through verbal expressions that people express their internal feelings towards each other be it may happiness, anger, friendliness, hostility or no concerns. Therefore, verbal expressions are necessary for the human beings throughout their life. The verbal expression are the means through which the emotional balancing takes place and thus they rule out insanity and inculcate sanity in behavioral patterns. When people meet with each other in an organization, they interact in a number of ways to become friendly or to remove the boredom or to encourage other persons or to make the atmosphere lively so that efficiency and productivity can be enhanced. A person interacts in many ways like normal interacting sessions, subject wise interacting sessions, commenting, complementing, criticizing, encouraging, caressing, joking, sharing personal feelings/information, sharing family information, sharing national information, seductive information, discussing social patterns, discussing movies, media information, dating,
making telephone calls etc. In the normal interactive sessions, the persons wish each other and enquire about their health, work etc. and so it does not come within the purview of sexual harassment. In the subject wise interactive sessions, persons may discuss a number of things pertaining to the subject which may be related to the sex like in case of medical stream, law, psychology, psychiatry etc. and thus does not fall within the ambit of sexual harassment. In the same way commenting upon or suggestive comments about a person’s age, appearance, body, weight, dress etc. may be the requirements of the job, health or part of culture like in case of Air hostess, people in hospitality industry, underweight or overweight may create health problems or culture does not permit or require certain type of dress code, so these types of comments will not amount to sexual harassment. But the unwelcome and uncalled for remarks or remarks with sexual connotations or insinuations will amount to sexual harassment. Complementing any person about the age, body, dress, work etc. may be encouraging or feel good expression and so need not amount to sexual harassment. In the same way criticism may be to improve the personality of the person or to enhance the efficiency of the person and thus does not fall within the ambit of sexual harassment. But insults based on sex and condescending or paternalistic remarks fall within the ambit of sexual harassment because these types of verbal expressions/conducts are offending and humiliating to the persons. Sharing of personal feelings, information, and family information may be to find out solution to the related problems, to release stress, to gather more information to deal with them effectively, to get advise of other persons, requirement of a particular job, or situation or culture etc. and so will not amount to sexual harassment. But sharing of the same to arouse or derive sexual pleasures will definitely amount to sexual harassment. Sharing national information like crimes prevalent in the society, crime data particularly, sexual violence, legal provisions, policy measures etc. will not amount to sexual harassment. But sharing seductive information in order to create offensive or humiliating environment will amount to sexual harassment. Discussing social patterns like value system prevalent in the society, dress sense of the persons, behavioural patterns etc. will not amount to sexual harassment. Discussing movies, media information like portrayal of women and men in the movies daily soaps, advertisements, magazines, in the electronic media, news items will not amount to sexual harassment. But discussing the same to humiliate other person and deriving sexual pleasure will fall within the ambit of sexual harassment. Making telephone calls is necessary to communicate with the persons, to share information, to
gather information and to share other relationship and can be made at any time in case of emergency and so will not amount to sexual harassment. But making offensive calls will amount to sexual harassment. Interacting through social gatherings, inviting for dinner etc. may be the part of culture, organization, encouraging, appreciating, intermingling with other persons and does not fall within the ambit of sexual harassment but unwelcome and repeated requests for these with the demand for sexual favours will definitely come within the ambit of sexual harassment.

3. Non Verbal gestures

Non verbal gestures like whistling in a jolly mood, facial expressions like blinking of eyes, hissing sounds, leering, licking lips, sighing etc. may be the normal behavior of the human beings or due to some medical problem and will not amount to sexual harassment. But lascivious looks and sexually suggestive gestures to derive sexual pleasures by humiliating others will fall within the ambit of sexual harassment.

4 Other non Verbal conduct

Showing of any book, pamphlet, paper, writing, drawing, painting, representation or figure by one person to another may be in the interest of science, literature, art or learning or other objects of general concern or kept or used bonafide for religious purposes and so will not constitute an act of sexual harassment. But exhibiting derogatory posters, cartoons, drawings, sexually explicit pictures, screen savers, internet sites, e-mails, indecent exposure etc. create annoyance for others and fall within the ambit of sexual harassment.

From the foregoing analysis, it emerges that the above mentioned ingredients of sexual harassment are not a sure and absolute test for sexual harassment. Therefore, a cautious approach is required in each individual case for determination of sexual harassment. A blind, biased and strict approach can be counter-productive to the harmonious relationship between different individuals in the society in general and organization in particular.
Intermingling amongst the individuals can take place in the open or privately and henceforth the instances of sexual harassment results there from. In determination of the cases of sexual harassment, one finds the applicability of following approaches:

1. Victim oriented approach
2. Reasonability approach
3. Unwelcome approach

1. Victim oriented approach;

Generally in cases of reported sexual harassment the authorities have a tendency to become biased in favour of the person sexually harassed. Such type of approach can be termed as victim centric approach. The situation is further complicated in cases of similarities of sexes between the victim and the deciding authorities. The presumption of guilt of a person who sexually harasses the other person goes against the universally accepted norm of presumption of innocence. The reporting of cases of sexual harassment especially by the females requires a lot of courage on their part, therefore the oriented approach encourages the reporting of the cases.

