

SEXUAL HARRASAMENT AT WORKPLACE



Women Work Participation

- ✓ 25.3% in Rural Areas;
- ✓ 14.7% in Urban Areas

How Common is Sexual Harassment at Workplace?

- ✓ 52% Women experience Sexual Harassment at Workplace;
- ✓ 25% touched without invitation;
- ✓ 20% experienced sexual advances;

Why Don't women report?

- ✓ 1 out of 5 do report it;
- ✓ 80% thinks outcome is poor;
- ✓ 16% said that the situation worsened after they reported;

What is Sexual Harassment?

- Sexual harassment is any unwelcome sexually defined behavior which can range from misbehavior of an irritating nature to the most serious forms such as sexual abuse and assault, including rape.
- The Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 defines sexual harassment to include any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - Physical contact and advances, Stalking,
 - A demand or request for sexual favors
 - Making sexually colored remarks, Using sexually abusive language or signs in the presence of woman employee;
 - Showing pornography, vulgar/indecent jokes, phone calls, text messages, e-mails,
 - Physical confinement or touches against the will and likely to intrude upon one's privacy; or Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

What is sexual harassment at workplace?

- Sexual harassment at the workplace is any unwelcome sexually defined behavior which has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, abusive or offensive working environment.

Physical Touch



Creating Hurdles



Any unwelcome
act



SEXUAL HARASSMENT AT A WORKPLACE

- Butt slapping, ogling, making sexual comments or sexual gestures
- Spreading sexual rumours about an employee
- Leaving sexual, romantic or unwanted gifts
- Repeating hugs or such unwanted touching
- Discussing an employee's sex life in front of another



Disclaimer: Non-sexual discrimination is another form of unlawful discrimination that falls under applicable employment laws.

NON-SEXUAL HARASSMENT AT A WORKPLACE:

- Making offensive gestures
- Negatively talking about someone's race, ethnicity or religion
- Wearing clothes that offend a particular ethnic group
- Ridiculing someone and sharing inappropriate jokes
- Passing comments on an employee's skin colour or ethnic traits.

What is at stake?

- Brand value – Negative Publicity;
- Decreased Morale and decreased efficiency of employees;
- Loss of money for non-compliance of provisions of law – *Madras High Court awarded Rs. 1.68 Crores in damages to an employee for Non-Constitution of ICC.*

Laws Governing Sexual Harassment

- The Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.
- Indian Penal Code (Section 209, 354, 376 and 509), 1860; and
- Industrial Employment (Standing Orders) Act, 1946

POSH ACT 2013

Sexual Harassment of Women at Workplace
(Prevention, Prohibition, and Redressal)
Act was passed in 2013



Employees Responsibility

- ✧ Understand
- ✧ Observe
- ✧ Examine
- ✧ Confront
- ✧ Resolve
- ✧ Support

Who is Employee?

Employee means a person employed by Company for any work and includes:-

- ✧ Employed on regular, temporary, ad hoc or daily wage basis;
- ✧ Either directly or through an agent, with or without the knowledge of the principal employer ;
- ✧ Whether for remuneration or not or working on a voluntary basis or otherwise;
- ✧ Whether the terms of employment are express or implied ; and Contractor, coworker, a contract worker, probationer, apprentice or called by any other such name .

What is Workplace?

Workplace includes:-

- ✦ All premises including Corporate Office, head office, branch offices and all other premises, locations, establishments, institutions, units, sites controlled directly or indirectly but he Company and/or where from business of the Company is conducted;
- ✦ All other premises where employees of the Company visit arising out of or during the course of their employment including official events; and
- ✦ Includes the transportation and accommodation, if any, provided by the Company for employees arising out of or during the course of employment for commutation or residence purposes.

Internal Complaints Committee

As per Government of India orders from time to time issued on women's issues, the following statutory committee is constituted to be named as the Internal Complaints Committee. This will be incorporated in the Bye-laws, and will have the mandate of elimination of all forms of discrimination/bias against women. The Committee will formulate IACS protocol on women's rights keeping in view of the Government guidelines. Members of the Committee

- ✦ Prof. Srimonti Sarkar : Chairman and External Expert
- ✦ Prof. Tanusree Kar : Advisor and Permanent Invitee
- ✦ Prof. Jyotirmoyee Dash : Member
- ✦ Prof. Deepak Sinha : Member
- ✦ Dr. Praveen Kumar : Member
- ✦ Dr. Anindita Das : Member
- ✦ Ms. Rita Bhattacharya : Lady NGO Member
- ✦ Ms. Shweta Mukherjee : Lawyer Member
- ✦ Ms. Sarbani Saha : Secretary

All complaints should be sent to internal_complain@iacs.res.in

What to do?

