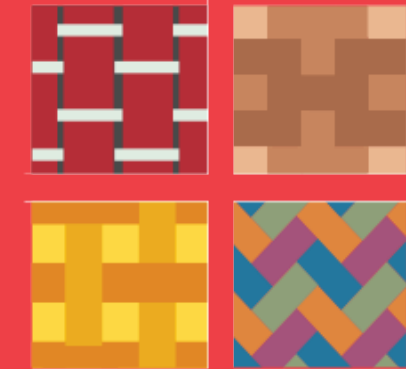




Hanns  
Seidel  
Stiftung



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



# CONTEXT

Sexual harassment is regarded in Indian law as a violation of human rights, especially a woman's constitutional right to equality (Article 14), right to life and personal liberty (Article 21) and right against discrimination (Article 15). The experience of sexual harassment at workplaces can amount to profound psychological, social, economic and professional distress for a woman, thereby impeding her well-being at work and at home on an everyday basis.

**A combination of several factors – workplace hierarchy and unequal power structures, economic compulsion, social stigma and fear of intimidation – often prevent women from raising their voice and filing a complaint against such discrimination.**

**Given the widespread yet invisible extent of sexual harassment at workplaces – be it Indian hockey, Bollywood, corporates, media houses, educational institutions or private homes – the Sexual Harassment Act 2013 was enacted by the Ministry of Women and Child Development to provide protection to women at workplaces and to institute a redressal mechanism.**

The force behind such a law was the 1997 judgment in the Vishaka Case, which laid down policy guidelines to safeguard women's constitutional rights at the workplace.





# KEY PROVISIONS

## DEFINITION OF SEXUAL HARASSMENT:

The Act includes any direct or implied sexually unwelcome behaviour – be it physical contact and advances; demand for sexual favours; sexually coloured remarks; showing pornography; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature. Direct or implied promise of preferential treatment in matters of employment; interference with work, leading to intimidating or hostile environment; humiliating treatment or threats about a woman's present or future employment too qualifies as sexual harassment.

## **EXTENDED WORKPLACE**

**Includes not only your usual workplace but also introduces the idea of ‘extended workplace’ and safeguards the woman employee on deputation or while commuting through the employer’s bus.**

**The Act applies to both organised as well as un-organised sectors and includes all public and private sector bodies, NGOs, vocational, educational centres, hospitals etc.**

## **COMPLAINTS COMMITTEE:**

**It mandates that an Internal Complaints Committee (ICC) within the institutions and Local Complaints Committee (LCC) at the district level be established, by an order in writing.**

## **POWERS OF CIVIL COURT:**

**ICC and LCC to have powers equivalent to a civil court as per CrPC, including the authority to summon and examine any person concerned with the complaint.**

## **THREE MONTHS TO FILE COMPLAINT**

**Complaint, along with the supported documents and details of witnesses, to be submitted within three months from the incident.**

**Act also allows for friends, psychiatrists, co-workers and relatives to file the complaint on behalf of the complainant.**

## **CONFIDENTIALITY**

**Information furnished regarding the complaint and details attached to be kept confidential and excluded from the ambit of the Right to Information Act, 2005.**

# ACTION POINTS

**Should the Act have been gender-neutral, that is, addressed sexual harassment as an offence against both women and men?**

**What is the rationale behind addressing discrimination specific to women only?**

**The Act allows harassment complaints to be settled by conciliation between the parties. Does this put the complainant in a position of disadvantage?**

**What prevents organisations covered under this Act from constituting an Internal Complaints Committee? How can compliance be ensured and monitored, and what should be the composition of such Committees?**

**Are you and other employees at the workplace aware of this Act? If not, what measures can be taken to educate people about their rights and responsibilities under this Act?**

**Does your organization have any confidentiality provisions to ensure that there is a safe space to report complaints. If not, what steps can you take to ensure this?**

**What are the qualifications of members of the ICC? Do they have experience in dealing with such workplace harassment matters? Ask the organization about the procedures and practices of the constituted ICC.**