2. Reasonability approach:

In determining the cases of sexual harassment one has the option of looking at the instances of sexual harassment from the perspective of the victim or from the perspective of reasonable individual. It is always difficult to look to the instance from the response of the victim on account of the sensitivity or selfishness in the behavior of the victim. Therefore, it is desirable to look to the response of reasonable individual of the similar sex in such instances. If a reasonable person treats the instance as a case of sexual harassment and there is no marked difference between the response of the victim and reasonable individual, the act can be treated as an instance of sexual harassment, otherwise not. The rule of reasonableness is considered as the rule of prudence and have been applied indiscriminatory by the courts in judging the conduct of a person.

The standard of foresight of the reasonable man is in one sense, an important test. It eliminates the personal equation and is independent of the idiosyncrasies of the particular person whose conduct is in question. Some persons are by nature unduly timorous and imagine every path beset with lions. Others, of more robust temperament, fail to foresee or nonchalantly disregard even the most obvious dangers. The reasonable man is presumed to be free both from over apprehension and from over confidence, but there is a sense in which the standard of care of the reasonable man involves in its application a subjective element. It is still left to the judge to decide what, in the circumstances of the particular case, the reasonable man would have had in contemplation, and what, accordingly, the party sought to be made liable ought to have foreseen. Hence, there is room for diversity of views what to one judge may seem far fetched, may seem to another both natural and probable.  

However, in the case of an adult person, an amount of care on his part attributable to a reasonable man in the circumstances may be expected and correspondingly the duty of care owed may be reduced. In the case of a child, having regard to its age, its mental development and other attendant circumstances, not much of care can be expected and accordingly, the duty of care owed to it must then be of a higher standard. Thus reasonable behaviour and reasonable person depends upon the facts and circumstances of a particular case. And for this the age of the complaint, their sex, race or ethnicity, any disability they may have, the context in which the harassment occurred and the nature of the relationship between the parties will be taken into consideration. Thus the reasonability approach tends to analyze the behaviour of the individual alleged to be accused of sexual harassment and reaction of the victim from the point of view of reasonable person. But this approach has its own drawbacks because due to inherent gender differences, a reasonable woman in all likelihood may differ in her judgment and perception from a reasonable man as regards what is offensive or as to the gravity or sufficiency of the conduct rapped. Therefore, there is no warrant or justification to presume that women’s experiences are part of everyone’s common sense or knowledge. The yardsticks employed by male adjudicators to determine the reasonableness of the impugned conduct tends to become biased in favour of males, being based many a time on male knowledge and derived from

28 Glasgow Corporation v. Muir (1943) A.C. 448 at 457 as per Lord Macmillan.
29 Veeran v Krishanmothy AIR. 1966 Ker. 172 at 177 as per Madhavan Nair J.
stereotypes, ideology, folklore, prejudice and intractable misconceptions. Therefore, endeavour should be made to understand the complex realities of women’s experiences instead of simply viewing and measuring the impugned conduct against male standards and thereby, trivializing complaints of sexual harassment. Thus greater caution is required to be exercised by applying the reasonability approach in determining cases of sexual harassment.

3 Unwelcome approach:

The unwelcome approach seeks to analyze the behaviour or conduct complained of from the point of view of the recipient. And unwelcome conduct is that conduct which is not solicited or invited by the person and the person regards the conduct as undesirable or offensive. The emphasis is on the unwanted nature of the conduct of the perpetrator. The unwelcome approach on the one hand permits consensual behaviour and on the other hand prohibits workplace mistreatment. Because when the people live in society, they behave and act in a number of ways. So every behaviour of the person is not prohibited. It is only that conduct or behaviour which is not acceptable to or considered to be offensive by the fellow being which is considered to be unwelcome and hence prohibited. Thus unwelcome approach protects the freedom of speech and expression on the one hand and right to privacy on the other hand. The person can follow a particular conduct to the extent acceptable to the fellow beings but restricted where it is unacceptable or intolerable to others. Because one person may consider a particular conduct as harmless or humourous or even part of culture but other person may consider the same to be offensive or unwelcome. In the same way one person friendly with another accepts his or her particular conduct e.g. hugging, kissing, etc. does not mean that the behaviour of other persons with whom she or he is not friendly or not friendly to such an extent will be considered to be welcome behaviour. Thus the unwelcome approach is based on the premise that the advance, request, favour or conduct is not solicited, invited, acceptable or tolerable to the recipient from the perpetrator and considered to be undesirable, offensive, unacceptable, intolerable and

30 “Concepts of ‘Reasonableness’ In Sexual Harassment Legislation: Did Queensland Get It Right ?” by Fiona Pace in the QUT. Law and Justice Journal, Australia; (2003) QUTLJJ 12
hence unwelcome by the recipient. Thus the unwelcome approach is based upon the subjective test because it is based upon the reaction of the recipient i.e. how the conduct in question is perceived and experienced by the recipient and not on the intention of the perpetrator.

