CHAPTER-V

WORKING ENVIRONMENT AND SEXUAL HARASSMENT: HUMAN RIGHTS PERSPECTIVE

Every establishment is manned by human beings who get together for accomplishment of a goal, be it may family, club, government department, semi-government department or private enterprise. Invariably, the establishment involves a hierarchical set up of persons who perform their respective assignments. This hierarchical set up includes the boss of the establishment having the governing role; the managerial staff having the execution assignment; the supervisory staff which incorporates the qualities of the managerial as well as the working staff; the main working staff which actually executes the work as well as the supporting staff. This total setup generally includes the members of both the sexes, more so as in the contemporary times, more and more women entered the job market hitherto monopolized by men alone. The members of the staff execute the work, working according to the schedule i.e. they may have to work in the day shift or the night shift.

Gone are the days when the persons sitting up the hierarchical ladder were considered to be the dictator and every member of the subordinate staff was expected to obey his commands. The boss could easily exploit the staff mentally, physically and economically. The working class was neither considered as a stepping stone to success nor an equal partner in the success even though they give in their sweat and blood for nurturing the enterprise. This landlordism was seriously threatened by the trade-Union movements where the working class got together to agitate for decent working conditions so that their exploitation- mental, physical and economical is brought down to a bare minimum. This attitudinal change was a common phenomenon in the world market which gave birth to new legislative regime protecting the labour class as well as providing a congenial environment where the people can work without being afraid of their economic impoverishment or gender insensitivity.

Over the years the contractual relationship between employer and employee has undergone several changes. The employer can no longer hire and fire employees. He
cannot promote/demote someone based on personal preferences. He cannot afford to reprimand subordinates openly. He has to act within the boundaries set up by collective agreements, unions, past practices and court decisions. Thus, managerial indiscretions, whimsical actions and one-sided exploitative acts have no place in the industrial relations scene, especially when one looks at labour-management relations (relations between employer-employee, employee-employee, employer-union etc.) in large undertakings. Today the relationship between employer and employee is contractual and reciprocal. The rights and obligations of employers (frame rules for work, discipline employees who defy commands, etc.) are well documented in various policies of labour legislation. The same cannot be said of the rights and obligations of employees which are somewhat imprecise. Stern action against conduct such as late coming, sleeping, loitering, absenting during working hours, poor workmanships, non-compliance of rules, non-performance of tasks, ignoring superior’s instructions would evoke strong protests from employees. Collective strength forces employees to sacrifice overall organizational interest, turn the issue on hand into a tug-of-war impairing labour management relations. It has become virtually impossible to exercise some of the rights of the employees such as right to strike, freedom to associate, right to appeal against injustice in recent years, thanks to the cost saving efforts of employers fighting unstoppable ongoing battles with competitive forces. Unions have found their base slipping badly on several counts, i.e. disinterestedness of workers in union related work, depleting ranks, cash crunch owing to insufficient funds, shrinking political support, inability to sustain organized protest for a long time and more dangerously the threat of employers drawing shutters down, when pushed to the wall (like retrenchment, wage cuts, closures).

A trade union is a formal association of workers that promotes and protects the interests of its members through collective action under the Trade Union Act of 1726, the term is defined as any combination whether temporary or permanent, formed primarily for the purpose of regulating the relations between workers and employers or

for imposing restrictive conditions on the conduct of any trade or business and includes any federation of two or more unions. It has following parts:

Trade union is an association either of employees or employers or of independent workers. It is a relatively permanent formation of workers. It is not a temporary or casual combination of workers. It is formed on a continuous basis. It is formed for securing certain economic (like better wages, better working and living conditions) and social (such as educational, recreational, medical, respect for individual’s) benefits to members. Collective strength offers a sort of insurance cover to members to fight against irrational, arbitrary, and illegal actions of employers. Members can share their feelings, exchange notes and fight the employer quite effectively whenever he goes off the track\(^2\). It includes a federation of trade unions also. It emphasizes joint, coordinated action and collective bargaining.

The failure of an individual worker to seek solutions to problems, while discharging his duties, personal as well as organizational, led workers to form a formal group which is identified at present as trade union. Thus, the main objective of any trade union is to protect the interest of workers/employees in the organization. However, the workers’ interest/welfare is a broad term in which various subjects: wages and salaries, working conditions, working hours, transfers, promotions, recruitment and classification, training, discipline, leave and holidays, dearness allowance, bonus, incentives, quarters, sanitation, employee relations, mechanization, facilities to unions welfare, employee relations and the like are included. Thus, a trade union is meant to conduct negotiations on behalf of the individual workers in respect of several items. However, trade unions especially concentrate their attention to achieve the following objectives:

A. WAGES AND SALARIES:

The subject which drew the major attention of the trade unions is wages and salaries. Of course, this item may be related to policy matters. However, differences may arise in the process of their implementation. In the case of unorganized sector the trade union plays a crucial role in bargaining the pay scales.

B. WORKING CONDITIONS:

Trade unions with a view to safeguard the health of workers demand the management to provide all the basic facilities such as, lighting and ventilation, sanitation, rest rooms, safety equipment while discharging hazardous duties, drinking water, refreshment, minimum working hours, leave and rest, holidays with pay job satisfaction, social security benefits and other welfare measures.

C. DISCIPLINE:

Trade unions not only conduct negotiations in respect of the items with which their working conditions may be improved, but also protect the workers from the clutches of management whenever workers become the victims of management’s unilateral acts and disciplinary polices. This victimization may take the form of penal transfers, suspensions, dismissals etc. In such a situation the separated worker who is left in a helpless condition may approach the trade union. Ultimately the problem may be brought to the notice of management by the trade union and it explains about the injustice meted out to an individual worker and fights the management for justice. Thus, the victimized worker may be protected by the trade union.

D. PERSONNEL POLICIES:

Trade union may fight against improper implementation of personnel policies in respect of recruitment, selection, promotions, transfers, training etc.
E. WELFARE:

Trade unions are meant for the welfare of workers. Trade union works as a guide, consulting authority and cooperates in overcoming the personal problems of workers. It may bring to the notice of management, through collective bargaining meetings, the difficulties of workers in respect of sanitation, hospitals, quarters, schools, and colleges for their children’s cultural and social problems.

F. EMPLOYEE-EMPLOYER RELATIONS:

Harmonious relations between the employee and employer is a sine qua non for industrial peace. A trade union always strives for achieving this objective. However, the bureaucratic attitude and unilateral thinking of management may lead to conflicts in the organization which ultimately disrupt the relations between the workers and management. Trade union, being the representative of all the workers, may carry out continuous negotiations with the management with a view to promoting industrial peace.

G. NEGOTIATING MACHINERY:

Negotiations include the proposals made by one party and the counter proposals of the other party. This process continuous until the parties reach an agreement. Thus, negotiations are based on ‘give’ and ‘take’ principle. Trade union being a party for negotiations, protects the interest of workers through collective bargaining. Thus, the trade union works as the negotiating machinery.

H. SAFEGUARDING ORGANIZATIONAL HEALTH AND THE INTEREST OF THE INDUSTRY:

Organizational health can be diagnosed by methods evolved for grievance redressal and techniques adopted to reduce the rate of absenteeism and labour turnover
and to impose the employee relations. Trade unions by their effective working may achieve employee satisfaction. Thus, trade union helps in reducing the rate of absenteeism, labour turnover and developing systematic grievance settlement procedures leading to harmonious industrial relations. Trade unions can thus contribute to the improvements in level of production and productivity, discipline and improve quality of work life.³

In modern times the managerial skills are developed and nurtured by specialized courses run by various institutions and the human resource management is a specialized component of such courses. This exhibits the importance of human beings in an institution where human beings are treated as human beings and not as machines. This change is classified as democratization of the institutions where every person is considered to be a stakeholder in the progress and prosperity of the institution. The better the human resource the best shall be the results of the enterprise. Henceforth human resource management encompasses the activities designed to provide, motivate and coordinate the human resources of an organization as human resource is the prime and largest investment of an organization. As the proverb goes that a man is known by the company he keeps, similarly the organization is known by its human resource potential.

Human beings are dynamic and flexible but at the same time they are also conforming and rigid, sometimes unpredictable. And, in spite of all this, they are an asset and never a liability. This warrants the necessity of understanding human beings from a variety of perspectives. Due to the social, political and economic changes throughout the world, there have been clear indications of organizations finding it increasingly difficult to maintain economic stability, as a consequence of increasing global competition, fragmentation of mass markets and a general decline in consumer demand countries are aware that economic growth will be maintained at present rates only if greater value added activities are generated. This implies successful emergence of a new generation of technologically advanced and desirable products together with a trained, and motivated workforce to produce them. The internationalization of the

productive processes have raised new problems of control, motivation and appraisal across economic and cultural boundaries. The dimensions of work life are also facing a global transition. The developments in Eastern Europe, the emergence of a growing South East Asia and globalization of economies have created new challenges for managers and behavioral scientists.

