

**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act
2013**

The institutionalization of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (referred to as the Act) that received the President's assent in April 2013 and was further notified in December 2013 is a landmark move by the Indian parliament. The Criminal Law Amendment Act 2013 Section 354A, 354B, 354C, 354D further supports the Act.

Do you really need to take note of the Act? Yes, and here's why...

- It is a legislative Act designed to protect women against sexual harassment at the workplace.
- It is mandatory for all establishments, employing 10 or more employees, to form an Internal Complaints Committee.
- There should be one external member from an NGO or other women's association or a person familiar with issues of sexual harassment in the committee.
- The employer is duty bound to provide assistance to the woman if she wishes to file a complaint under the Indian Penal Code.
- The employer needs to take action against false or malicious complaints.
- Upon the request of the woman, the employer needs to provide relief such as transfer the victimized woman or the accused to a different work location or grant leaves to the woman for up to a period of three months or any other relief as appropriate.

The Act aims to provide protection against sexual harassment of women at the workplace and the prevention and redressal of complaints of sexual harassment and for connected matters. The provisions laid under the Act aim to protect the interest of all women employees and fuel the adoption of good governance practices.

The implications and impact of the Act on the employer are as follows:

What is sexual harassment?

“Sexual harassment” includes unwelcome acts or behaviour (whether directly or by implication) such as physical contact and advance, a demand or request for sexual favours, making sexually colored remarks, showing pornography etc.

Who does the Act apply to?

Applies to an “aggrieved woman,” which is a woman, of any age and whether employed or not, who alleges to have been subjected to any act of sexual harassment.

Who is responsible for implementing the provisions of the Act?

Employer’s responsibility:

- Provide a safe working environment
- Constitute the Internal Complaints Committee (ICC)
- Display the penal consequences of SH at a conspicuous place in the workplace
- Organise orientation programmes for the members of the Internal Complaints Committee
- Organise awareness programmes for employees

Where is it applicable?

At the “workplace,” which includes “any place visited by the employee, arising out of, or during the course of employment, including transportation provided by the employer”

What does it mean for covered companies?

Employer’s accountability

The Act deems the employer responsible and accountable to provide a safe working environment. Failure to perform these duties would result in conviction or a fine. Repeat conviction will result in double the amount of fine with penalty in the form of cancellation of the company’s licence, withdrawal of the registration.

Establishment of an Internal Complaint Committee (ICC)

The provisions of the Act mandate the constitution of an ICC for all organizations with more than 10 employees. Different ICCs are required in case there are multiple offices. It is mandatory for the employer to organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of the Act. The employer also needs to hold orientation programs for the members of the ICC. The employer is required to form a Grievance Redressal Mechanism so that women employees can approach the organization and voice their concerns around possible instances of harassment at the workplace.

Orientation programs

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Set up a Grievance Redressal Mechanism.

The employer is required to form a Grievance Redressal Mechanism so that women employees can approach the organization and voice their concerns around possible instances of harassment at the workplace.

Following the complaints procedure Reporting and inquiry report

An “aggrieved woman” can file a complaint of sexual harassment in writing within a period of three months from the date of such incident.

Reporting and inquiry report

On the completion of an inquiry, the ICC will be required to provide a report of its findings to the employer within 10 days of completion of inquiry. The employer is also required to monitor timely submission of reports by the ICC. The employer has to act upon the recommendations within 60 days of the report date.