Thus the analysis of three approaches i.e. Victim oriented, reasonability and unwelcome approach depict that neither of the approaches in isolation can deal with the problem of sexual harassment. It is the combination of all three approaches which can provide effective adjudication of cases of sexual harassment.

In determining the cases of sexual harassment, the behaviour complained of as unwelcome must be of sexual nature i.e. it must have a sexual element, overtone or implication. Because the absence of sexual element may make it general harassment or bullying and not sexual harassment. However, in order to determine the cases of sexual harassment, great caution is required to be exercised because there is no definite definition of the word “sexual”. Its meaning is very broad because it can mean a number of things like sex based, sexual activity, sexual connotations, sexual inferences etc.. Further it also depends on the facts and circumstances of each case because it includes a variety of factors such as religious, cultural, ethnic or moral standards of the parties at a particular time, the content or circumstances in which that conduct was exhibited like science, art, etc. or otherwise, the age, sex or other qualification of the parties etc. Thus the objective test is to be applied to determine the cases of sexual harassment because sexual conduct cannot be defined by applying any strait jacket formula. It may mean different things at different times and in different situations depending upon the understanding of the parties in particular and the reasonable standards of the society in general.

**Sexual Harassment:**

To constitute sexual harassment, it is not enough that the impugned conduct must be unwelcome and sexual in nature only. It must be accompanied with the gravity to harass other person. The word harass means to trouble, annoy, attack repeatedly,
disturb, irritate, nag, molest etc. Thus to harass means the troubling, annoying, attacking repeatedly, disturbing, irritating, nagging or molesting other person. And where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment is defined as harassment. Thus the harassment includes two important elements viz (i) the harasser violates the dignity of the person harassed and (ii) creates intimidating, hostile, degrading, humiliating or offensive environment for the person harassed by the unwanted conduct.

And harassment becomes sexual harassment when any form of unwanted verbal, non verbal or physical conduct of a sexual nature occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Thus sexual harassment involves the following essential elements:

(i) the conduct or behaviour must be unwanted or unwelcome,

(ii) the conduct or behaviour must be of sexual nature,

(iii) it has the purpose or effect of violating the dignity of a person, and

(iv) it is by creating an intimidating, hostile, degrading, humiliating or offensive environment.

Therefore sexual harassment is distinguishable from general harassment or bullying in that the conduct is of sexual nature in the sexual harassment cases. It is also distinguishable from friendly relationship or gesture which is mutual, consensual, invited, solicited, welcome or reciprocated; and also from sexual interaction, discussion, exhibition, etc. which is the requirement of the art, culture, science, subject etc. Thus every behaviour which is sexual in nature does not constitute sexual harassment. To constitute sexual harassment, the impugned behaviour or conduct must be unwelcome, unwanted or uninvited to the recipient and the reasonable person would have anticipated

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32 Supra note 24
33 Ibid.
or foreseen that the behaviour would have intimidating, hostile, degrading, humiliating or offensive effect. Thus both subjective and objective tests are applied to determine the sexual harassment cases—subjective i.e. unwelcomeness of the conduct from the point of view of recipient irrespective of the intention or motive of the perpetrator, and objective i.e. effect of the behaviour from the point of view of reasonable person in the given situation and circumstances.

**Sexual harassment at Workplace:**

According to feminists, there are two types of sexual harassment: coercive and non-coercive. Coercive act is the act where the person coerced is made to feel compelled to do something he or she would not normally do. The compulsion is accomplished by the coencer’s adversely changing options available for the victim’s choosing. And coercive sexual harassment includes (i) sexual misconduct that offers a benefit or reward to the person to whom it is directed, as well as (ii) sexual misconduct that threatens some harm to the person to whom it is directed. on the other hand non coercive sexual harassment does not involve any reward or benefit and its primary aim is not to get a person to perform sexually for him or her but simply to annoy or offend him or her. Thus coercive sexual harassment includes giving positive and negative messages to the recipient. Positive rewards by hiring, promotion, continuing employment etc. Negative by terminating, reducing rank, pay etc. However, non coercive sexual harassment also includes coercive element because although the sexual misconduct does not cause physical harm to the recipient but compelled him or her either to tolerate such unwelcome sexual misconduct of the perpetrator/ harasser or to leave the job or workplace. And thus coerced to suffer either emotional or psychological harm or economic loss.

Further two specific forms of sexual harassment have been established at the workplace 1 quid pro quo harassment and

2 hostile environment harassment.

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34 Rosemarie Tong, Women, Sex and the Law, p. 67(1994), Rowman and Allanheld Publishers, USA
35 Id. at 71.
1 Quid Pro Quo Harassment:

