

# SEXUAL HARASSMENT AT WORKPLACE ACT

Parliament passed the Act in February and it came into effect on 9th December, 2013

## ♦ What constitutes Sexual Harassment

- ♦ Physical contact and advances
- ♦ A demand or request for sexual favors
- ♦ Making sexually colored remarks
- ♦ Showing pornography
- ♦ Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

## Organizations covered - public and private organizations including educational institutions, hospitals employing more than 10 workers

All such organizations must set up an Internal Complaints Committee (ICC)

- ♦ ICC will comprise of a Presiding officer and 3 members, nominated by the Organization. 50% of nominated members must be women
- ♦ In case of organization with less than 10 employees, complaints can be lodged with Local Complaints committee (LCC) to be set up at the district level
- ♦ An employer can be fined Rs. 50,000 in case of violation of his duties under the Act
- ♦ Complaints of sexual harassment can be filed within three months
- ♦ The committee will have to complete the inquiry within 90 days

- ♦ Once inquiry is completed, report to be sent to employer or district officer
- ♦ Employer/district officer are mandated to take action on the report within 60 days
- ♦ The ICC and LCC can recommend withholding promotions, salary and even terminations of service if a charge of sexual harassment is proved.
- ♦ Committee can also revoke; suspend any license or registration of an organization/employee

## ♦ What happens If a person is found guilty

- ♦ If an individual is held guilty by the complaints Committee, action will be taken for sexual harassment as a misconduct in accordance with service rules and deduction of salary or wages such sum considered appropriate to be paid to the aggrieved woman or to her legal heirs.

## ♦ What happens in case of false or malicious complaints

- ♦ Action will be taken against the complainant in accordance with provisions of the service rules.



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**Contact ICC for further information and assistance**