

# Sexual Harassment Women at Workplace Act, 2013

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**In News:** This act was enacted in April 2013 as India's first law dealing with the protection of women against sexual harassment at workplace.

## What is Sexual Harassment?

- Sexual harassment is any unwelcome sexually defined behaviour which can range from misbehaviour 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 behaviour (whether directly or by implication) namely
  - Physical contact and advances
  - A demand or request for sexual favours
  - Making sexually coloured remarks
  - Showing pornography
  - 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 behaviour 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.

## Provisions Under Act

- This Act aimed to provide **every woman, irrespective of her age or employment status**, a safe and secure working

environment free from all forms of harassment.

- This Act **covered both the organized and unorganized sectors in India.**
- The statute applied to all government bodies, private and public sector organizations, non-governmental organizations, organizations carrying out commercial, vocational, educational, entertainment, industrial, financial activities, hospitals etc.
- **This Act defined 'sexual harassment' in line with the Supreme Court's definition in the Vishaka Judgment.**
- The Act extended the meaning of the word sexual harassment to include "presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment, threat of detrimental treatment in employment, threat about present or future employment, interference with work or creating an intimidating or offensive or hostile work environment, or humiliating treatment likely to affect the lady employee's health or safety could also amount to sexual harassment".
- The Act also **introduced the concept of 'extended workplace'** since sexual harassment is not always confined to the primary place of employment. Therefore, the Act defined 'workplace' to include any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for the purpose of commuting to and from the place of employment.
- The Act **provided for the establishment of Internal Complaints Committee (ICC)** at each and every office or branches of the organization employing 10 or more employees, in order to provide a forum for filing complaints to facilitate fast redressal of the grievances pertaining to sexual harassment.

It also **provided for the establishment of local complaints committee (LCC)** at the district level by the Government to

investigate and redress complaints of sexual harassment of the unorganized sector or from those establishments where the ICC has not been constituted for the reason being, it having less than 10 employees

### **Vishakha Judgement**

The Supreme Court in 1997 in the case of Vishakha vs. state of Rajasthan provided the first authoritative decision of 'sexual harassment' in India; and confronted with a statutory vacuum, it went creative and proposed the route of 'judicial legislation'.

It laid down the requirements for employers dealing with complaints of sexual assault and stipulated the formation of committees to dispose of complaints from victims of harassment. These guidelines came to be known as Vishakha Guidelines.

### **Vishakha Guidelines**

Some of the general points of the Vishakha judgment

Gender equality includes protection from sexual harassment and the right to work with dignity as per our constitution.

Extra hazard for a working woman compared to her male colleague is a clear violation of the fundamental rights of Gender Equality & Right to Life and Liberty.

In no way should working women be discriminated at the workplace against male employees (If a woman is, then it must be documented in company policies, for example, limitation of women in police and armed forces.)

Safe working environment and working with full dignity is the fundamental right of working women. The right to work as an inalienable right of all working women.

SC also recommended a Complaints Committee at all workplaces, headed by a woman employee, with not less than half of its members being women. All complaints of sexual harassment by any woman employee would be directed to this committee.