The changing internal environment in organizations calls for better understanding of human resource management. The culture or climate of an organization is made up of traditions, values, habits, ways of organizing, and interpersonal relationships at work. Culture is reflected in organizational structure, strategy, systems power and reward distribution, conformity, development processes, motivational dynamics, organizational clarity, warmth and support received by employees, leadership styles, standards of performance and shared subordinate values. An effective work culture is flexible, integrated, decentralized, performance-oriented, quality conscious, cooperative, collaborative and supportive. The major elements of HRM strategy and functions can be related to organizational culture. Corporate mission/philosophy and strategic plan give birth to culture in organizations. Human resource planning defines the balance of demand and supply of human resource in the organization, training and development play an important role in instilling the culture, while goal setting and appraisal make the culture performance oriented and enable it to operate with predictability, reward management reinforces the culture and succession planning helps in maintaining the culture. Earlier, productivity was the focus but now retention of human resource is considered to be equally important. The labour welfare myth is over. The workers’ liberation of 60s and 70s have been replaced by a new profit-oriented, quality-oriented pragmatism which calls for integrating human resource planning with corporate strategy. In other words, contemporary global focus is on integrating human resource functions with industrial relations so as to achieve corporate excellence and develop organizational citizenship.

**RELEVANCE OF HUMAN RESOURCE MANAGEMENT**

Human Resource Management (HRM) is more relevant in today’s content due to the following compulsions:
(i) **Change Management**

Today, terms such as ‘learning organization’, ‘managing organizational change’, ‘change agents’ and the like are being increasingly encountered. It is now an accepted fact that any organization can survive in today’s socio-economic environment only if it is proactive to environmental changes. Advances in information technology too are forcing organizations to change their very way of thinking.

(ii) **Competence**

It is often said, “Give a man a job that he excels at and he would not have to work.” In the organizational content it may not be always feasible to allocate tasks to individuals at which each one excels, but surely one can enhance competence of individuals for specific tasks through well designed training programmes. It is equally important to take note of the interest of the individual. It is much easier to train him in tasks closer to his inherent liking. It is, however, seen that many managers do not realize the importance of this aspect and would prefer sub optimal performance from an employee rather than spare him for training/re-training because in the latter case, the employee would not be available for work during that manager’s tenure. What is not appreciated is that without the required competence, an employee would either shirk from the assigned tasks or would do a lousy job. After a while such an employee would attempt recognition through destructive means because he is unable to make a mark as a good performer.

(iii) **Commitment:**

The extent to which the employees are committed to their work and organization has a significant bearing on an organization’s performance. Commitment levels can be assessed in a number of ways. One can make use of informal interviews and questionnaires, statistics on absenteeism, grievances, and voluntary separations. Transparency in organizational functioning, employees perception of various HRM policies, channels of communication, and role models played by superiors strongly influence employee commitment.
(iv) **Congruence of objectives:**

Even well qualified and committed employees could pursue goals at variance to the organizational objectives. It is, therefore, essential that all new comers to the organization are properly socialized into the existing community and are made aware of the organizational values, work ethos, customs and traditions. It is important that they know what the organization stands for and what it wants to achieve and in the process, what is expected from each individual, so that he can find reason and meaning for his excellence in the organization. These workplace norms are commonly referred as socialization. However, value conflict stemming from failure of male and female workers to socialize in the workplace hampers the achievement of the objective of the organization.

(v) **Motivation:**

Another aspect of human behavior is the employee’s willingness to work and the desire to constantly improve his performance. Despite different theories regarding motivation, there is unanimity about the fact that work is not inherently distasteful. People want to contribute to meaningful goals, particularly, those they have helped in setting. Most people can exercise far more creativity, self-direction and self-control than their present jobs demand. It is, however, necessary to create an environment in which all members can contribute to the limits of their ability. Subordinates must be encouraged to participate in the process of decision making, continually broadening their self-direction and self-control as this would not only lead to direct improvement in operating efficiency but would also ensure their grooming for higher responsibilities.

**CHALLENGES BEFORE HRM :**

Environment within the organizations is bound to be influenced by changes in socio-economic and political conditions. The personnel managers of today may find themselves, having outlived their utility, because of the rapidly changing business environment; and therefore this requires them to constantly keep abreast of latest
developments and update their knowledge and skills by looking at the organization’s needs and objectives. Some of the important challenges are:

(i) Vision Penetration:

Evolving the right vision is an entrepreneurial or top management function, but its utility increases immensely if it percolates and is understood and accepted down the line. Vision not only provides the fuel and direction to business strategy, but also helps managers evaluate management practices and make decisions. Penetration of vision shall therefore, become an important, integral part of management in future.

(ii) Internal Environment:

Creating an environment, which is responsive to external changes, providing satisfaction to the members of the organization and sustaining it through culture, useful traditions, practices, and even systems, will become another important aspect of HRM.

(iii) Building Organizational Capabilities

The paradigm of HRM would include not only assisting managers to acquire new skills and knowledge and to evaluate environmental changes to evolve business strategies, but also to live in a psychological State of readiness to continually change.

(iv) Job Design and Organizational Structure

Organizational structure and design will primarily be focussed on (i) task approach i.e. understanding of the intricacies of technology, Jobs, and functions to be performed to achieve organizational tasks, and (ii) people approach, which takes cognizance of their strength, idiosyncrasies, aspirations, and relationships at work.

(v) Increasing Size of Workplace

The management of an increased workforce poses serious problems and challenges as in the contemporary times, the workers are becoming more assertive about their rights.
Further, with more and more women entering the workforce, diversity of challenges before HRM is increasing.

(vi) Changing Psycho-Social System

In the traditional bureaucratic mode, the organizations were designed to perform technical functions with strict compartmentalization of work functions. But in future, human participation will be required not only in technical functions but also in establishing the democratic humanistic system giving due consideration to the human rights perspective.

(vii) Changing Work Place Norms

As a result of women participation in the labour market, the women workers demand a change in the work place rules, which possess masculine norm orientation and conflict with the feminist values.

(viii) Equalitarian Social System

In the wake of major developments during the last four decades, in the contemporary times, the organizations are putting lesser emphasis on the hierarchical structures and thus moving towards a more equalitarian social system\(^4\).

TEAM CULTURE

The democratization of the institutional life and especially the modern management culture thrives upon the team culture for managing the affairs of an institution. Various teams are constituted within an institution to fulfill the tasks which includes the planning, managing, implementation and review teams. These teams include the persons of the same hierarchy within the same department; persons of the same hierarchy from the cross sections of the department; persons of different hierarchical level from the same department as well as the persons of different

hierarchical levels from different departments. Such Constitution of teams is pre-requisite for the effective implementation of the plan. Moreover, the new employment culture encourages a social interacting environment on the premise that employees are not a chain of robots but necessarily human beings who require such interaction for celebrating their success as well as for brain storming. In such social interactive environment in the organization, the employees study the market trends as well as come to know about the recent developments in their spheres. Another aspect of business entrepreneurship is extensive local, national and international touring for the purposes of new partnerships as well as for exploring new markets. Thus team culture is indeed very helpful in rejuvenating the dead soul of an enterprise and can change the turnover of an organization in the quickest possible time. This team culture invariably includes the involvement of female employees and hence there are chances of inter-personal mingling whether voluntary, involuntary or forcible. Taking undue advantage of inter-personal mingling, women may be subjected to sexual harassment at workplace.

The progress of an organization is inversely proportional to incidence of sexual harassment i.e. lesser the cases of sexual harassment, more is the progress of institution and more the incidences of sexual harassment, lesser is the progress of the organization. Therefore it is sine qua non for every institution to encourage team culture and at the same time adopt appropriate measures to prevent the instances of sexual harassment. The existence of instances of sexual harassment lowers down the image of an institution in the society. Since, every institution thrives on its reputation, therefore the existence of such incidences directly affect its reputation. Henceforth, institutional progress suffers a setback in the market.

The progress is directly dependent upon the physical and mental strength of the workforce. But the instances of sexual harassment directly affects the physical and mental well-being of the human resource. A harassed person commonly suffers from emotional stress resulting in feelings of humiliation, anxiety, anger, powerlessness and depression, physical illness, fatigue and loss of job motivation. Sexual harassment leads to frustration, loss of self esteem, absenteeism and a decrease in productivity. Victims may lose their job or job related experiences such as training or feel the only solution is to resign. Thus this leads to valuable employees quitting or losing their jobs when they
had otherwise good work performance. The number of sexual harassment cases increase
the litigation rate against the institution and in cases of verdict against the institution,
the courts accord damages in favour of the victim which puts financial burden on the
enterprise, thus affects the progress of the same. Besides this, the employers who fail to
prevent instances of sexual harassment can also face the financial costs of sick pay for
employees who become ill. The employer loses the chances of getting female
employees. Therefore a major workforce will not be contributing towards the
development of the enterprise, if the institution is not in a position to check instances of
sexual harassment.