The quid pro quo means something for something i.e. you do something for me and I will do something for you. So quid pro quo sexual harassment occurs when a job benefit is directly related to an employee submitting to unwelcome sexual advances. It can also be defined as ‘sexual blackmail’ and can be committed by the person in power or authority i.e. by employer or its agent. This is called sexual blackmail because it is committed by the abuse of authority by the employer or by the employer’s agent to whom authority over terms, conditions and manner of doing work by the employees is delegated. This type of harassment can be committed by demand or request for sexual favours in order to keep or obtain job benefits like hiring, promotion, training opportunity, rise in salary or transfer etc. And refusal to succumb or surrender to sexual demands are met with adverse consequences like termination and losing other job benefits. Under such circumstances, the employee may succumb to the sexual demands of the employer or superior on the apprehension that objection to the same would disadvantage him or her in connection with employment or work. This may lead to developing a sexual relationship between the two. But this apparent consensual sexual relationship does not preclude a complaint of sexual harassment because the victim is not a willing party as the consent obtained by fear intimidation, threat, force or compulsion is no consent at all because it is not a free consent. However the failure of sexual harassment case in such a situation will serve as double edged sword because objection of the victim may lead to losing job or job benefits on the one hand and exploitation on the other hand. The quid pro quo form of sexual harassment is very dangerous because it involves breach of trust and abuse of power. Moreso, it becomes difficult for the victim to prove sexual harassment charge in such a situation where the harasser is the person who is at the helm of affairs and no witness is there or no one is ready to act as a witness. So a great caution is required to be exercised in such cases in order to prevent injustice to the parties.


37 See Sec 13 of the Indian Contact Act1872.
2. Hostile Environment Harassment:

The hostile environment sexual harassment is perpetrated by the creation of a hostile work environment i.e. creation of adverse, unfriendly, unwelcoming environment. The hostile work environment can be created by a number of ways either by unwelcome verbal or non verbal conduct of sexual nature like sexually coloured remarks, jokes, teasing, showing pornography, using unseemly gestures, by manhandling like touching, pinching, patting etc. Thus unwelcome sexual advances, requests for sexual favours or other verbal or non verbal or physical contact of a sexual nature which interferes with the work performance of an individual is defined as hostile work environment. Such conduct can be humiliating and create health and safety problem because it creates an intimidating, hostile, abusive, and offensive work environment. The hostile environment sexual harassment is equally perilous as it effects the productivity and efficiency of the persons on the one hand and prevents them from joining or leads to leaving the employment of their choice on the other hand. However, it is also difficult to prove hostile environment sexual harassment because reasonable person standard is applied in such cases which in turn varies according to the perceptions of different types of adjudicators. The great caution is also required to be exercised in cases of such type of harassment keeping in view hyper sensitive nature of the recipient in some cases and insensitive or biased or indifferent attitude of the adjudicators sometimes. Further an isolated incident of sexual harassment can also create hostile environment for the recipient in the same way as continuous hostile environment. However, it is difficult to prove such type of harassment because in the absence of physical contacts, verbal, gestural or other non verbal type of sexual advances cannot be proved in the absence of evidences and witnesses. Sometimes the recipient tries to ignore or bear with the type of environment because of a number of compulsions like necessity of job, difficulty in finding new job etc, and this attitude of the recipient and sometimes delay in approaching the authorities goes against the victim. So the hostile work environment sexual harassment needs to be handled properly.

38 Supra note 36.
The workplace in the traditional sense denotes a physical space in which paid work takes place for a fixed time period. Thus it was restricted to the physical environment of the workers only. But the recent scientific, technological and economic developments have extended the workplace beyond the physical environment e.g. computers, telephones and other high tech gadgets enable people to work from anywhere. Also while a person on a business trip, training institution, work related social functions, work related interactions, discussions outside the premises of workplace can also be brought within the definition of ‘at workplace’. The ILO has also expressed that the definition of workplace should not be restricted to the physical environment of the workplace because in recent years, the workplace has extended beyond the traditional concept of a place outside the workers’ home. Because the sexual harassment is not restricted to workplaces in the sense of one physical space in which paid work takes place for eight hours per day. It may take place outside the premises of the employer, at conferences, on business trips, at company sponsored social events or via telephone or electronic mail. In case of unorganized sectors, workplace cannot be confined to physical boundaries only e.g. domestic workers can be harassed by the employers outside home on excursion or shopping trip, a student visiting the educational institution for work etc. So all these places are considered to be workplaces for addressing the sexual harassment at workplace. Therefore most efforts at combating sexual harassment have focused on harassment in factories and institutions such as schools and universities because it directly affects a worker’s rice bowl or education, training or employment prospects.

**Third Party Harassment**

The sexual harassment at workplace cannot be restricted only to certain types of relationships in an organization like employer-employee, employer’s agent-staff, employee-employee but it covers a broader spectrum of working relationships. Because in an institution or organization working relations also extend to other persons who visit these places like customers, clients, suppliers, contractors, hotel or restaurant guests.

40 Ibid.
passengers, other service providers etc. They can also create hostile working environment for the person concerned and most of the times, the employers do not bother to address such problem or deliberately turn a blind eye for the fear of annoying the customer or client or sometimes expect employees to fulfill the wishes of the harasser because they consider the satisfaction of the customer or client as top priority for their work or business. The ILO report also cites situations like waitresses, air stewardesses etc. where employers would usually turn their back to sexual harassment from the guests to employees unless things went too far. Some employers even asked the employees to seduce the guests without causing a big trouble\(^\text{41}\).

