



Sexual Harassment - Law & Policy 101

The legal definitions of sexual harassment in global, local, and transnational contexts are diverse in their interpretations of gender, violence and labor. For example, the United States formalizes sexual harassment law through Title VII of the Civil Rights Act of 1964 which places any and all “discrimination on the basis of sex” in the same category as race, color, religion, and national origin. Title VII specifically encompasses the issue of unlawful employment practices which fall under the investigation of the U.S. Equal Employment Opportunity Commission (EEOC).

On a larger scale, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)--which was adopted in 1979 by the United Nations Assembly and remains the basis for many policies on gender equality officiated across the globe--moves beyond gender-based discrimination solely in the workplace to define it as a human rights issue prevalent in many spheres of life. Yet the bill also adopts the same language used in Title VII to categorize sexual harassment as discrimination “on the basis of sex”, though the United States has not formally ratified the Convention.

In the context of India, sexual harassment in the workplace would first be recognized as a specific issue within the confines of gender-based violence and labor rights through the Vishaka Guidelines as established by the Supreme Court in 1997 during the landmark case Vishaka vs. State of Rajasthan. But a legislative follow-up to these guidelines would only be executed in 2013 through the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. Before this specific resource, sexual harassment could only have been addressed through Section 354 and Section 509 of the Indian Penal Code which, while gender-specific, do not contextualize the situation in which violence or harassment has occurred.

While legal recourse has been established through these diverse models of legislation and policy, sexual harassment in the workplace continues to be a global issue largely unresolved and highly controversial. Contemporary movements such as #MeToo and #TimesUp have showcased how defining and recognizing sexual harassment continue to be the first challenge in this lengthy search for justice.

Resources

[Full Text: UN Convention on the Elimination of All Forms of Discrimination Against Women](#)
[U.S. Equal Opportunity Employment Commission - Sexual Harassment](#)
[Title VII of the Civil Rights Act of 1964](#)
[Siegel, R. “A Short History of Sexual Harassment” in *Directions in Sexual Harassment Law* \(2004\)](#)
[Vishaka Guidelines Against Sexual Harassment at Workplace \(1997\)](#)
[India - The Sexual Harassment of Women at Workplace Act, 2013, in English](#)