

Role of Human Resource Management in Sexual Harassment at Workplace

Rakesh Suram

Abstract— India ranks 136 in human development index among 187 countries. India being a developing country, along with men, women's are also working in several of organizations. Therefore it becomes necessary men or women where they are working must be safe at their workplace which gives healthy relationship among employees & optimum productivity to the organization. Due to the unawareness of sexual harassment, its policy and new Act many employees directly or indirectly suffering from sexual harassment, these victims are silent either not having knowledge of Act or due to non-implementation of sexual harassment policy. In this paper researcher made an attempt to observe situation where HRM can identify the sexual harassment and explained how the HRM can identify when any employee in their organization has harassed. At the end the researcher has tried few suggestions for preventing sexual harassment & implement the policy of sexual harassment in their organization successfully.

Keywords— HRM, Sexual Harassment, Violence, Workplace

I. INTRODUCTION

TRADITIONALLY people of opposite sex meet at the places such as temple, church, the neighborhood, family events, and leisure time activities, where the pool of candidates are not present. In contrast, the office provides a pre-selected pool of people who share at least one important interest. People who work together also live within a reasonable dating distance, and share a location, so they see each other on a daily basis. Coworkers in similar jobs may also be approximately the same age, and share similar interests both inside and outside of work. India is a developing country, where now a day many women being educated. With educated women, illiterate women are also working. They are working in various in private or public walks. In India previously these organizations were male dominated. Now-a-day males & females are working together in various organizations. In some organizations we see the number of women employees are more than the men employees like educational institutions. At the same time some organizations are male dominated e.g. Army, Navy, Air Force, Police, manufacturing industries, some govt. organizations etc. More the half of life of employee is passed at workplace where they are working. Therefore the workplace should be safe, sound & the work environment

should be very healthy so that, there should not be adverse impact of sexual harassment on their work, their mind, personal life etc. The concept of sexual harassment, in its modern understanding, is a relatively new one, dating from the 1970s onwards; although other related concepts have existed prior to this in many cultures. The term *sexual harassment* was used in 1973 in "*Saturn's Rings*", a report authored by Mary Rowe to the then President and Chancellor of MIT about various forms of gender issues. Majority of the love, love marriage, extra marital affairs usually occur at workplace. The Union Minister Hon. Jitendra Singh told on Tuesday, September 9, 2014 that Rules are being "amended" to "widen the definition of sexual harassment at workplace" at National Media Centre.¹

Recently, by giving due importance to constitutional sanctity to this important topic, the Union government promulgate the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013. The Act borrowed heavily from the Vishakha guidelines of the Supreme Court, in words if not entirely in spirit.

II. DEFINITIONS

A. *Sexual Harassment*:

The United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination against Women defines sexual harassment of women to include:

"Such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment."²

"Sexual harassment in India is termed "Eve teasing" and is described as: unwelcome sexual gesture or behaviour whether directly or indirectly as sexually coloured remarks; physical contact and advances; showing pornography; a demand or request for sexual favours; any other unwelcome physical,

Rakesh Suram is Assistant Professor with the Shri Shahu Mandir Mahavidyalaya, Pune, 411009, India, E-mail: rakeshsuram@gmail.com.

verbal/non-verbal conduct being sexual in nature and/or passing sexually offensive and unacceptable remarks. The critical factor is the unwelcomeness of the behaviour, thereby making the impact of such actions on the recipient more relevant rather than intent of the perpetrator.

B. Human Resource Management:

“Human resource management is a process consisting of four functions-acquisition, development, motivation and maintenance of human resources.

“Human resource management refers to the policies and practices one needs to carry out the people or human resource aspects of management position including recruiting screening, training, rewarding and appraising.”

III. IMPORTANCE OF THE STUDY

- Sexual harassment results in violation of the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under Article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.
- The protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;
- In India, the human resources function had remained confined to transactional issues such as hiring and firing, salaries, promotions, statutory compliances and so on, but not those pertaining to harassment issues, which is a newer area.
- As per The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 “Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees.” so that women employees will have knowledge of the existence of law for redressal of the complaints.

IV. OBJECTIVES OF THE STUDY

- To determine the responsibility of HRM regarding Sexual Harassment at workplace.
- To acquaint with various forms of sexual harassment.
- To guide the organization for implementation of sexual harassment policy.
- To provide remedies for sexual harassment at workplace.

V. EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment occurs when one employee makes continued, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, to another employee, against his or her wishes.

Sexual harassment can occur in a variety of situations. Following are the examples of sexual harassment.

- Unwanted jokes, gestures, offensive words on clothing, and unwelcome comments and repartee.
- Touching and any other bodily contact such as scratching or patting a coworker's back, grabbing an employee around the waist, or interfering with an employee's ability to move.
- Repeated requests for dates that are turned down or unwanted flirting.
- Transmitting or posting emails or pictures of a sexual or other harassment-related nature.
- Displaying sexually suggestive objects, pictures, or posters.
- Playing sexually suggestive music.