Every employee in an establishment enjoys the basic human rights which are
available in normal circumstances to every person. It is the duty of the State to promote
universal respect for and observance of human rights and fundamental freedoms as such
determination promotes social progress and better standards of life wherein the dignity
and worth of human being is endorsed. It is the duty of every individual and every organ
of society to constantly strive for the promotion of respect for these rights and freedoms
and to secure their universal and effective recognition and implementation by
progressive measures.

The Universal Declaration of Human Rights (hereinafter UDHR) recognizes that
all persons are equal in dignity and rights\(^5\). Therefore, every employee whether male or
female is equal in dignity and rights. Every employee is entitled to rights to life, liberty,
and security of person\(^6\) and cannot be subjected to inhuman or degrading treatment\(^7\).
Therefore, no employee can be subjected to sexual harassment as it seriously threatens
his right to life, liberty, and security of person as well as subject him to inhuman or
degrading treatment.

\(^5\) Universal Declaration of Human Rights, 1948, Art. 1
\(^6\) Id., Art. 3
\(^7\) Id., Art. 5
No doubt there are reported instances of sexual harassment of male employees but the instances of sexual harassment of female employees are far greater than their counterparts. The instances of sexual harassment of female employees seriously jeopardize their human rights.

The principle of equality\(^8\) has been recognized as the significantly important human right which not only recognizes the equality of sexes in matter of employment but armour the females with protective discrimination in their favour on account of perpetual exploitation. This warrants necessary safeguards in securing the security of person as well as employment in favour of the females. The instances of sexual harassment seriously threatens the premise of equality as the insecurity of person ultimately leads to insecurity of means of livelihood.

The UDHR mandates that every person enjoys the human right of privacy as well as of honour and reputation\(^9\). The sexual harassment by its very nature impinges upon the right to privacy of an employee especially the female as the person forcibly enters an arena which is very personal to a female. The act of molestation, pinching or unwarranted physical advances seriously threatens the privacy of the person with respect to his/her body which cannot be invaded without the free will of the person and such unwarranted sexual advances seriously impede the physical, mental and psychological balance of a person. The unwarranted gestures, jokes, exhibition of private organs, comment upon the body of the person etc. also seriously invade the right of privacy as well as honour and reputation of the person. Generally, the female enjoy high esteem in the society and is equated like a mirror therefore, such acts can easily tarnish the image of the females on account of their vulnerability.

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8 Id., Art. 7  
9 Id., Art. 12
The employees also enjoy the rights related to marriage\(^{10}\). The instances of sexual harassment has the tendency to reduce or disturb the chances of marriage. Furthermore, every person has a right to take part in the government as well as equal access to public service\(^{11}\). In addition to it the right to social security which is necessary for the social, economical, and cultural development is also made available to a person\(^{12}\). Every person is entitled to right to work, to free choice of employment and to just and favorable conditions of work\(^{13}\). The instances of sexual harassment reduce the chances of access to public service and seriously impede the right to social security. In case of female employees, the act of sexual harassment deter them from joining the public services or puts such a psychological pressure on them which ultimately leads to their resignation, thus seriously impeding the right to social security. Such acts do not let the females to blossom in the public life and threatens the economic, social, and cultural development.

The right to work is also seriously threatened on account of acts of sexual harassment as normally such acts force a person into depression which ultimately impedes the physical and mental growth of an employee resulting into absenteeism, availing of sick leave and finally culminating into resignation. These acts not only cause an effect on the persons in employment especially the females but has a deterrent effect on the prospective female employees as they have to think twice before joining an institution or service where gross acts of sexual harassment have been reported. These acts therefore, seriously threatens the right to free choice of employment as the person especially the females will not opt for an employment of their choices on account of such reported instances. Once the person is not given the freedom of choosing the employment, his/her ultimate potentialities cannot be tapped. These instances also are unjust and unfavorable to the female employees in general therefore, seriously threatens the right to congenial atmosphere at work.

\(^{10}\) Id., Art. 16  
\(^{11}\) Id., Art. 21  
\(^{12}\) Id., Art. 22  
\(^{13}\) Id., Art. 23
Every employee has the right to a standard of living adequate for the health and well being of oneself\textsuperscript{14}. But such instances jeopardize the right to health and well being of himself/ herself because the person always remain stressful on account of these actions which ultimately will be an invitation to physical and mental discomfort and diseased State of mind and body.

Similarly, the International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR) also recognizes the inherent dignity and provides the equal and inalienable rights to the person so that the human beings enjoy freedom from fear and want for the proper development of his/her personality, be it may the right to equality\textsuperscript{15}; the right to work including the right to the opportunity to gain his living by work, freely chosen or accepted\textsuperscript{16}; the right to enjoyment of just and favorable conditions of work which ensure the guaranteed conditions of work for women, safe and healthy working conditions and the right to promotion\textsuperscript{17}; the right to social security\textsuperscript{18}; The right to marriage and motherhood\textsuperscript{19}; the right to adequate standard of living for himself/ herself and to the continuous improvement of living conditions\textsuperscript{20}; the right to enjoyment of highest attainable standards of physical and mental health\textsuperscript{21} etc.

The International Covenant on Civil and Political Rights (hereinafter ICCPR) also recognizes the right to equality\textsuperscript{22}; the right to life\textsuperscript{23}; the right to protection from inhuman or degrading treatment\textsuperscript{24}; the right to protection against slavery, forced or

\begin{itemize}
\item \textsuperscript{14} Id., Art. 25
\item \textsuperscript{15} The International Covenant on Economic, Social and Cultural Rights, 1966, Arts. 2 and 3
\item \textsuperscript{16} Id., Art. 6
\item \textsuperscript{17} Id., Art. 7
\item \textsuperscript{18} Id., Art. 9
\item \textsuperscript{19} Id., Art. 10
\item \textsuperscript{20} Id., Art. 11
\item \textsuperscript{21} Id., Art. 12
\item \textsuperscript{22} The International Covenant on Civil and Political Rights, 1966, Arts. 2 and 26
\item \textsuperscript{23} Id., Art. 6
\item \textsuperscript{24} Id., Art. 7
\end{itemize}
compulsory labour\textsuperscript{25}; the right to liberty and security of person\textsuperscript{26}, the right to privacy and to honour and to reputation as well as protection against such interference and attack\textsuperscript{27}, the right to marriage\textsuperscript{28} etc.

In order to achieve these objectives, the United Nations is constantly making an endeavour for the protection and development of the females. The Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter CEDAW) recalls that discrimination against women violates the principles of equality of rights and respect for human dignity and is an obstacle to the participation of women on equal terms with men in the political, social, economic and cultural life of their countries and hampers the growth and the prosperity of the society and the family and makes more difficult the full development of the potentialities of women in the services of their countries and of humanity. The CEDAW recognizes the right to equality in the political, social, economic and cultural fields\textsuperscript{29}; the right to vote in all elections and public referenda and to be eligible for election to all publically elected bodies, to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government, to participate in non-governmental organizations and associations concerned with the public and political life of the country\textsuperscript{30}; the right to represent their governments at the international level and to participate in the work of international organizations\textsuperscript{31}; the right to nationality\textsuperscript{32}, the right to education\textsuperscript{33}; the right to work as an inalienable right of all human beings, the right to same employment opportunities, the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive training, the right to equal remuneration including benefits and to equal treatment in respect of work of equal value as well as equality of

\begin{thebibliography}{99}
\bibitem{25} Id., Art. 8
\bibitem{26} Id., Arts. 9 and 10
\bibitem{27} Id., Art. 17
\bibitem{28} Id., Art. 23
\bibitem{29} The Convention on the Elimination of All Forms of Discrimination Against Women, 1979, Art. 3
\bibitem{30} Id., Art. 7
\bibitem{31} Id., Art. 8
\bibitem{32} Id., Art. 9
\bibitem{33} Id., Art. 10
\end{thebibliography}
treatment in the evaluation of the quality of work, the right to social security as well as the right to paid leave, the right to protection of health and to safety in working conditions\textsuperscript{34}. Thus the CEDAW provides elaborate provisions for providing safe working environment to the women and the instances of sexual harassment impedes the right to work of the women.

In the same vein, the CEDAW also recognizes the right to equality before the law, right to the movement of persons\textsuperscript{35}; the right to marriage and other incidental rights to marriage\textsuperscript{36}. Taking into account the particular problems faced by rural women, the CEDAW affirms the right of such women to participate in the elaboration and implementation of development planning at all levels, to have access to adequate health care facilities, to benefit directly from social security programmes, to obtain all types of training and education, to participate in all community activities, equal treatment in land and agrarian reforms and to enjoy adequate living conditions\textsuperscript{37}.

The Optional Protocol to the CEDAW takes cognizance of the competence of the committee on elimination of discrimination against women to receive and consider communications submitted by or on behalf of individuals or group of individuals under the jurisdiction of the State party to the protocol claiming to be the victims of violation of any of the rights set forth in this Convention\textsuperscript{38}. Thus efforts have been made for the protection and promotion of human rights and legal remedy for the proper enforcement of those rights.

