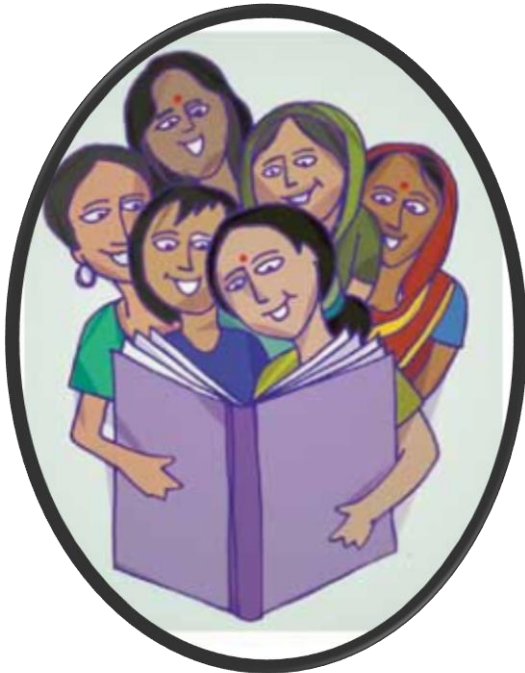


SEXUAL HARASSMENT OF WOMEN AT WORK PLACE



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Sexual Harassment at Workplace

First step to prevent is recognition

Workplace sexual harassment is behaviour that is

Unwelcome – sexual in nature – A subjective experience- Impact not intent is what matters – often occurs in a matrix of Power



Forms of Sexual Harassment at workplace

Generally workplace sexual harassment refers to two common forms of *inappropriate behaviour*:

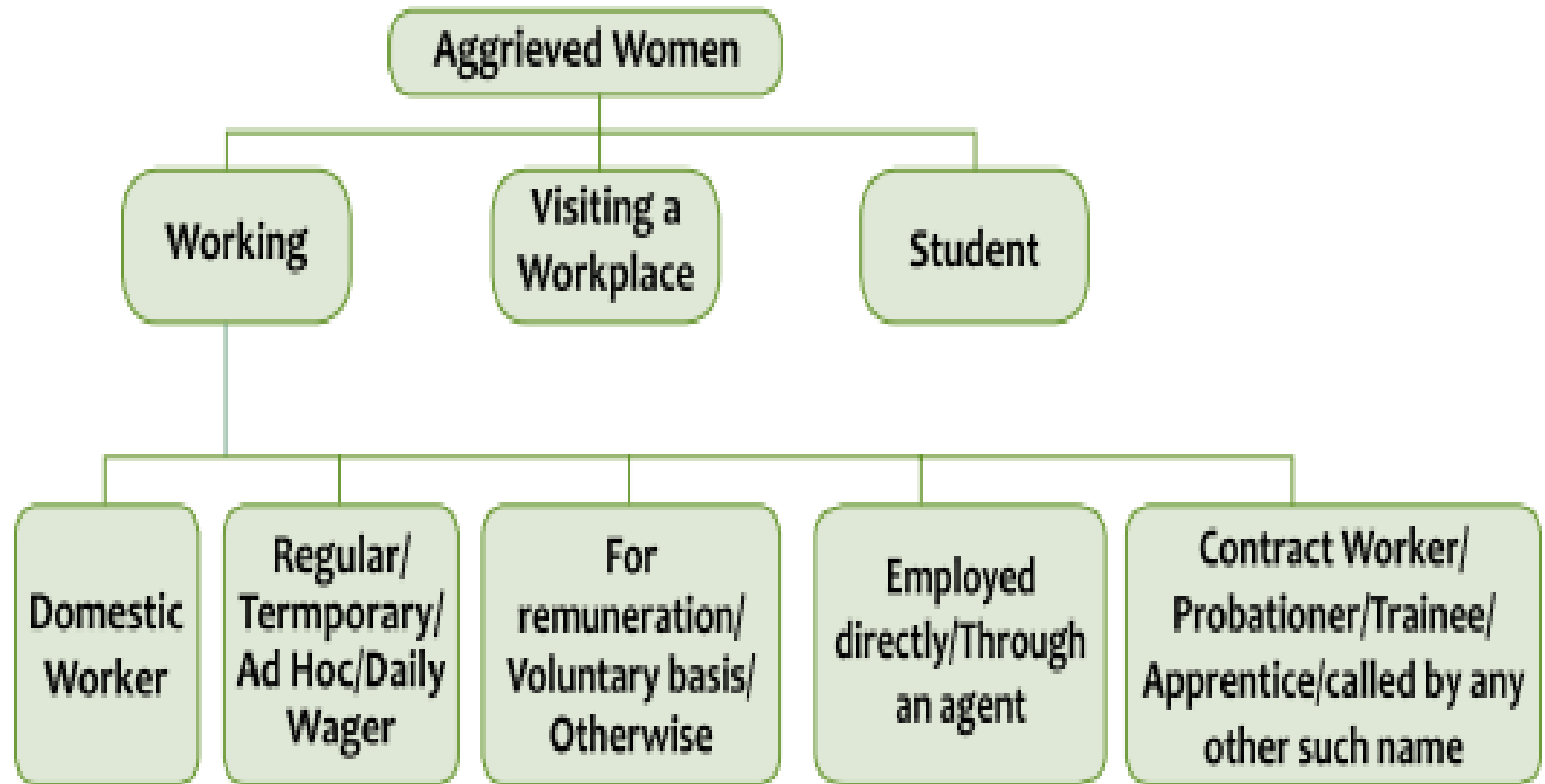
Quid Pro Quo (literally 'this for that')

