

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

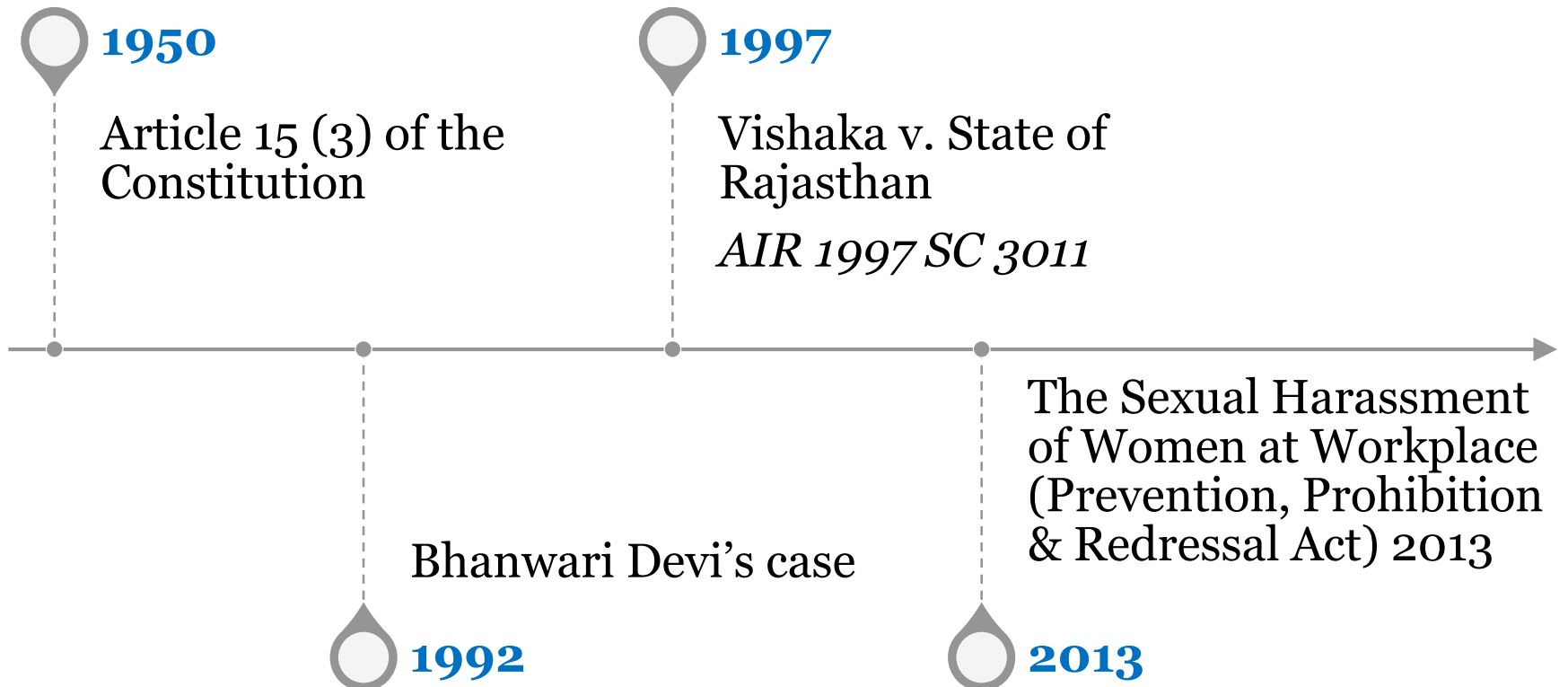
**sexual
harassment**

in the workplace

UNDERSTAND PREVENT RESPOND



EVOLUTION OF THE LAW



APPLICABILITY OF THE ACT

The Act only covers **women** – as victims of sexual harassment (aggrieved woman)

If **men** face sexual harassment, they can seek protection under the general law, service rules or if the workplace has a specific policy

For the **third gender** they can seek protection under the general law, service rules or if the workplace has a specific policy

IMPORTANT DEFINITIONS

Aggrieved Woman

Workplace

Employer



SEXUAL HARASSMENT



Physical Contact & Advances

Demand or request for Sexual Favours

Sexually Coloured Remarks

Showing Pornography

Verbal or Non-Verbal Conduct of Sexual Nature

Quid pro quo or hostile work environment

Defined by its impact on the recipient rather than the intent of the harasser

SEXUAL HARASSMENT



Implied or explicit promise of preferential treatment in her employment

Implied or explicit threat of detrimental treatment in her employment

Implied or explicit threat about her present or future employment status

Interference with her work or creating an intimidating, offensive, hostile work environment

Humiliating treatment likely to affect her health or safety

REDRESSAL MECHANISM

Internal Complaints Committee (ICC)

- Mandatory for establishments with 10 or more employees
 - In case of multiple branches / units the ICC should be set up at every unit
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Local Complaints Committee (LCC)

- Unorganised sector
 - At the District Level
-

Option of approaching the Police



DUTIES OF THE EMPLOYER

Promote	A gender sensitive & safe space. Remove factors that contribute towards a hostile work environment
Formulate & Disseminate	A Policy against Sexual Harassment at Workplace
Organize	Awareness programmes to sensitize employees
Create	Employee forum for dialogue
Include	Sexual Harassment as a "misconduct" under the Service Rules
Display	Penal consequences of Sexual Harassment
Provide	Assistance to the woman if she chooses to file a complaint under the IPC or any other law

DUTIES OF THE EMPLOYER

Display	Order constituting ICC
↓	
Organise	Orientation Programmes for members of ICC
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Declare	Names and contact details of members of the ICC
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Facilities	Provide necessary facilities to the ICC for conducting an inquiry
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Assist	In securing attendance of the Respondent & other witnesses
↓	
Co-operate	Make available any information to the ICC requires for the enquiry
↓	
Monitor	Timely submission of reports by the ICC

PENALTIES

Employer fails to:

- Constitute an Internal Complaints Committee
- Take action on an Inquiry Report
- Punish for false or malicious complaints
- Include information in the Annual Report

Punishable with a **fine of up to Rs. 50,000/-**

Repeated violations will result in cancellation of licence or registration to conduct business



PROCEDURE & OUTCOMES

Composition of ICC

Time period for submission of Complaint

Procedure for Complaint

Conciliation

Action during pendency

Time period for completion of enquiry

Outcome of enquiry

Confidentiality