The employee workforce also includes children as a labour force and they are easy prey to sexual exploitation at workplace especially the female children. In order to recognize their rights and protect them from exploitation, the Convention on the Rights

\textsuperscript{34} Id., Art. 11
\textsuperscript{35} Id., Art. 15
\textsuperscript{36} Id., Art. 16
\textsuperscript{37} Id., Art. 14
\textsuperscript{38} The Optional Protocol,1999 to the Convention on the Elimination of Discrimination against women, Arts. 1 and 2
of the Child was passed by the UN General Assembly. The Convention on the Rights of the Child,1989\(^{39}\) recognizes that every child has the inherent right to life\(^{40}\); the right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development\(^{41}\); the right to education\(^{42}\); the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education or to be harmful to the child’s health or physical, mental, spiritual, moral or social development and for this purpose requires the State parties to provide for a minimum age or ages for admission to employment, for appropriate regulation of the hours and conditions of employment and for appropriate penalties or other sanctions to ensure the effective enforcement of this right\(^{43}\). The Convention requires the State parties to protect the child from all forms of sexual exploitation and sexual abuse and to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials\(^{44}\). Thus keeping in view that as childhood is entitled to special care and assistance, the Convention lays greater stress on the protection of children from all forms of exploitation prejudicial to any aspects of the child’s welfare\(^{45}\). Henceforth, under this convention, if any child is subjected to sexual harassment at work place it infringes his or her human rights thus arresting the development of his or her personality.

The migrant workers also constitute large part of the work force and are vulnerable to sexual harassment at work place. So, in order to recognize the human rights of the migrant workers and their families and to protect them from exploitation, in particular sexual exploitation, the UN General Assembly passed the Convention in this regard. The International Convention on the Protection of the Rights of All Migrant

\(^{39}\) The Convention is an elaboration of Human Rights Standards in respect of the child and as per article 1 child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

\(^{40}\) The Convention on the rights of the child, 1989, Art. 6

\(^{41}\) Id., Art. 27

\(^{42}\) Id., Art 28

\(^{43}\) Id., Art 32

\(^{44}\) Id., Art 34

\(^{45}\) Id., Art 36
Workers and Members of their Families recognizes the right to life of migrant workers and their families and protects them from forced or compulsory labour; the right to privacy, family, home, correspondence or other communications, honour, reputation; the right to liberty and security of person and protection against violence, physical injury, threats and intimidation by public officials, private individuals, groups or institutions; the right to recognition everywhere as person before the law. The Convention also recognizes the principle of equality of treatment of migrant workers along with nationals of the State of employment in respect of remuneration and other conditions of work like overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship etc. and other terms of employment like minimum age of employment, restriction on home work etc. Further, the Convention reassures migrant workers and their families the right to take part in meetings and activities of trade unions and other associations for protecting their economic, social, cultural and other interests, to join freely any trade union and any such associations, to seek the aid and assistance of any trade union and of any such association; the right to social security; the right to medical care; the right to liberty of movement and freedom to choose their residence; the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests; the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State. The Convention also recognizes the principle of equality of treatment of migrant workers and their families with nationals of the State of employment in relation to access to educational institutions and services, to vocational guidance and placement services, to vocational training and retraining, to housing, to social and health services, to

46 The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990, Art. 9
47 Id., Art 11
48 Id., Art 14
49 Id., Art 16
50 Id., Art 24
51 Id., Art 25
52 Id., Art 26
53 Id., Art 27
54 Id., Art 28
55 Id., Art 39
56 Id., Art 40
57 Id., Art 41
cooperatives and self managed enterprises, access to and participation in cultural life; right freely to choose their remunerated activity. The Convention further considers equality of treatment of migrant workers with nationals of State of employment in respect of protection against dismissal, unemployment benefits, access to public work schemes intended to combat unemployment, access to alternative employment in the event of loss of work or termination of other remunerated activity. However, on the violation of terms of work contract by the employer, the Convention provides the right to the migrant worker to address his or her case to the competent authorities of the State of employment.

The Convention requires the State parties to consult and cooperate for promoting sound, equitable and humane conditions in connection with international migration of workers and members of their families and regard be paid not only to labour needs and resources, but also to the social, economic, cultural and their other needs and to the consequences of such migration for the communities concerned; to impose effective sanctions on persons, groups or entities which use, violence, threats or intimidation against migrant workers or members of their families in an irregular situation; to ensure that working and living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity. Thus this Convention also recognizes the right to work with human dignity and sexual harassment at work place runs counter to the spirit of this Convention.

58 Id. Arts. 43 and 45
59 Id., Arts. 52, 53 and 55
60 Id., Art. 54(1)
61 Id., Art. 54(2)
62 Id., Art. 64
63 Id., Art. 68
64 Id., Art. 70
Reassurance of CEDAW Through The Declaration in 1993

Taking into consideration that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms and also that the nature, severity and magnitude of the problem of violence against women limits opportunities for them to achieve legal, social, political and economic equality in society, the General Assembly of the United Nations adopted the Declaration on the Elimination of Violence Against Women in 1993. The Declaration recognizes that violence against women encompasses inter alia, the physical, sexual, and psychological violence occurring within the general community including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution

The Declaration recognizes that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social cultural, civil or any other field. These rights include inter alia the right to life, the right to equality, the right to liberty and security of person, the right to equal protection under the law, the right to be free from all forms of discrimination, the right to the highest standards attainable of physical and mental health, the right to just and favourable conditions of work and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Thus this Declaration has the potential of reaffirming the protection of women from sexual harassment at work place.

Taking into consideration that, despite various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violation of their human rights in all parts of the world and particularly women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, the General Assembly of the United Nations adopted the Convention on the Rights of the Persons with Disabilities in 2006 to promote, protect

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65 Declaration on the Elimination of Violence Against Women, 1993, Art. 2
66 Id., Art. 3
and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity\textsuperscript{67}.

The Convention recognizes the principle of respect for inherent dignity, individual autonomy, non-discrimination, equality of opportunity, accessibility, equality between men and women\textsuperscript{68} etc. The Convention also recognizes the rights of the persons with disabilities like right to life\textsuperscript{69}; equal recognition before the law\textsuperscript{70}; liberty, and security of person\textsuperscript{71}; freedom from torture or cruel, inhuman or degrading treatment or punishment\textsuperscript{72} freedom from exploitation, violence and abuse including their gender based aspects\textsuperscript{73}; rights to physical and mental integrity\textsuperscript{74}; right to liberty of movement and residence\textsuperscript{75}; the right to privacy, honour and reputation\textsuperscript{76}; the right to education\textsuperscript{77}; the right to the enjoyment of the highest attainable standards of health\textsuperscript{78}; the right to work which includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities, the right to just and favourable conditions of work including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions including protection from harassment and the redressal of grievances, to exercise labour and trade union rights, effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training etc\textsuperscript{79}. The Convention requires the State parties to protect these persons from slavery or servitude and also from forced or compulsory labour\textsuperscript{80}.

\textsuperscript{67} Convention on the Rights of the Persons with Disabilities,2006, Art. 1
\textsuperscript{68} Id., Art. 3
\textsuperscript{69} Id., Art. 10
\textsuperscript{70} Id., Art. 12
\textsuperscript{71} Id., Art. 14
\textsuperscript{72} Id., Art. 15
\textsuperscript{73} Id., Art. 16
\textsuperscript{74} Id., Art. 17
\textsuperscript{75} Id., Arts. 18 and 19
\textsuperscript{76} Id., Art. 22
\textsuperscript{77} Id., Art. 24
\textsuperscript{78} Id., Art. 25
\textsuperscript{79} Id., Art. 27(1)
\textsuperscript{80} Id., Art. 27(2)
Other equally important rights like right to adequate standards of living and social protection\textsuperscript{81}; the right to participation in political and public life\textsuperscript{82} etc. are also expressly provided for in the Convention

The Optional Protocol to the Convention on the Rights of the Persons with Disabilities recognizes the competence of the Committee on the Rights of the Persons with Disabilities to receive and consider communications from or on behalf of individuals or group of individuals who claim to be victims of a violation by that State party of any of the rights mentioned in the Convention\textsuperscript{83}.

In addition to the Declarations and Conventions adopted by the United Nations General Assembly for the protection and promotion of human rights of women especially protection against sexual harassment at workplace, efforts are also made by organizing conferences at the world level to achieve the same.

The First World Conference on Women\textsuperscript{84} highlights these objectives which includes inter-alia full gender equality and the elimination of gender discrimination; and the integration and full participation of women in development. Thus these objectives can be achieved if women are free from sexual harassment especially at workplace.