- Implied or explicit promise of preferential/detrimental treatment in employment
- Implied or express threat about her present or future employment status

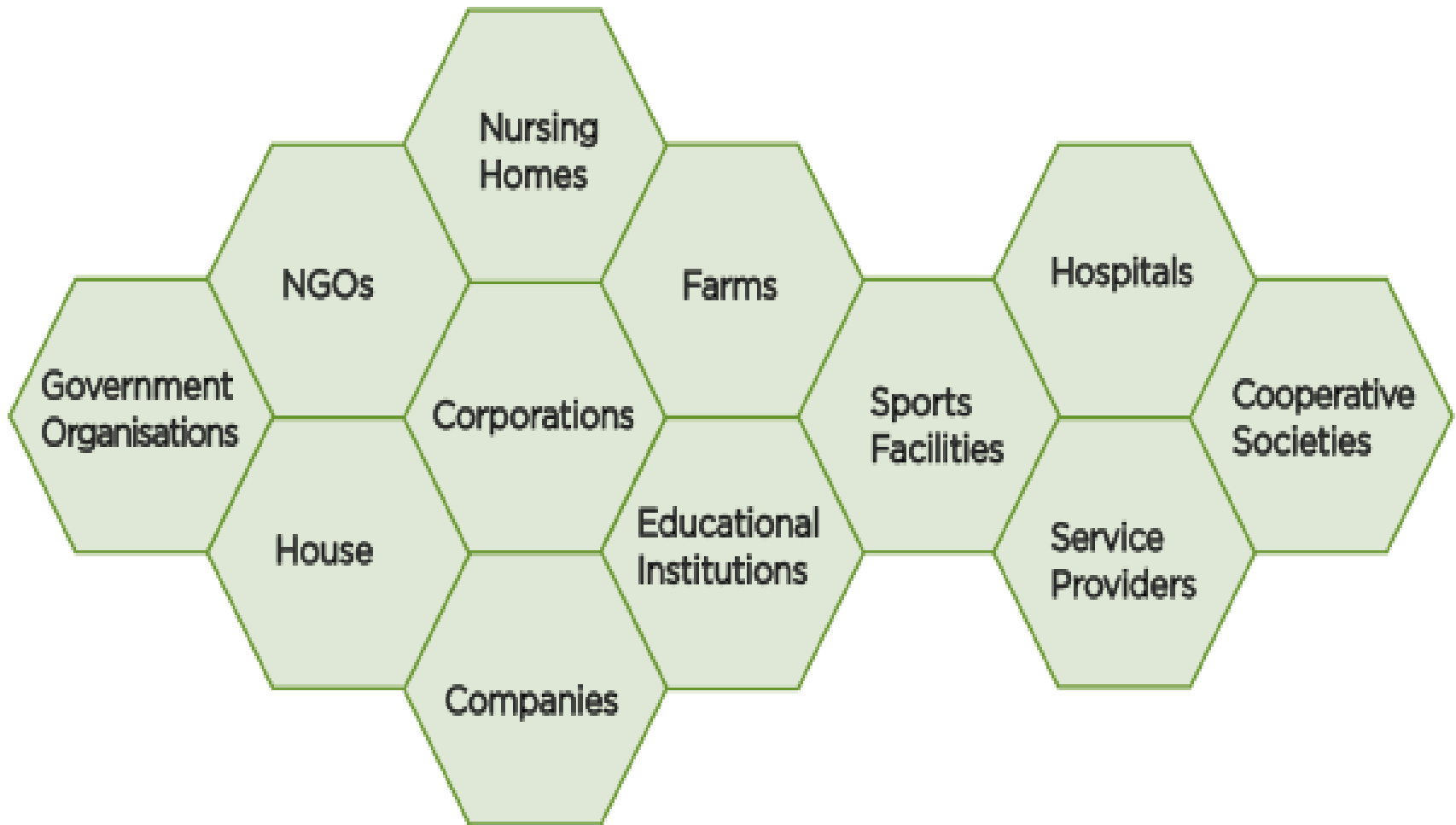
Hostile Work Environment

- Creating a hostile, intimidating or an offensive work environment
- Humiliating treatment likely to affect her health or safety

Who is an aggrieved women



What is workplace



Internal Complaints Committee

#	Member	Eligibility
1	Chairperson	Women working at senior level as employee; if not available then nominated from other office/units/ department/ workplace of the same employer
2	2 Members (Minimum)	From amongst employees committed to the cause of women/ having legal knowledge/experience in social work
3	Member	From amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment

Where the office or administrative units of a workplace are located in different places, division or sub-division, an ICC has to be set up at every administrative unit and office.