In the same way, these persons visiting the organization or institution can also encounter incidents of sexual harassment from the employer, employer’s agents or other employees. So in order to properly address the issue of sexual harassment at workplace, the policies should cover not only the workers employed by an organization but should also cover other parties present in the day to day working environment in specific sectors and occupations. That is why many employers extend the coverage of their workplace policies by permitting third parties to make a complaint against harassment perpetrated by the employer’s workers\(^\text{42}\).

The US Equal Employment Opportunity Commission also provides, “an employer may also be responsible for the acts of non employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the commission will consider the extent of the employer’s control and any other legal responsibility which the employer may have with respect to the conduct of such non employees”\(^\text{43}\).

The Supreme Court of India also obligates the employer in Vishaka’s case\(^\text{44}\) to the extent that where sexual harassment occurs as a result of an act or omission by any

\(^{41}\) Id. at 98  
\(^{42}\) Id. at 125  
\(^{43}\) Supra note 15, Sec. 1604.11(e)  
third party or outsider, the employer and person in change will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

From the above discussion, it is clear that sexual harassment by third parties as well as to the third parties is equally dangerous and needs to be handled properly by legislative actions and employment policies.

The sexual harassment is not confined to any particular sex, age, group, class, race, culture, educational background, income or occupation. The perpetrator and victim of sexual harassment may be either male or female, young or old, educated or illiterate, person belonging to lower income strata or higher income group or affluent class, weaker sections of the society or privileged class, person occupying lower position in the hierarchical set up in an organization or higher post, persons of so called black or white and communities or races etc.

There may be same sex or opposite sex sexual harassment.

1. Same Sex Sexual Harassment

The same sex sexual harassment is harassment of one person by another person of the same sex. It may by between heterosexual persons or homosexual persons.

(i) Heterosexual

In case of heterosexual sexual harassment, the harassment of man is perpetrated by another man and woman by another woman. However, this type of harassment is rarely recognized and no authentic data is available in this regard. But, recently courts have recognized heterosexual same sex harassment\(^\text{45}\) and also awarded compensation to the victim\(^\text{46}\). Therefore, the legislations which incorporate the term in neutral form i.e. harassment of one person by another person can be interpreted to encompass it.

\(^{45}\) Oncale v. Sundowner Offshore Services Inc. 118 s. Ct. 998(1998)  
\(^{46}\) Lulham v. Shanahan Watkins steel and Ors. (2003) QADT 11 where a male apprentice boiler maker was subjected to comments about his sex life by male co-workers and so it was considered to be sexual harassment and was awarded $ 26,000 compensation.
(ii) Homosexual

The homosexual sexual harassment is based upon the different sexual orientation of the persons. The harassment perpetrated by lesbian on another lesbian or gay man on another gay man.

(iii) Between Heterosexual and Homosexual

The harassment between heterosexual and homosexual can also take place at the workplace. In this type of harassment, the harasser may be lesbian or gay or the person harassed may be lesbian or gay. Because of different sexual orientation of the victim, disparaging remarks or jokes may be confronted by the lesbians or gays or same can be perpetrated by the harasser. This may be demeaning to the person suffered or targeted and hence this may lead to hostile working environment. It was recognized in Font v. Paspaley Pearls\(^{47}\) and the fact that manager was homosexual and had no sexual designs on the women was considered to be irrelevant to the case.

Thus the legislations and employment policies can address the problem of same sex harassment by applying the sex neutral term.

2. Opposite Sex Sexual Harassment

(i) Harassment of Men by Women

The sexual harassment can be perpetrated by women against men. Because the men can be victimized by the hostile working environment and quid pro quo type of harassment. Reports of men being subjected to harassment and the number of complaints and legal actions brought by them have increased in recent years. The most vulnerable groups in the labour force who are targeted are young men, gay men, members of ethnic or racial minorities and men working in female dominated work groups\(^{48}\). The 1995 United States Merit System Protection Board (USMSPB) study\(^{49}\) 

\(^{47}\) (2002) FMCA 142., in this case allegations of sexual harassment were made by a young sales woman against the male retail manager and was considered to be sexual harassment case.

\(^{48}\) M. Rubenstein, “Dealing with Sexual Harassment at Work: The Experience of Industrialised Countries”, in Conditions of Work Digest: Combating Sexual Harassment at Work p. 8 vol. 11 No1, 1992

found that 19% of men reported being harassed over a period of two years. The US Equal Employment Opportunities Commission (EEOC)\(^5\) also pointed out that in both 2002 and 2003, almost 15% of the sexual harassment complaints came to EEOC from men, in contrast to 1992 when only 9% of the men filed sexual harassment complaints. A Survey by Australian Human Rights and Equal Opportunity Commission (HREOC)\(^5\) found that women harassing men was a rare occurrence i.e. only three percent or five complaints. However, in India no official or authentic data is available on the same.

Thus men are also not immune from sexual harassment at workplace and requires consideration by the legislation.

(ii) Harassment of Women by Men

The sexual harassment of women by men is most commonly prevalent at workplace. Although all kinds of women may be its victims but specific groups like divorced and separated women, young women and new entrants to the labour market, women with irregular or precarious employment contracts or in non-traditional jobs, women with disabilities, lesbians and women from racial minorities are particularly vulnerable to sexual harassment and are disproportionately at risk\(^5\).