The Second World Conference on Women\textsuperscript{85} indentifies three spheres for equality, development and peace which includes inter-alia equal access to employment opportunities; and health care facilities. Thus the sexual harassment of women at

\begin{footnotes}
\item[81] Id., Art. 28
\item[82] Id., Art., 29
\item[83] The Optional Protocol to the Convention on the Rights of the Persons with Disabilities, 2006, Art. 1
\item[84] Held in the Mexico City from June 19 to July 2 1975.
\item[85] Held in Copenhagen from July 14 to 30, 1980.
\end{footnotes}
workplace hinders the equal access to employment opportunities which in turn obstructs the equality, Development and peace.

The Third World Conference on Women\(^\text{86}\) establishes three basic categories to measure the progress achieved by nation which includes Constitutional and legal measures; equality in social participation; and in political participation and decision-making. However, lack of express Constitutional and legal provisions to provide safe working environment free from sexual harassment of women at workplace which in turn impedes the equality in social and political participation and in decision-making and thus affects the progress.

The Fourth World Conference on Women\(^\text{87}\) adopts the Declaration known as Beijing Declaration to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity. The Declaration recognizes that women’s rights are human rights so State parties are required to promote and protect all human rights of women and girls; take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women; promote women’s economic independence including employment and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women including those in rural areas as vital development agents, to productive resources, opportunities and public services, prevent and eliminate all forms of violence against women and girls; to ensure women’s equal access to economic resources including land, credit, science and technology, vocational training, information, communication and markets as a means to further the advancement and empowerment of women and girls including through the enhancement of their capacities to enjoy the benefits of equal access to these resources.

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86 Held in Nairobi from June 15 to 26, 1985.
87 Held in Beijing(China) from Sept. 4 to 15, 1995
The State parties adopted the Platform for Action for achieving the women’s empowerment.

PLATFORM FOR ACTION

The Platform for Action diagnoses, inter alia, the following problems and proposes the strategic objectives and concrete actions to be taken by various actors in order to achieve those objectives.

Women and Poverty

The gender disparities in economic power-sharing are also an important contributing factor to the poverty of women which is particularly acute for women living in rural households. Women’s poverty is directly related to the absence of economic opportunities and autonomy, lack of access to economic resources, including credit, land ownership and inheritance, lack of access to education and support services and their minimal participation in the decision making process. Poverty can also force women into situations in which they are vulnerable to sexual exploitation. The risk of falling into poverty is greater for women than for men particularly in old age, where social security systems are based on the principle of continuous remunerated employment. In some cases women do not fulfill this requirement because of interruptions in their work due to the unbalanced distributions of remunerated and unremunerated work. Moreover, older women also face greater obstacles to labour market re-entry.\textsuperscript{88}

Strategic objective:A.1

To review adopt and maintain macroeconomic policies and development strategies that address the needs of women in poverty.

Actions to be taken by Governments\textsuperscript{89}:

\textsuperscript{88} Report of the Beijing Declaration and platform for action, (Sept 4 to 15, 1995) (Ch. 4)( part A) paras 47 to 57
\textsuperscript{89} Id., para 58
(a) to review and modify with the full and equal participation of women, macroeconomic and social policies;

(b) to analyze from a gender perspective, policies and programmes including those related to macroeconomic stability, structural adjustment, external debt problems, taxation, investments, employment, markets and all relevant sectors of the economy with respect to their impact on poverty, on inequality and particularly on women, assess their impact on family well being and conditions and adjust them as appropriate to promote more equitable distribution of productive assets, wealth, opportunities, income and services;

(c) to pursue and implement sound and stable macro-economic and sectoral polices that are designed and monitored with the full and equal participation of women, encourage broad-based sustained economic growth, address the structural causes of poverty and are geared towards eradicating poverty and reducing gender based inequality within the overall framework of achieving people-centered sustainable development;

(d) to restructure and target the allocation of public expenditures to promote women’s economic opportunities and equal access to productive resources and to address the basic social, educational and health needs of women particularly those living in poverty;

(e) to provide adequate safety nets and strengthen State based and community based support systems as an integral part of social policy, in order to enable women living in poverty to withstand adverse economic environments and preserve their livelihood, assets and revenues in times of crisis;

(f) to generate economic policies that have a positive impact on the employment and income to women workers in both the formal and informal sectors and adopt specific measures to address women’s unemployment in particular their long term unemployment;

(g) to ensure the full realization of the human rights of all women migrants including women migrant workers and their protection against violence and exploitation, introduce measures for the empowerment of documented women migrants including women migrants workers and facilitate the productive employment of
documented migrant women through greater recognition of their skills, foreign education and credentials and facilitate their full integration into the labour force;

(h) to create social security systems wherever they do not exist.

By multilateral financial and development institutions including the world Bank, the international monetary fund and regional development institutions and through bilateral development cooperation 90:

(i) to ensure that structural adjustment programmes are designed to minimize their negative effects on vulnerable and disadvantaged groups and communities and to assure their positive effects on such groups and communities by preventing their marginalization in economic and social activities and devising measures to ensure that they gain access to and control over economic resources and economic and social activities and take actions to reduce inequality and economic disparity;

(j) to review the impact of structural adjustment programmes on social development by means of gender sensitive social impact assessments and other relevant methods in order to develop policies to reduce their negative effects and improve their positive impact, ensuring that women do not bear a disproportionate burden of transition costs, complement adjustment lending with enhanced, targeted social development lending.

By National and international non governmental organizations and women’s groups 91:

(a) mobilize to improve the effectiveness of anti poverty programmes directed towards the poorest and most disadvantaged groups of women;

(b) mobilize to protect women’s right to full and equal access to economic resources.

Strategic objective: A.2

Revise laws and administrative policies to ensure women’s equal rights and access to economic resources.

Actions to be taken by Governments 92:

to undertake legislative and administrative reforms to give women full and equal access to economic resources.

90 Id., para 59  
91 Id., para 60  
92 Id., para 61
Strategic objective: A.3
Provide women with access to savings and credit mechanisms and institutions.

Actions to be taken by Governments:

(a) to enhance the access of disadvantaged women to financial services through strengthening links between the formal banks and intermediary lending organizations including legislative support, training for women and institutional strengthening for intermediary institutions for mobilizing capital for those institutions and increasing the availability of credit;

(b) to encourage links between financial institutions and non governmental organizations and support innovative lending practices.

By commercial banks, specialized financial institutions and the private sector in examining their policies:

(a) to use credit and savings methodologies;

(b) to open special windows for lending to women;

(c) to simplify banking practices;

(d) to ensure the participation and joint ownership where possible

By multilateral and bilateral development cooperation organizations:

to support through the provisions of capital and/ or resources, financial institutions that serve low income, small scale and micro-scale women entrepreneurs and producers in both the formal and informal sectors.

By Governments and multilateral financial institutions, as appropriate:

to support institutions that meet performance standards in reaching large numbers of low income women and men through capitalization, refinancing and institutional development support in forms that fosters self sufficiency.

By International organizations:

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93  Id., para 62
94  Id., para 63
95  Id., para 64
96  Id., para 65
97  Id., para 66
to increase funding for programmes and projects designed to promote sustainable and productive entrepreneurial activities for income generation among disadvantaged women and women living in poverty.

Strategic objective: A.4

Develop gender based methodologies and conduct research to address the feminization of poverty

Actions to be taken:

By Governments, inter-governmental organizations, academic and research institutions and the private sector\(^98\):

(a) to develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of economic policy making including structural adjustment planning and programmes;
(b) to apply these methodologies in conducting gender impact analyses of all policies and programmes including structural adjustment programmes and disseminate the research findings.

By national and international statistical organizations\(^99\):

(a) to collect gender and age disaggregated data on poverty and all aspects of economic activity and develop qualitative and quantitative statistical indicators to facilitate the assessment of economic performance from a gender perspective;

(b) To devise suitable statistical means to recognize and make visible the full extent of the work of women and all their contributions to the national economy including their contribution in the unremunerated and domestic sectors and examine the relationship of women’s unremunerated work to the incidence of and their vulnerability to poverty.

\(^98\) Id., para 67
\(^99\) Id., para 68
VIOLENCE AGAINST WOMEN

In all societies, to a greater or lesser degree, women and girls are subjected to physical, sexual and psychological abuse that cuts across lines of income, class and culture. The fear of violence including harassment is a permanent constraint on the mobility of women and limits their access to resources and basic activities. Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non conflict situations. In order to deal with this, the Platform For Action considers the strategic objective to take integrated measures to prevent and eliminate violence against women and requires the government to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence whether in the home, the workplace, the community or society; access to just and effective remedies including compensation and indemnification and healing of victims and rehabilitation of perpetrators; develop strategies to ensure that the re-victimization of women victims of violence does not occur because of gender insensitive laws or judicial or enforcement practices; to provide just and effective remedies for the harm they have suffered and inform women of their rights in seeking redress through such mechanisms.