VI. SITUATIONS WHERE HARASSMENT CAN BE IDENTIFIED

- The perpetrator can be anyone, such as a client, a co-worker, a parent or legal guardian, relative, a teacher or professor, a student, a friend, or a stranger.
- The victim does not have to be the person directly harassed but can be a witness of such behavior who finds the behavior offensive and is affected by it.
- The place of harassment occurrence may vary from school, university, workplace and any other.
- There may or may not be other witnesses or attendances.
- The perpetrator may be completely unaware that his or her behavior is offensive or constitutes sexual harassment or may be completely unaware that his or her actions could be unlawful.
- The incident can take place in situations in which the harassed person may not be aware of or understand what is happening.
- The victim and perpetrator can be any gender.
- The perpetrator does not have to be of the opposite sex.
- The incident can result from a situation in which the perpetrator thinks they are making themselves clear, but is not understood the way they intended. The misunderstanding can either be reasonable or unreasonable. An example of unreasonable is when a woman holds a certain stereotypical view of a man such that she did not understand the man's explicit message to stop.

VII. FORMS OF SEXUAL HARASSMENT

- The employee harassing another employee can be an individual of the same sex. It doesn't mean that the perpetrator is of the opposite sex.
- The harasser can be the employee's supervisor, manager, customer, co-worker, supplier, or vendor. Any individual, who is connected to the employee's work environment, can be accused of sexual harassment.
- The victim of sexual harassment is not just the employee who is the target of the harassment. Other employees who observe or learn about the sexual harassment can also be the victims.

- Sexual harassment can occur even when the complainant cannot demonstrate any adverse effect on his or her employment including transfers, discharge, decrease in salary, and so on.

VIII. HOW HRM CAN IDENTIFY ONE HAS SEXUALLY HARASSED

From the following points the Immediate Supervisor, boss or Human Resource Department can identify one who is suffering from Sexual Harassment.

- Decreased work
- Stressful conditions; increased absenteeism in fear of harassment repetition
- Refusal for a job
- Increased Absenteeism
- Fear of harassment on the face.
- Change in their behavior or lifestyle.
- Loss of trust in environments similar to where the harassment occurred & denying to work there.
- Loss of trust in the types of people that occupy similar positions
- Not ready to work with any employee
- Psychological stress and health impairment like depression, anxiety, panic attacks, shame, guilt, loss of motivation, weight loss, eating disorders, alcoholism, violent behavior, feeling powerless or out of control, increased blood pressure, loss of confidence and self-esteem, withdrawal and isolation, overall loss of trust in people, suicide attempt
- Weakening of support network i.e. friends, colleagues, or family may distance themselves from the victim
- Decreased productivity and increased team conflict
- Decreased study / job satisfaction
- Decrease in success at meeting academic and financial goals

IX. SUGGESTIONS

When an employee complains to a supervisor, another employee, or the Human Resources office, about sexual harassment, an immediate investigation of the charge should occur. Supervisors should immediately involve Human Resources staff. Employees need to understand that they have an obligation to report sexual harassment concerns to their supervisor or the Human Resources office.

1. Organization should have own general harassment policy.
2. Organization should make own zero tolerance sexual harassment policy.
3. A policy has to be effectively implemented in order to have value and to avoid becoming another well-formulated, impressive sounding document compiled by consultants and filed by the human resource department
4. Trade unions should be involved in every step of the implementation process.
5. The policy programmes shall include orientation, education, training and diversity awareness programmes.

6. Managers & supervisors should be given responsibility for implementing the policy.
7. Organizations must ask employees to sign a document indicating they understand and will abide by the sexual harassment policy at the time of recruitment.
8. Managers and Supervisors are on the front line, therefore it is the duty of the supervisors or managers the workplace culture should be free from any form of harassment.

X. CONCLUSION

In an organizations employees are treated as human resource. Labors are very important factor of production like other factors of production. Employees are treated as wealth of an organization. Therefore there should be healthy environment among employees in an organization. As the Constitution of India has given right to a safe environment free from sexual harassment it is a duty of HRM to find sexual harassment if is occurring in an organization. HRM should take precaution before occurring sexual harassment, if occurs it should take immediate action to solve the problem. Further research can done in defining the duties of various authorities in sexual harassment at schools, colleges, film industry, housing societies etc.

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Rakesh Suram is working as Assistant Professor in Commerce at Shri Shahu Mandir Mahavidyalaya, Pune, 411009, Maharashtra, India.

NET	2010	University Grants Commission, New Delhi, India
B.Ed. (Maths & English)	2005	Rayat Shikshan Sanstha's Swami Sahajanand Bharti College of Education, Shirampur Dist. Ahmednagar (University of Pune) India.

D.L.L.&L.W.	2003	New Law College, Ahmednagar University of Pune, India.
D.T.L.	2002	New Law College, Ahmednagar University of Pune, India
G.D.C.&A.	2002	G.D.C.A. Board Pune, Maharashtra, India