



# Women at Work: Sexual Harrasment Act

The number of workplace sexual harassment cases reported in India increased 54% from 2014 to 2017.

-Scroll.in





## HOW DID IT BEGIN

Vishaka Guidelines were laid down by the Supreme Court of India in 1997. These define sexual harassment and impose three key obligations on Institutions: Prohibition, Prevention, and Redressal.

The Sexual Harassment of Women at Workplace Act was passed in 2013 based on Vishaka guidelines. It defines sexual harassment, lays down the procedures for a complaint, inquiry, and the action to be taken.



## HOW DOES THE ACT DEFINE SEXUAL HARRASMENT

Sexual harassment according to the Act includes unwelcome acts or behaviours committed directly or by implication, which are:

- Physical contact and advances
- A demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature



## WHAT ARE THE MANDATES THIS ACT PURPOSES

Creation of an Internal Complaints Committee (ICC) at every workplace with 10 or more employees.

Establishment of a Local Committee (LC) under the redressal mechanism in every district for the unorganized sector to tackle complaints.

Protection of the rights of all women, working or visiting a workplace, who claim to have experienced any act of sexual harassment.



## VULNERABILITIES IN THE UNORGANISED SECTOR

95% of working women are employed in the unorganized sector.

These women are more vulnerable to sexual exploitation due to poverty, lack of awareness of legislation, illiteracy, etc.

Ill-defined and indirect relationships between employer and employee due to a loose organizational structure in the unorganized sector makes the accountability of the employer dubious. This makes it difficult for women to claim their rights.



## **GAPS IN THE IMPLEMENTATION OF THE ACT**

Daily wage labourers and construction workers working on the streets do not come under any employer's jurisdiction and hence raise a question on how "workplace" is defined in the act.

Martha Farrell Foundation's 2018 campaign on the prevention of sexual harassment of women workers in the unorganised sector found that only 107 off 712 districts constitute a Local Committee, showing the utter lack of institutional implementation and mechanism.



## WHAT CAN BE DONE

Most importantly, there needs to be a shift in the perception of sexual harassment at workplaces as simply a women's issue to a labour issue that affects all.

Quality training of Employers, Employees, ICC and LC to increase awareness about the issue and their respective roles.

Setting up more LCs by taking out a separate budget for their functioning.



## WHAT CAN BE DONE

Workshops and awareness programs at regular intervals for women working in the unorganized sector. Formation of women worker's self-help groups.

Collection and publishing data annually on the number of incidents of sexual harassment at the workplace.

Making the criminal justice system more effective to deal with the cases relating to the exploitation of unorganized women workers.