The Platform For Action requires the local governments and community organization, non-governmental organizations, educational institutions, the public and private sectors particularly enterprises and the mass media, as appropriate to establish linguistically and culturally accessible services for migrant women workers who are victims of gender based violence; to recognize the vulnerability to violence and other forms of abuse of women migrant workers whose legal status in the host country depends on employers who may exploit their situation.

Actions to be taken by governments, employers, trade unions community and youth organizations and non-governmental organizations as appropriate to develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplace and elsewhere; to take special measures to eliminate violence against women particularly those in vulnerable
situations such as young women, women migrant workers etc. including enforcing any existing legislation and developing as appropriate new legislation for women migrant workers in both sending and receiving countries. The Platform requires the Secretary General of the United Nations to provide the special rapporteur of the Commission on Human Rights on violence against women with all necessary assistance to perform all mandated functions 100.

Strategic objective: D.2

Study the causes and consequences of violence against women and the effectiveness of preventive measures.

The Platform For Action requires the governments, regional organizations, the United Nations, other international organizations research, institutions, women’s and youth organizations and non-governmental organizations as appropriate to promote research collect data and compile statistics relating to prevalence of different forms of violence against women and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women, encourage the media to examine the impact of gender role stereotypes including those perpetuated by commercial advertisements which foster gender based violence and inequalities and how they are transmitted during the life cycle and take measures to eliminate these negative images with a view to promoting a violence free society 101.

WOMEN AND THE ECONOMY

The employment opportunities for women have them characterized by low wages, little or no labour standards protection, poor working conditions particularly with regard to women’s occupational health and safety, low skill levels and a lack of job

100 Id., part D para 112 to 123
101 Id., para 129
security and social security in both the formal and informal sectors. Women’s unemployment is a serious and increasing problem in many countries and sectors. Young workers in the informal and rural sectors and migrant female workers remain the least protected by labour and immigration laws. For those women in paid work, many experience obstacles that prevent them from achieving their potential. While some are increasingly found in lower levels of management, attitudinal discrimination often prevents them from being promoted further. The experience of sexual harassment is an affront to a worker’s dignity and prevents women from making a contribution commensurate with their abilities. The lack of a family friendly work environment, including a lack of appropriate and affordable child care and inflexible working hours further prevent women from achieving their full potential. Taking into account the fact that continuing inequalities and noticeable progress co-exist, rethinking employment policies is necessary in order to integrate the gender perspective and to draw attention to wider range of opportunities as well as to address any negative gender implications of current patterns of work and employment. To realize fully equality between women and men in their contribution to the economy, active efforts are required for equal recognition and appreciation of the influence that the work, experience, knowledge and values of both women and men have in society.\textsuperscript{102}

Strategic objective:F.1

Promote women’s economic rights and independence including access to employment and appropriate working conditions and control over economic resources.

In order to achieve this objective, the Platform for Action requires the governments to adopt and implement laws against discrimination based on sex in the labour market, especially considering older women workers, hiring and promotion, the extension of employment benefits and social security and working conditions; use gender impact analysis in the development of macro and micro-economic and social policies in order to monitor such impact and restructure policies in cases where harmful impact occurs; promote gender sensitive policies and measures to empower women as equal partners with men in technical, managerial and entrepreneurial fields; reform laws

\textsuperscript{102} Id., part F para 150 to 164
or enact national policies that support the establishment of labour laws to ensure that protection of all women workers including safe work practices, the right to organize and access to justice\textsuperscript{103}.

Strategic objective: F.2

Facilitate women’s equal access to resources, employment, markets and trade.

Government is required to strengthen the incentive role of the State as employer to develop a policy of equal opportunities for women and men; ensure equal access for women to effective job training, retraining, counseling and placement services that are not limited to traditional employment areas; to safeguard and promote respect for basic workers rights including the prohibition of forced labour and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non discrimination in employment, fully implementing the Conventions of international labour organizations in the case of States party to those Conventions and taking into account the principles embodied in the case of those countries that are not party to those Conventions in order to achieve truly sustained economic growth and sustainable development\textsuperscript{104}.

Strategic objective:F.4

Strengthen Women’s Economic Capacity and Commercial Networks

It requires the Governments, inter-alia, to adopt policies to extend or maintain the protection of labour laws and social security provisions for those who do paid work in the home\textsuperscript{105}.

\textsuperscript{103} Id., para 165
\textsuperscript{104} Id., para 166
\textsuperscript{105} Id., para 175
Strategic objective : F.5

Eliminate occupational segregation and all forms of employment discrimination.

It requires the governments, employers, employees, trade unions and women’s organizations inter-alia to implement and enforce laws and regulations and encourage voluntary codes of conduct that ensure that International Labour Standards apply equally to female and male workers; enact and enforce laws and introduce implementing measures including means of redress and access to justice in cases of non-compliance, to prohibit direct and indirect discrimination on grounds of sex including access to employment, conditions of employment like training, promotion, health and safety as well as termination of employment and social security of workers including legal protection against sexual and racial harassment; enact and enforce laws and develop workplace policies against gender discrimination in the labour market especially considering older women workers in hiring and promotion and in the extension of employment benefits and social security as well as regarding discriminatory working conditions and sexual harassment; to develop mechanisms for the regular review and monitoring of such laws; eliminate occupational segregation especially by promoting the equal participation of women in highly skilled jobs and senior management positions and through other measures such as counseling and placement that stimulate their on-the-job career development and upward mobility in the labour market and by stimulating the diversification of occupational choices by both women and men; to recognize collective bargaining as a right and as an important mechanism for eliminating wage inequality for women and to improve working conditions; to promote the election of women trade union officials and ensure that trade union officials elected to represent women are given job protection and physical security in connection with the discharge of their functions.\(^{106}\)

Strategic objective : F.6

\(^{106}\) Id., para 178
Promote harmonization of work and family responsibilities for women and men.

It requires the governments to adopt policies, to ensure the appropriate protection of labour laws and social security benefits for part time, temporary, seasonal and home based workers, promote career development based on work conditions that harmonize work and family responsibilities; to ensure that full and part time work can be freely chosen by women and men on an equal basis and consider appropriate protection for atypical workers in terms of access to employment, working conditions and social security.\footnote{Id., para 179}

The Platform for Action further requires the Governments, the private sector and non-governmental organizations, trade unions, and the United Nations, as appropriate to adopt appropriate measures involving relevant governmental bodies and employers’ and employees’ associations so that women and men are able to take temporary leave from employment, have transferable employment and retirement benefits and make arrangements to modify work hours without sacrificing their prospects for development and advancement at work and in their careers; to design and provide educational programmes through innovative media campaigns and school and community education programmes to raise awareness on gender equality and non stereotyped gender roles of women and men within the family; provide support services and facilities such as on-site child care at workplaces and flexible working arrangements; to enact and enforce laws against sexual and other forms of harassment in all workplaces.\footnote{Id., para 180}

The Platform for Action also pointed out that the violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms. The gender based violence especially sexual harassment is incompatible with the dignity and the worth of the human persons and must be combated and eliminated. Governments should take urgent action to combat and eliminate all forms of violence against women in private and public life whether perpetrated or tolerated by the State or private persons.
Thus the Beijing Declaration and Platform for Action recognizes the safe working environment for the protection and promotion of human rights of women and elimination of discrimination and exploitation in particular the prevention of sexual harassment of women at workplace to achieve the goals of equality, development and peace.

The World Conference on Human Rights was deeply concerned, inter-alia, by various forms of discrimination and violence to which women continue to be exposed all over the world and so adopts the Vienna Declaration and Programme of Action on Human Rights\textsuperscript{109}. This Declaration recognizes that gender based violence and all forms of sexual harassment and exploitation including those resulting from cultural prejudices and international trafficking are incompatible with the dignity and worth of the human person and must be eliminated. This can be achieved by legal measures and through national action and international cooperation in such fields as economic and social development, education, safe maternity and health care and social support. The human rights of women should from an integral part of the United Nations human rights activities including the promotion of all human rights instruments relating to women. The World Conference on Human Rights urges Governments, institutions, inter-governmental and non governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl child\textsuperscript{110}. The world conference urges that great importance must be given to the promotion and protection of the human rights of persons belonging to groups which have been rendered vulnerable including migrant workers, the elimination of all forms of discrimination against them and the strengthening and more effective implementation of human rights instruments. States have an obligation to create and maintain adequate measures at the national level, in particular in the fields of education, health and social support for the protection of persons in vulnerable sectors of their populations and to ensure the participation of those among them who are interested in finding a solution to their own problems\textsuperscript{111}.