ICC/LCC ARE MANDATORY

The employee who had a fundamental right to a workplace free of sexual harassment, had complained about sexual harassment. According to the Court, had the organisation complied with the Vishaka Guidelines and set up such a Complaints Committee, the preventative benefit would have been three-fold:

1. Ensured a place where women employees could seek redress;
2. Sent a clear message to the workplace that such complaints would be enquired into by a specially designated committee with external expertise;
3. Prevented a series of litigation that followed.

Hence, the Madras High Court awarded Rs. 1.68 crores in damages to an employee for the non-constitution of a Complaints Committee by the employer, as per the Vishaka Guidelines (at the time of the complaint, the Sexual Harassment of Women at Workplace Act 2013 had not been enacted).

Ms. G v. ISG Novasoft Technologies Ltd. Madras High Court (Crl.R.C.No.370 of 2014 order dated 02.09. 2014. Original Petition No.463 of 2012

Due to non-reporting character of the crime, the sexual harassment does not come to the social light. So, these are considered as the “Dark figures of crime” and “Noiseless crime”. These figures point out the seriousness of the danger to woman workers at workplace.

On Receipt of complaint

Upon receipt, the complaint should be reviewed for:

1. In the context of workplace that the sexual harassment complaint is to be met with under the Handbook on Sexual Harassment of Women at Workplace Act, such as, Service Rules, Workplace Policy, Vishaka Guidelines and related laws.
2. Clarity in the complaint.
3. Additional information needed from the complainant.

Timelines

- Submission of Complaint Within 3 months of the last incident
- Notice to the Respondent Within 7 days of receiving copy of the complaint
- Completion of Inquiry Within 90 days
- Submission of Report by ICC/LCC to employer/DO
Within 10 days of completion of the inquiry
- Implementation of Recommendations Within 60 days
- Appeal Within 90 days of the recommendations

Reporting-

PROFORMA-A

1. Whether complaints Committee constituted
2. If so date of creation of the Committee
3. Name and designation of the Head of the committee
4. Name of the Members/ Designation
5. Senior officer nominated to Receive Complaints/Name And Designation
6. NGO who has been involved For redressed of complaints as 3rd party

PROFORMA-B- Case wise proforma

1. Name of the complainant
2. Office in which she works / workplace
3. Date of receipt of complaint
4. Persons against complaints is Lodged
5. Nature of complaint
6. Date of addressing the complaint
7. Action taken
8. Present status

Report Submission

Project Director

Department of Women Development and Child
Welfare

District*****

Penalties

An employer can be subjected to a penalty of up to INR 50,000 for:

- Failure to constitute Internal Complaints Committee
- Failure to act upon recommendations of the Complaints Committee;
or
- Failure to file an annual report to the District Officer where required;
or
- Contravening or attempting to contravene or abetting contravention of the Act or Rules

Where an employer repeats a breach under the Act, they shall be subject to:

- Twice the punishment or higher punishment if prescribed under any other law for the same offence.
- Cancellation/Withdrawal/Non-renewal of registration/license required for carrying on business or activities

6 Simple Steps

1. Make sure there is a policy that has been “effectively” communicated to all workers, irrespective of whether they are paid or volunteers.
2. Display details of both informal and formal ways available to a worker to address/complain about workplace sexual harassment.
3. Undertake orientation on workplace sexual harassment for all workers in respective organizations, establishments or institutions.
4. A Complaints Committee which is trained in terms of skill and capacity is critical for building trust.
5. Encourage senior persons/leaders/supervisors or any person who can influence employment-related decisions, to become role models.
6. Men and women should be included in building a culture which no longer tolerates workplace sexual harassment.

What VMM is doing

1. Create and communicate a detailed policy;
2. Ensure awareness and orientation on the issue;
3. Constitute Complaints Committee/s in every workplace and district so that every working woman is provided with a mechanism for redress of her complaint(s);
4. Ensure Complaints Committees are trained in both skill and capacity;
5. Prepare an annual report and report to the respective state government;
6. Be a part of ICC / LCC



LET US JOIN TO MAKE A DIFFERENCE...