

Sexual Harassment at Work



What Is Sexual Harassment?

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As defined in the Supreme Court guidelines (Vishakha Vs the State of Rajasthan, August 1997) Sexual harassment includes such unwelcome sexually determined behaviour as:

- **Physical contact**
- **A demand or request for sexual favours**
- **Sexually coloured remarks**
- **Showing pornography**
- **Any other unwelcome physical, verbal or non verbal conduct of a sexual nature e.g. Leering, dirty jokes, sexual remark about a person's body etc.**

Guidelines

It is the duty of the employer or other responsible persons in the work places or other institutions

- **to prevent sexual harassment, and**
- **to provide mechanisms for resolution of complaints.**

All women who draw a regular salary, receive an honorarium, or work in a voluntary capacity in the government, private sector or unorganised sector come under the purview of these guidelines.

Complaints Mechanism

- **All work places should have an appropriate complaints mechanism with a complaints committee, special counselor or other support services.**
- **The complaints committee must be headed by a woman and not less than half its members should be women.**

Complaints Mechanism

- **The committee should include an NGO/individual familiar with the issue of sexual harassment.**
- **The complaint procedure must be time bound.**
- **Confidentiality must be maintained.**
- **Complainants/witnesses should not experience victimization/discrimination during the process**

Preventive Steps

- **Sexual harassment should be affirmatively discussed at workers' meetings, employer-employee meetings, etc.**
- **Guidelines should be prominently displayed to create awareness of the rights of female employees**
- **The employer should assist persons affected in cases of sexual harassment by outsiders**

Preventive Steps

- **Central and state governments must adopt measures including legislation to ensure that private employers also observe guidelines.**
- **Names and contact numbers of members of the complaint committee must be prominently displayed.**

Employers' Responsibilities

- **Recognise sexual harassment as a serious offence**
- **Recognise the responsibility of the company/ factory/workplace to prevent and deal with sexual harassment at the workplace**

Employers' Responsibilities

- **Recognise the liability of the company etc. for sexual harassment by the employees or management. Employers are not necessarily insulated from that liability because they were not aware of sexual harassment by the staff.**

Employers' Responsibilities

- **Formulate an anti-sexual harassment policy. This should include**
 - 1. A clear statement of the employer's commitment to a workplace free of unlawful discrimination and harassment**
 - 2. Clear definition of sexual harassment (using examples), and prohibition of such behaviour as an offence**

Employers' Responsibilities

- **Formulate an anti-sexual harassment policy. This should include**
 3. **Constitution of a complaints committee to investigate, mediate, counsel and resolve cases of sexual harassment N.B. The Supreme Court guidelines envisage a pro-active role for the complaints committee and PREVENTION of sexual harassment at work is a crucial role. It is thus imperative that the committee must consist of persons who are sensitive and open to the issues faced by women.**

Employers' Responsibilities

- **Formulate an anti-sexual harassment policy.** This should include
 4. **A statement that anyone found guilty of harassment after investigation will be subject to disciplinary action.**
 5. **The range of penalties that the complaints committee can levy against the offender.**

Employers' Responsibilities

- **Formulate an anti-sexual harassment policy.** This should include
 - 6. Explicit protection of the confidentiality of the victim of harassment and of witnesses**
 - 7. A guarantee that neither complainant nor witnesses will be subjected to retaliation**

Employers' Responsibilities

- **Publish the policy and make copies available at the workplace. Discuss the policy with all new recruits and existing employees. Third party suppliers and clients should also be aware of the policy.**
- **Conduct periodic training for all employees, with active involvement of the complaints committee.**

Employers' Duty

Freedom from sexual harassment is a condition of work that an employee is entitled to expect.

*Women's Rights at Workplace
are Human Rights*