\textsuperscript{109} Adopted on June 25, 1993
\textsuperscript{110} Vienna Declaration and Programme of Action on Human Rights, Part-II, para 18
\textsuperscript{111} Id., para 24
The World Conference on Human Rights urges all States to guarantee the protection of the human rights of all migrant workers and their families and considers that the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside is of particular importance. The World Conference on human rights urges the full and equal enjoyment by women of all human rights; and in particular stress the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism; the eradication of all forms of discrimination against women, both hidden and overt, disseminate necessary information to enable women to make more effective use of existing implementation procedures in their pursuits of full and equal enjoyment of human rights and non discrimination; recognizes the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span; urges governmental and regional and international organizations to facilitate the access of women to decision making posts and their greater participation in the decision making process, encourages further steps within the United Nations Secretariat to appoint and promote women staff members in accordance with the Charter of the United Nations and encourages other principal and subsidiary organs of the United Nations to guarantee the participation of women under conditions of equality; effective measures against harmful child labour, child pornography and other forms of sexual abuse; supports all measures by the United Nations and its specialized agencies to ensure effective protection and promotion of human rights of the girl child; reaffirms that all human rights and fundamental freedoms are universal and
includes persons with disabilities, recognizes that any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights and calls governments where necessary to adopt or adjust legislation to assure access to these and other rights for disabled persons.

In addition to these efforts of the United Nations, the International Labour Organization\textsuperscript{122} (hereafter ILO) with its major concern as social justice also adopted Conventions from time to time to protect the rights of workers and prescribes minimum standards to be observed at the workplace.

The Discrimination (Employment and Occupation) Convention\textsuperscript{123}, 1958 affirms that all human beings irrespective of race, creed, or sex have the right to pursue both their material well being and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity.

This Convention defines discrimination as includes any distinction, exclusion, or preference made on the basis of race, colour, sex, religion, political opinion, national extraction, or social origin which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation\textsuperscript{124} and requires the member States to declare and pursue a national policy designed to promote by methods appropriate to national conditions and practice equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any discrimination in respect thereof\textsuperscript{125}; to seek the cooperation of employers’ and workers’ organizations and other appropriate bodies in promoting the acceptance and observance of this policy, to enact such legislation and to promote such educational programs as may be calculated

\textsuperscript{122} The ILO is one of the twelve specialized Agencies brought into relationship with the united nations under Article 57 and 63 of the UN Charter and started its life in 1919.
\textsuperscript{123} Adopted by the general conference of the ILO on 25\textsuperscript{th} June 1958 and entered into force on 15 June 1960.
\textsuperscript{124} The Discrimination (Employment and Occupation) Convention, 1958, Art.
\textsuperscript{125} Id., Art. 2
to secure the acceptance and observance of the policy, to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy, to pursue the policy in respect of employment under the direct control of a national authority, to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority\textsuperscript{126}.

Supplementing this Convention, the general conference of the ILO adopted Discrimination (Employment and Occupation) Recommendation, 1958. The Recommendation recognizes the following principles to be followed by the member States for the prevention of discrimination in employment and occupation:

That the promotion of equality of opportunity and treatment in employment and occupation is a matter of public concern; all persons should enjoy without discrimination equality of opportunity and treatment in respect of access to vocational guidance and placement services; to training and employment of their own choice on the basis of individual suitability for such training or employment; advancement in accordance with their individual character, experience, ability and diligence; security of tenure of employment; remuneration for work of equal value; conditions of work including hours of work, rest periods, annual holidays with pay, occupational safety and occupational health measures as well as social security measures and welfare policies and benefits provided in connection with employment; government agencies should apply non discriminatory employment policies in all their activities; employers should not practice or countenance discrimination in engaging or training any person for employment, in advancing or retaining such person in employment or in fixing terms and conditions of employment nor should any person or organization obstruct or interfere either directly or indirectly with employers in pursuing this principle; in collective negotiations and industrial relations, the parties should respect the principle of equality of opportunity and treatment in employment and occupation and should ensure that collective agreements contain no provisions of a discriminatory character in respect of access to training for advancement in or retention of employment or in

\textsuperscript{126} Id., Art. 3
respect of the terms and conditions of employment; employers’ and workers’ organizations should not practice or countenance discrimination in respect of admission, retention of membership or participation in their affairs.\textsuperscript{127}

Thus the Convention and Recommendation though not expressly mention but sexual harassment of women at workplace is considered to be covered under discrimination.

The Indigenous and Tribal People Convention, 1989\textsuperscript{128} recognizes the responsibility of the governments for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity;\textsuperscript{129} also requires the governments to adopt special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these people; to prevent any discrimination between workers belonging to the peoples concerned and other workers in particular as regards admission to employment and measures for promotion and advancement; equal remuneration for work of equal value; medical and social assistance; occupational safety and health; all social security benefits and any other occupationally related benefits and housing, the right of association and freedom for all lawful trade union activities and the right to conclude collective agreements with employers or employers organizations; to ensure that workers belonging to the peoples concerned including seasonal, casual and migrant workers in agriculture and other employment as well as those employed by labour contractors enjoy the same protection as available to other such workers in the same sectors; they are not subjected to working conditions hazardous to their health, not subjected to coercive recruitment systems including bonded labour and other forms of debt servitude; that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and

\begin{footnotes}
\footnote{127}{Discrimination (Employment and Occupation) Recommendation 1958, Art. 2}
\footnote{128}{The Convention (C 169) was adopted during the 1989 session of the ILO. It revises the provisions of the indigenous and tribal populations Convention 1957 (No 107), and came into force on September 5, 1991}
\footnote{129}{The Indigenous and Tribal People Convention, 1989, Art. 2}
\end{footnotes}
women and protection from sexual harassment; particular attention be paid to ensure compliance with these provisions. Thus this Convention expressly prohibits sexual harassment of women at workplace.

The Declaration on Fundamental Principles and Rights at Work declares that all members of the organization are required to respect, to promote and to realize the following principles concerning the fundamental rights, freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

The European Social Charter (Revised), 1996 recognizes the right to work in an occupation freely entered upon; the right to just conditions of work, the right to safe and healthy working conditions; the right to a fair remuneration sufficient for a decent standard of living for themselves and their families; the right to freedom of association in national or international organizations for the protection of their economic and social interests; the right to bargain collectively; the right of children and young persons to a special protection against the physical and moral hazards to which they are exposed; the right to social security; the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex; the right of the workers to information and consultation within the

130 Id., Art. 20
131 Adopted by the ILO at its 86th session in Geneva on 18th June 1998
132 The Declaration on fundamental principles and rights at work 1998, Art 2
133 (ETS No 163) was opened for signature by the member States of the council of Europe in Strasbourg on May 3, 1999 and entered into force on July 1, 1999
134 The European Social Charter (Revised), 1996, Art. 1
135 Id., Art 2
136 Id., Art 3
137 Id., Art 4
138 Id., Art 6
139 Id., Art 5
140 Id., Art 7
141 Id., Art 12
142 Id., Art. 20
undertaking\textsuperscript{143}, and to take part in the determination and improvement of the working conditions, work organization and working environment\textsuperscript{144}; the right to protection in case of termination of employment\textsuperscript{145}; the right to dignity at work\textsuperscript{146} which requires the State parties to promote awareness, information and prevention of sexual harassment and recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct\textsuperscript{147}.

Thus the European Social Charter also prohibits sexual harassment of women at workplace in order to enable them to work with dignity.

The Charter of Fundamental Rights of the European Union, 2000 recognizes the human dignity\textsuperscript{148}; the right to life\textsuperscript{149}; the right to physical and mental integrity\textsuperscript{150}; the right to liberty and security of person\textsuperscript{151}, freedom of assembly and association which includes the right to form and joint trade unions for the protection of his or her interests\textsuperscript{152}; the right to engage in work and to pursue a freely chosen or accepted occupation\textsuperscript{153}; equality before the law and prohibition of discrimination on the ground of sex etc\textsuperscript{154}; equality between men and women in all areas including employment, work and pay\textsuperscript{155}; the right of the workers to information and consultation within the undertaking and to protection against unjustified dismissal\textsuperscript{156}; the right to fair and just working conditions with respect to his or her health, safety and dignity; limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave\textsuperscript{157}; and prohibition of slavery and forced or compulsory work\textsuperscript{158}. Thus this

\begin{enumerate}
\item Id., Art. 21
\item Id., Art. 22
\item Id., Art. 24
\item Id., Art. 26
\item Id., Art. 26 part II
\item The Charter of fundamental rights of the European Union, 2000 Art. 1
\item Id., Art 2
\item Id., Art 3
\item Id., Art 6
\item Id., Art 12
\item Id., Art 15
\item Id., Arts 20 and 21
\item Id., Art 23
\item Id., Arts 27 and 30
\item Id., Art 31
\end{enumerate}
Charter also impliedly prohibits sexual harassment of women at workplace because any such act affects the dignity of women at workplace.

The American Declaration of the Rights and Duties of Man, 1948 recognizes the right to life, liberty and security of person\textsuperscript{159}; the right to work under proper conditions and to follow his vocation freely and to receive remuneration in proportion to his capacity and skill\textsuperscript{160}; the right to social security\textsuperscript{161}. Thus the Declaration impliedly prohibits sexual harassment of women at workplace because right to work under proper conditions include the work environment free from sexual harassment.