INCIDENCE OF SEXUAL HARASSMENT OF WOMEN

A comprehensive survey conducted by US Merit Systems Protection Board\(^5\) found that 44% of women reported being harassed over a period of two years. The Australian Human Rights and Equal Opportunity Commission (HREOC)\(^5\) found that 86 percent of complaints made involved a man sexually harassing a woman.

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53 Supra note 49
54 Supra note 51
Despite large scale under reporting of cases of sexual harassment, yet the available data reveals awful picture. According to Crime in India, 2009, the total number of molestation cases reported in 2009 is 38711 as against 40413 in 2008, 38734 in 2007, 36617 in 2006 and 34175 in 2005. This shows an increase of incidence of molestation cases from 2005 to 2008. However, the record shows decrease by 4.2% in the year 2009 over the previous year.  

Table 2.1

<table>
<thead>
<tr>
<th>S No</th>
<th>Crime Head</th>
<th>Year 2005</th>
<th>Year 2006</th>
<th>Year 2007</th>
<th>Year 2008</th>
<th>Year 2009</th>
<th>Percentage variation in 2009 over 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Molestation under section 354, IPC</td>
<td>34,175</td>
<td>36,617</td>
<td>38,734</td>
<td>40,413</td>
<td>38,711</td>
<td>-4.2</td>
</tr>
<tr>
<td>2</td>
<td>Sexual Harassment(Eve-Teasing) under Section 509, IPC</td>
<td>9,984</td>
<td>9,966</td>
<td>10,950</td>
<td>12,214</td>
<td>11,009</td>
<td>-9.9</td>
</tr>
</tbody>
</table>

Source: Crime in India, 2009

The total number of sexual harassment(eve-teasing) cases reported in 2009 is 11,009 as against 12,214 in 2008, 10950 in 2007, 9966 in 2006 and 9984 in 2005. These cases also show an increase from 2005 to 2008 but decrease by9.9% in 2009 over the previous year.  

The record also shows that Madhya Pradesh has reported the highest incidence(6,307) amounting to 16.3% of total such cases. Tripura has reported the highest rate(10.8) as compared to the National average of 3.3 in case of molestation. However, in case of

55 Crime in India 2009, Ministry of Home Affairs, Govt. of India, Table 5(A) at 81.
56 Ibid.
sexual harassment, Andhra Pradesh has reported (3,520) 32% of cases followed by Uttar Pradesh (2,524) 22.9%. Thus, Andhra Pradesh has reported the highest rate 4.2 as compared to the national average of 0.9.\textsuperscript{57}

Table-2.2

Molestation and Sexual Harassment Cases disposed of by the police

<table>
<thead>
<tr>
<th>S. No</th>
<th>Crime Head</th>
<th>Total No of Cases for investigation</th>
<th>Cases in which investigation was completed</th>
<th>Charge sheeted</th>
<th>Total No cases pending investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Molestation</td>
<td>48727</td>
<td>38543</td>
<td>34590</td>
<td>10174</td>
</tr>
<tr>
<td>2</td>
<td>Sexual Harassment</td>
<td>13010</td>
<td>11159</td>
<td>10377</td>
<td>1847</td>
</tr>
</tbody>
</table>

Crime in India,2009

Statistics further reveal that during 2009, the total number of molestation cases where investigation could be completed was very low, as 38543 out of an initial total of 48727 pending cases and 10174 cases still remained pending. Charge sheets were submitted in 34590 cases.\textsuperscript{58}

Same was true for sexual harassment(eve-teasing) cases, where investigation could be completed in 11159 cases out of initial total of 13010 pending cases and 1847 cases still remained pending. Charge sheets were submitted in 10377 cases.\textsuperscript{59}

\textsuperscript{57} Id. at 84.
\textsuperscript{58} Id., Table 4.1 at 345.
\textsuperscript{59} Ibid.
Statistics of cases disposed of by the courts also reveal a very dismal picture. In case of molestation, out of a total of 174798 cases for trial (including pending cases), trial could be completed in only 21391 cases (12.2%) and 147285 cases (84.3%) remained pending. The conviction rate was very low at 29% (6212 cases).\textsuperscript{60}

Similar picture appeared in sexual harassment (eve-teasing) cases. Out of a total of 36996 cases for trial (including pending cases), trial could be completed in only 7696 cases (20.8%) and 28092 cases (75.9%) remained pending. The conviction rate was a little better than molestation cases at 49.2% (3784 cases).\textsuperscript{61}

Though the latest Statistics released by Ministry of Home Affairs, Government of India-Crime in India 2009 reveals the figures relating to molestation under section 354 IPC and sexual harassment (eve-teasing) under section 509 IPC but it contains no specific statistics about sexual harassment at workplace.