- ✦ Don't ignore it. In the hope that it will go away.
- ✦ Don't blame yourself and don't delay.
- ✦ Be sure to say 'No' clearly and firmly.
- ✦ Speak Out. Speaking out about sexual harassment is an effective tool in combating it.



RESPECT
EMPOWER
LISTEN
TRUST
SPEAK UP

SILENCE = ACCEPTANCE

What are the remedies?



- ✦ Any aggrieved woman employee may file a complaint with ICC for Redressal of her grievances.
- ✦ It is the responsibility of ICC to send notice to Respondents (against whom a complaint of sexual harassment has been made) within 7 (seven) working days.
- ✦ The Respondent shall file his reply to the complaint along with supporting documents.

Procedure of filing Complaint

Any aggrieved woman may make a complaint **in writing** with any member of ICC

- ✦ at the **prescribed contact details**,
- ✦ preferable **within a period of 3 months** of the date of incident of sexual harassment or in case of series of incidents, within a period of 3 months from the date of last incident.
- ✦ The Complainant shall file **minimum six copies** of the complaint.
- ✦ The complaint shall consist of name of the Respondent(s), date and details of incident of sexual harassment, name and details of witness, if any, along with the supporting documents.

Procedure of Enquiry

CONCILIATION –

- ✦ The ICC may, before initiating an inquiry, at the request of the Aggrieved Woman, take steps to settle the matter between her and the Respondent.
- ✦ No monetary settlement shall be made as a basis of conciliation.
- ✦ The settlement terms shall be recorded in writing and forwarded to the Board of Directors of the Company. Copies of the same shall be provided to the Aggrieved Woman and the Respondent.
- ✦ Where a settlement has been arrived at, no further inquiry shall be conducted by the ICC.

Procedure of Enquiry

ENQUIRY—

- ✦ In case, conciliation is not possible, ICC shall investigate the complaint and provide its report, as promptly as possible, but not later than 90 working days from the date of the Complaint.
- ✦ The ICC shall follow principles of natural justice in all its proceedings.
- ✦ Complete confidentiality shall be maintained, unless required by law.
- ✦ A copy of the Complaint as recorded by ICC shall be given to the Respondent as well as the Complainant.
- ✦ The Respondent shall submit his response to the Complaint as well as to indicate whether the Respondent wishes the ICC to examine any witnesses or furnish any evidence.
- ✦ The Complainant shall also indicate in writing whether the Complainant wishes the ICC to examine any witnesses or furnish any additional evidence.

Procedure of Enquiry

- ✦ Upon receipt of the responses from the Respondent and the Complainant, the ICC shall conduct a hearing, where both the Complainant and the Respondent shall be heard in person.
- ✦ ICC shall be empowered to call upon such of the Employees who may have been witness to the incident(s) of Sexual Harassment and/or connected in any manner thereto.
- ✦ All Employees shall extend their fullest co-operation to ICC.
- ✦ Upon completion of the hearing, the ICC shall prepare its complete report, setting out its recommendations on the disciplinary action(s) to be taken against the Respondent or Complainant (as the case may be).

Punishment for Sexual Harassment

- ✦ To take action for sexual harassment as an act of misconduct in accordance with the rules/regulations of the Company governing 'conduct and discipline' as applicable to the Respondent; **and/or**
- ✦ To deduct such amounts from the salary or wages of the Respondent as may be considered appropriate to be paid to the Complainant as per the Policy of the Company.
- ✦ Section 354, 354 A, 354B, 354 C, 354 D and 509 of Indian Penal Code, 1860 provides for punishment for offences of outraging the modesty of woman, sexual harassment, disrobe, voyeurism, stalking and insulting the modesty of woman respectively and the punishment ranges between rigorous imprisonment from 1 to 3 years AND fine or both.

Punishment for Malicious Compliant or False Evidence

If an Employee is found to have raised a malicious or false Complaint or given any false evidence, such complainant or such person making evidence may also be subject to :-

- ✦ Appropriate disciplinary action, which may include termination of employment, engagement or relationship with the Company, as the case may be.

What can you do.....

- Be Professional all the time;
- Set a positive example;
- Think before making personnel comments;
- Be supportive of people who wish to talk about being sexually harassed;
- Direct them to the appropriate persons/authorities;
- Hold the harasser accountable for his actions. Don't make excuses for him;
- Demand that the harassment be stopped;
- Report sexual harassment to responsible person in the organization.



I WON'T BE SILENCED

**sexual
harassment**

**SAY
NO!**



THANK YOU