The American Convention on Human Rights, 1969 recognizes the right to life which includes the right of every person to have his life respected\textsuperscript{162}; the right to have his physical, mental and moral integrity respected\textsuperscript{163}; the right to personal liberty and security\textsuperscript{164}; right to privacy which includes the right to have his honour respected and dignity recognized and prevention of unlawful attacks on his honour or reputation\textsuperscript{165}.

The Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights 1988 recognizes the right to work and under just, equitable and satisfactory conditions of work\textsuperscript{166}; the right to organize and join trade unions of their choice for the purpose of protecting and promoting their interests\textsuperscript{167} and the right to social security\textsuperscript{168}.

\textsuperscript{158} Id., Art 5
\textsuperscript{159} The American Declaration of the rights and duties of man, 1948, Art. I
\textsuperscript{160} Id., Art. Xiv
\textsuperscript{161} Id., Art. xvi
\textsuperscript{162} The American Convention on Human Rights, 1969, Art. 4
\textsuperscript{163} Id., Art. 5
\textsuperscript{164} Id., Art 7
\textsuperscript{165} Id., Art 11
\textsuperscript{166} The Additional Protocol to the American Convention on human rights in the area of Economic, Social and Cultural rights 1988, Art. 6 and 7.
\textsuperscript{167} Id., Art 8
\textsuperscript{168} Id., Art 9
The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, 1994 recognizes the right of every woman to be free from violence in both the public and private spheres and free from all forms of discrimination\(^{169}\). Thus this Convention also prohibits sexual harassment of women at workplace because violence against women includes sexual harassment of women in the workplace\(^{170}\).

The African Charter on Human and People’s Rights, 1981\(^{171}\) recognizes the right to the respect of the dignity inherent in a human being\(^{172}\); the right to liberty and security of person\(^{173}\); the right to work under equitable and satisfactory conditions and equal pay for equal work\(^{174}\). The Charter also recognizes the duty of every individual to respect and consider his fellow being without discrimination and to maintain relations aimed at promoting, safeguarding, and reinforcing mutual respect and tolerance\(^{175}\).

Thus satisfactory work conditions include the environment free from sexual harassment of women.

The Cairo Declaration on Human Rights in Islam, 1990\(^{176}\) recognizes the right to work which includes the right to freely choose the work; the right to safety and security as well as all other social guarantees; neither assigned work beyond his capacity nor be subjected to compulsion or exploited or harmed in any way; entitled to fair wages for work without delay, without any discrimination between males and females\(^{177}\). Thus this declaration also impliedly prohibits sexual harassment of women at workplace because that will amount to exploitation or harm at workplace.

\(^{169}\) The Inter-American Convention on the prevention, punishment and eradication of violence against women, 1994, Arts 3 and 6
\(^{170}\) Id., Art 2
\(^{171}\) Adopted on June 17, 1981 by 18\(^{th}\) Assembly of the Heads of State and Government of the Organisation of African Unity and entered into force on Oct 21, 1986
\(^{172}\) The African Charter on human and People’s Rights 1981,Art. 5
\(^{173}\) Id., Art. 6
\(^{174}\) Id., Art. 15
\(^{175}\) Id., Art. 28
\(^{176}\) Adopted by the organization of the Islamic conference in Cairo on 5 August 1990
\(^{177}\) The Cairo Declaration on human Rights in Islam, 1990, Art 13
The Arab Charter on Human Rights, 1994\textsuperscript{178} recognizes the right to life, liberty and security of person\textsuperscript{179}; the right to form trade unions\textsuperscript{180}; the right to work and comprehensive social security\textsuperscript{181}; the right to free choice of work and prohibition of forced labour\textsuperscript{182}; equality of opportunity in regard to work as well as a fair wage and equal remuneration for work of equal value\textsuperscript{183}. Thus this Charter also impliedly prohibits sexual harassment of women at workplace because right to work and free choice of work cannot be enjoyed if the women are subjected to sexual harassment at workplace.

The Constitution of India recognizes the right to equality and prohibition of discrimination on the ground of sex etc. with respect to any employment or office under the State\textsuperscript{184}; the right of the citizens to form associations or unions and the right to practise any profession or to carry on any occupation, trade or business\textsuperscript{185}; the right to life and personal liberty\textsuperscript{186} which includes the right to work with human dignity; the right against exploitation i.e. prohibition of forced labour\textsuperscript{187}. In addition to above mentioned fundamental rights, the Constitution of India also recognizes certain Directives Principles of State policy\textsuperscript{188} to be followed by the State for the protection and promotion of the right of the people like the right of the citizens men and women equally to have adequate means of livelihood; and equal pay for equal work for both men and women; the health and strength of workers men and women and the tender age of children are not abused and that childhood and youth are protected against exploitation\textsuperscript{189}; the right to work and to public assistance in cases of unemployment, old

\textsuperscript{178} Adopted by the council of the league of Arab States on 15 Sept. 1994
\textsuperscript{179} The Arab Charter on Human Rights, 1994, Arts 5 and 8
\textsuperscript{180} Id., Art. 29
\textsuperscript{181} Id., Art. 30
\textsuperscript{182} Id., Art. 31
\textsuperscript{183} Id., Art 32
\textsuperscript{184} The Constitution of India, 1950, Atrs 14, 15,16
\textsuperscript{185} Id., Art 19(1)© and (g)
\textsuperscript{186} Id., Art. 21
\textsuperscript{187} Id., Art 23
\textsuperscript{188} The Directive Principles though not enforceable by any court but are nevertheless fundamental in the governance of the country and it is the duty of the State to apply them in making laws, see Art 37
\textsuperscript{189} Supra note 184, Art. 39(a),(d),(e) and (f)
age, sickness and disablement and in other cases of undeserved want\textsuperscript{190}; provision for securing just and humane conditions of work\textsuperscript{191}. The State is required to provide to all workers, work, a living wage, conditions of work ensuring a decent standard of life\textsuperscript{192}; and participation of workers in the management of undertakings, establishments or other organizations engaged in any industry\textsuperscript{193}. Thus analysis of these provisions depicts that right to work with dignity is the right of the workers which can only be enjoyed if the working environment is free from sexual harassment. It is the duty of the State to provide safe working environment to women and children keeping in view the vulnerability of exploitation of these sections of the society. Otherwise also welfare of the working class is not only human problem but also the success of the Nation’s economic adventure depends upon the cooperation of the working class which in turn can be provided only if the human rights of the workers are properly protected in the enterprise or undertaking.

The National commission for Women Act, 1990 provides for the Constitution of National Commission for Women\textsuperscript{194} to investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws; make recommendations for the effective implementation of those safeguards; take up cases of violation of those provisions with the appropriate authorities; look into complaints of deprivation of women’s rights; non implementation of laws enacted to provide protection, equality and development to women; non compliance of policy decisions, guidelines or instructions for mitigating hardships and ensuring welfare of women; suggest ways for reducing drudgery and occupational health hazards and for increasing their productivity\textsuperscript{195}. Thus in order to ensure the working environment free from sexual harassment and to protect the right of women to work with equality and dignity as provided in the Constitution, the National Commission for Women can investigate,

\textsuperscript{190} Id., Art. 41
\textsuperscript{191} Id., Art. 42
\textsuperscript{192} Art 43
\textsuperscript{193} Art 43-A was added by the Constitution(42\textsuperscript{nd} Amendment) Act, 1976
\textsuperscript{194} The National commission for women Act, 1990, sec 3
\textsuperscript{195} Id., Sec 10(1)(a),(c ) (e)(f) and (h).
examine, recommend ways and means to comply with the same and take up cases of violation of these safeguards with the appropriate authorities.

The Protection of Human Rights Act, 1993 provides for better protection of human rights and for matters connected therewith or incidental thereto. The Act defines human rights as the rights relating to life, liberty, equality and dignity of the Individual guaranteed by the Constitution or embodied in the International Covenants on Civil and Political Rights and on Economic, Social and Cultural rights and enforceable by courts in India. The Act provides for the Constitution of National Human Rights Commission to inquire suo mottu or on a petition, the violation of human rights or abetment thereof or negligence in the prevention of such violation by a public servant; to review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation; and effective implementation of treaties and other international instruments on human rights; spread human rights literacy and promote awareness of the safeguards for the protection of these rights. Thus the Act also recognizes the safe working environment free from sexual harassment as the human right of women and provides the National Human Rights Commission to ensure compliance of the safeguards and laws for the protection of this human right of women.

Thus working environment and human rights are inter related because any organization can excel with the help of effective human resource management. The workforce can be managed properly if they are provided better working conditions keeping in view the protection and promotion of their basic human rights. An analysis of all the above mentioned provisions at the national and international level demonstrate that right to safe working environment and right to work with human dignity is the basic human right possessed by every individual. And sexual harassment of women at

197 Id., sec 3
198 Id., sec 12(a),(d),(f) and (h)
workplace is anti thesis to right to safe working environment and right to work with human dignity.