\footnotesize{\textsuperscript{60} Id., Tables 4.9 and 4.11 at 357 and 359. \textsuperscript{61} Ibid.}
According to a study conducted by the Gender Study Group of Delhi University, almost half of the women respondents had been harassed by someone in authority i.e. either teaching or non-teaching staff, while 92% of women hostellers faced sexual harassment on an almost daily basis. Thus these figures depict that women are more vulnerable to sexual harassment by men. According to the reports, 38 cases of sexual harassment were registered against CISF personnel during 2001 to 2010. It shows that women in para-military forces are also not immune from sexual harassment at workplace. The committee on empowerment of women with the focus on women in para-military forces were surprised to note that in some of the forces specially in BSF, wives of the officers listened to the grievances of the women employees which can never be an unbiased/impartial corrective measure as there have been cases where the women employees were harassed by their seniors and the wives of the senior officers sat on the judgment in the cases pertaining to the grievances/sexual harassment.

And the kind of workplace in which a woman is employed is a significant factor in the likelihood of her being harassed. Women in non-traditional jobs and predominantly male environments and women who work for male supervisors have been found to be more likely to be subjected to harassment. In developing countries, casual workers and informal sector workers appear to be particularly subject to harassment. And in both developing and industrialized countries, migrant workers have been identified as particularly at risk due to the obstacles they face in securing alternative employment, their social isolation and their lack of language skills and financial resources. Thus sexual harassment of women at workplace is a major problem. It affects the dignity of the women on the one hand and right to work of their choice equally with men on the other hand. It affects women from every social class and

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62 Supra note 39 at 60 citing Lawyers Collective.
CONTOURS OF SEXUAL HARASSMENT—DIMENSIONS, DIVERSE FORMS AND ITS EFFECTS

community regardless of their age, marital status or physical appearance. It permeates into all social strata of society and no job or workplace remains an exception. Even a lady occupying as high position as seminar IAS officer was not spared and was sexually harassed by the senior IPS officer who was the Director General of Police at that time.\(^{65}\)

In another case a senior IAS officer, Ms. Nalini Netto who was then Transport Secretary was sexually harassed by the then Transport Minister of Kerala in his cabin. The incidence happened on Dec 21, 1999.\(^{66}\)

Even a permanent staff member of the UN was sexually harassed by a senior official.\(^{67}\)

Thus sexual harassment can take place in any working environment or institution and no woman is immune and a prestigious or privileged position is no sure protection.

**EFFECTS OF SEXUAL HARASSMENT**

Sexual harassment has negative effects on the victim, organization and on the society as well.

(i) Effects on the Victim

Sexual harassment can impact the victim in a variety of ways :-

(a) Physical symptoms

Various researches\(^{68}\) have reported that victims of sexual harassment suffer from a number of ailments like gastro-intestinal disturbances, headaches, inability to sleep, nausea, loss of appetite and weight loss. Research has shown that victims can eventually become ill when subjected to sexual harassment on a regular basis; particularly where it

\(^{65}\) Mrs. Rupan Deol Bajaj v. Kanwar Pal Singh Gill AIR 1996 SC 309

\(^{66}\) “Polls Apart- A senior IAS officer who took a minister to court for sexual harassment awaits justice” in Hindustan Times, 8-3-2009.

\(^{67}\) In this case Ms. Claxton, a permanent staff member was physically abused by Mr. Gomez and it was considered to be a case of sexual harassment by justice Mella Carroll in a report submitted to the Secretary General of the United Nations. See UN report of the special rapporteur on violence against women, its causes and consequences, Ms Radhika Coomaraswamy opcit at 11

\(^{68}\) B.A. Gutek, Sex and the Workplace: Impact of sexual behavior and harassment on women, men and organizations, (1985): Jossey- Bass San Francisco C.A
is perpetrated by a supervisor, involves sexual coercion, or takes place over a long period of time or in male dominated settings\textsuperscript{69}.

(b) Emotional and psychological effects:

The harassed persons suffer from emotional and psychological injuries which can lead to loss of self worth, self confidence and self esteem. Research has found the feelings of annoyance, upset, shock, threatened, uncomfortable, anxiety, disgust, tense, angry, embarrassment, isolation, resentment, intimidated, furious, frightened, guilty, worried, frustrated, nervousness and vulnerability\textsuperscript{70}. Other research has identified additional feelings of humiliation, self blame, loss of self confidence, decreased self esteem, decreased morale, damage to interpersonal relations at work\textsuperscript{71}. The sexual harassment has very harmful effects on students as it disrupts their intellectual development, causes confusion, uncertainty, self doubt, reduced concentration, anger, disgust, anxiety, loss of confidence and distrust of faculty in general\textsuperscript{72}. Thus sexual harassment affects the mental health of the victim and leads to depression and other attitudinal changes which in turn leads to different perceptions of the person harassed towards the colleagues and superiors in particular and society in general. In some cases it can even lead to suicide by the person harassed.

(c) Effect on Women’s Human and Reproductive Health:

Sexual harassment can affect the reproductive health of the victim which can lead to infertility, unwanted and unplanned pregnancies, miscarriage, abortions, physical


injuries and also sexually transmitted diseases like HIV-AIDS. Thus the person harassed suffers because of forced sexual assault.

