

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

July 8, 2015

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

The Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Bill was introduced in the Lok Sabha on the 07th December, 2010. The objective of the Bill, stated therein is:

“To provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto”¹

The Bill was passed by the Rajya Sabha on the 26th February, 2013 and Lok Sabha on the 11th March 2013. The Act was notified on the 09th December, 2013.

Important Provisions of the Act

1. **Sexual Harassment:** The Act defines sexual harassment as any behaviour or acts including physical contact, demand/request for sexual favours, making sexually coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature. ²
2. **Sexual Harassment at workplace:** The Act prohibits sexual harassment at a workplace. The following behaviour are said to constitute sexual harassment at a workplace: implied or explicit promise of preferential treatment, threat of detrimental treatment, threat about present or future employment status, behaviour that creates an intimidating/offence/hostile work environment etc. ³
3. **Internal Complaints Committee:** The Act requires every employer to set up an Internal Complaints Committee(ICC) for every office/branch with more than 10 employees. The members of the committee include a senior woman employee, two or more employees, one member from an NGO working on women’s issues. It also specifies terms and conditions for members of the committee.⁴
4. **Local Complaints Committee:** The Act requires the District Officer(DO) in every district and block to constitute a Local Complaints Committee(LCC). The members include an eminent woman as the Chairperson, a woman working in the area, two members from an NGO working on women’s issues and a Protection Officer. In case of organisations without an ICC or where the complaint is against the employer, the LCC is responsible to address the complaint. ⁵
5. **Procedure for making complaints:** The Act specifies the procedures for making complaints to the committees. It obligates the committee to assist the complainant in filing the complaint. In some cases, it also enables the legal heir to file a complaint, on behalf of the complainant. Where a prima facie case exists, the Act requires the committee to forward the complaint to the police within 7 days. ⁶
6. **Inquiry:** The Act specifies that the committee concerned must attempt conciliation, however it prohibits monetary compensation as a basis for conciliation. Else, it has to initiate inquiry. The Act confers the committees with the powers of a Civil Court with respect to conducting an investigation. The committee has to submit the report of its findings to the employer/ DO within 90 days. ⁷
7. **Action on Inquiry Report:** The employer has to take action on the inquiry report in accordance with service rules. In absence of service rules, the employer has to compensate the complainant. The amount of compensation is arrived at by the concerned committee, taking factors such as mental trauma, pain, emotional distress caused, and/or expenses incurred by the complainant into consideration. The employer is liable to take action on the report within 60 days. ⁸
8. **False complaints:** Where the committee concludes that the complaint is false/malicious, the committee must direct the employer/DO to take action against the complainant. However, action cannot be taken for the inability to substantiate a complaint with adequate proof. ⁹
9. **Duties of an employer:** The Act makes an obligation on the employer to maintain a safe working environment, organise awareness programmes at regular intervals to sensitise employees with the provisions of the Act, make facilities to the ICC/LCC to conduct the inquiry. ¹⁰
10. **Other provisions:** The Act also makes other provisions pertaining to reporting requirements of committees, publicising the Act, penalties on employers for failing to comply with provisions of the Act. ¹¹

¹Ministry of Women and Child Development, *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, 2013, URL: <http://wcd.nic.in/wcdact/womenactsex.pdf> (visited on 07/07/2015).

²See Section 2(n) of the *Sexual Harassment of women at workplace Act, 2013*

³See Section 3 of *Sexual Harassment of women at workplace Act, 2013*

⁴See section 4 of *Sexual Harassment of women at workplace Act, 2013*

⁵See Section 5-8 of *Sexual Harassment of women at workplace Act, 2013*

⁶See Sections 9-11 of *Sexual Harassment of women at workplace Act, 2013*

⁷See Section 12-18 of *Sexual Harassment of women at workplace Act, 2013*

⁸See Section 13-15 of *Sexual Harassment of women at workplace Act, 2013*

⁹See Section 14 of *Sexual Harassment of women at workplace Act, 2013*

¹⁰See Section 19 of *Sexual Harassment of women at workplace Act, 2013*

¹¹See Section 20-30 of *Sexual Harassment of women at workplace Act, 2013*