(d) Effect on the Financial Position of the Victim :-

The victims of sexual harassment also suffer a great economic loss. The above mentioned effects depict that persons harassed have to spend a lot of money because of various physical and mental injuries. The diminished ambition, absenteeism, resignation, dismissal, job loss, loss of promotion, loss of other job benefits and long drawn legal battles also lead to huge financial loss and in some cases they even have to borrow money for the same. Thus sexual harassment also adversely affects the financial position of the person harassed.

(ii) Effects on Organization:

Sexual harassment at workplace affects the organization or enterprise or institution in a number of ways like:

(a) Effects on Productivity and Profitability:

As the sexual harassment affects the efficiency and productivity of the workers because of the stressful environment, it has a direct negative impact on the organization. When the employees are less motivated or take time off work, they cannot perform according to their capabilities and thus it affects the quality and quantity of their work which in turn affects the productivity and profitability of the enterprise.

(b) Effects on organizational culture and team work:

As sexual harassment develops feelings of annoyance and distrust towards the fellow beings and superiors, so it has a direct negative impact on the professional relationships at the workplace. Because sexual harassment affects not only the individual victims but also their co-workers, supervisors and others with whom they interact at work, the
overall work productivity of the whole group or team is lowered\textsuperscript{73}. Moreover people may shirk to work in groups and hence it may jeopardize the team work.

\textbf{(c) Effects on Public Image:}

Sexual harassment has adverse effect on the public image of the enterprise. If the harassment is perpetrated by the employers or the supervisors or they do not make any efforts to prevent sexual harassment at workplace, they may be considered as conspirators and hence this adverse publicity gives a bad name to the organization. The employees who witness sexual harassment and inaction on the part of organization forms negative assumption about organizational norms and behaviors.

\textbf{(d) Effects on potential workforce:}

Sexual harassment leads to resignation and dismissal of employees who may be the potential workers and hence this in turn leads to loss of efficient, effective and valued workforce. Many potential and desiring persons are discouraged from joining the organizations and hence the enterprise is devoid of potential workforce.

\textbf{(e) Effects on the Financial Position:}

As sexual harassment affects the productivity, profitability and efficiency of the workers on the one hand and absenteeism, sick pay, medical expenditure on the employees, resignation, training of new employees on the other hand cast a great financial loss to the enterprise. Even the constitution of committees to examine the complaints of sexual harassment, expensive lawsuits and awarding of huge compensation to the victim cause a great economic loss to the organization. In U.S.A. the overage cost an employer faces to defend a sexual harassment suit is $ 1,50,000 per plaintiff\textsuperscript{74}. And the overage large

\textsuperscript{73} Sexual Harassment in the Federal Workplace- Trends, Progress and Continuing Challenges, A report to the president and the congress of the United States by the U.S Merit Systems Protection Board, p. 25 (1995).

\textsuperscript{74} Momkus Ozog and Mc Cluskey, “One Sexual Harassment law suit can devastate even the largest employer” at http: //www. findlaw.com/articles/files 00449/006658
corporation spends approximately $6.7 million for each harassment suit\textsuperscript{75}. The Equal Opportunities Review (EOR) 2006 shows at employment tribunal, 34 sex discrimination awards were made due to harassment in 2005. The average amount awarded for injury to feelings was 6,074 pounds (with a median of 5,000 pounds) and total awards averaged 7,380 pounds (with a median of $6,771 pounds)\textsuperscript{76}. Thus sexual harassment at workplace causes a great financial cost to the organization.

(iii) **Effects on Society** :

Sexual Harassment affects the society in a number of ways.

(a) Effect on Employment Avenues

: Sexual harassment leads to resignation, dismissal and discouragement to join occupations which in turn leads to unemployment in the society.

(i) **Effect on Productivity and Development** :

As the sexual harassment affects the efficiency of the persons to work and productivity of the enterprises, this in turn adversely affects the productivity and development of the Society.

(ii) **Effect on the Morale of the Society**:

Tolerance and propagation of sexual harassment at workplace leads to degradation in the moral values of the society. If this unpleasant behavior becomes routine and normalized within a workplace, it in turn affects the morale of the society. Because slowly and gradually people accept it as part of workplace and causes a great moral damage to the society.

(iii) **Effect on Inter-personal Relationships**:

As sexual harassment leads to distrust at the workplace and feelings of annoyance, anger and anxiety effects the healthy development of interpersonal relationships in
the society. It also impedes the achievement of equality between men and women and hence affects the peaceful coexistence of people in the society.

(iv) Effect on the economy:

As the sexual harassment leads to restricted employment opportunities for women and unemployment of women because of their large scale vulnerability to sexual assaults at workplace it deprives the society of the services of half of population of the humanity. In this way it can directly impact the economy of the society.

(v) Effect on health and safety:

As the sexual harassment causes a number of ailments to the persons harassed and persons do not feel safe at the workplace, so it affects the health and safety of the society.

Thus sexual harassment adversely affects the society on the social, economic, moral, health, safety and human resource development fronts.

However, no society can afford to neglect virtually half of its human resource. Thus, mainstreaming of women in economic development should be recognized by acknowledging them as a valuable human resource. Because if the half of the population remains deprived, discriminated against, unproductive and unutilized, no society can progress and hence country cannot usher in an era of prosperity.