TACKLING THE MENACE OF SEXUAL HARASSMENT AT WORKPLACE

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SEXUAL HARASSMENT LAWS HISTORY

Year 1992, a Dalit women who was a social worker Bhanwari Devi employed with rural development programme of Rajasthan for prevention of child marriage was gang raped at work place.

This happen because she tried to prevent a child marriage in an upper caste family.

A case for rape was filed. The lower court in this case find the accused not guilty stating that people from upper caste cannot rape a woman from lower caste. Appeal was filed to High Court to Rajasthan.

SUPREME COURT INTERVENES

Some Non Government Organisations such as Vishaka, Jagory, Kali etc filed a PIL in Supreme Court taking a plea of Sexual Harassment at Workplace.

Supreme Court took the matter seriously and in the year 1997 provided the guidelines which is famously known as Vishaka Guidelines.

VISHAKA GUIDELINES

- What is Sexual Harassment – Definition
- Responsibility of Government and Employer towards the working women.
- Directed Government to pass an act for prevention of sexual harassment at workplace.
- Form Internal Complaint Committee for speedy disposal of complaints.

PROVISIONS IN THE CONSTITUTION

Constitution of India has provided some Fundamental Rights to every individual but because of the act of Sexual Harassment few rights are infringed upon. Such as:-

1. Right to equality
2. Right to freedom of trade and business
3. Right to live with dignity
4. Right to life and personal liberty
5. Right to safe environment

There is a responsibility of every individual to not only respect the dignity of a women but also to protect and uphold the dignity of a woman.

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PROVISIONS IN THE CONSTITUTION

संविधान के कुछ प्रावधान

- संविधान में सभी लोगों को कुछ मौलिक अधिकार दिए गए हैं, लेकिन यौन उत्पीड़न के कारण महिलाओं के कुछ अधिकार छिन जाते हैं। जैसे कि:
  1. समानता का अधिकार
  2. रोजगार और व्यापार करने का अधिकार
  3. सम्मान के साथ जीवन जीने का अधिकार

  इस कानून में सरकार और नियोक्ता की यह जिम्मेदारी बनती है कि वे इन सभी अधिकारों को सुनिश्चित करें और इसके उल्लंघन को रोकें।

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THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AN REDRESSAL) ACT,2013

- Objective – Provide protection against sexual harassment of women at workplace
- Redressal and prevention of Harassment.

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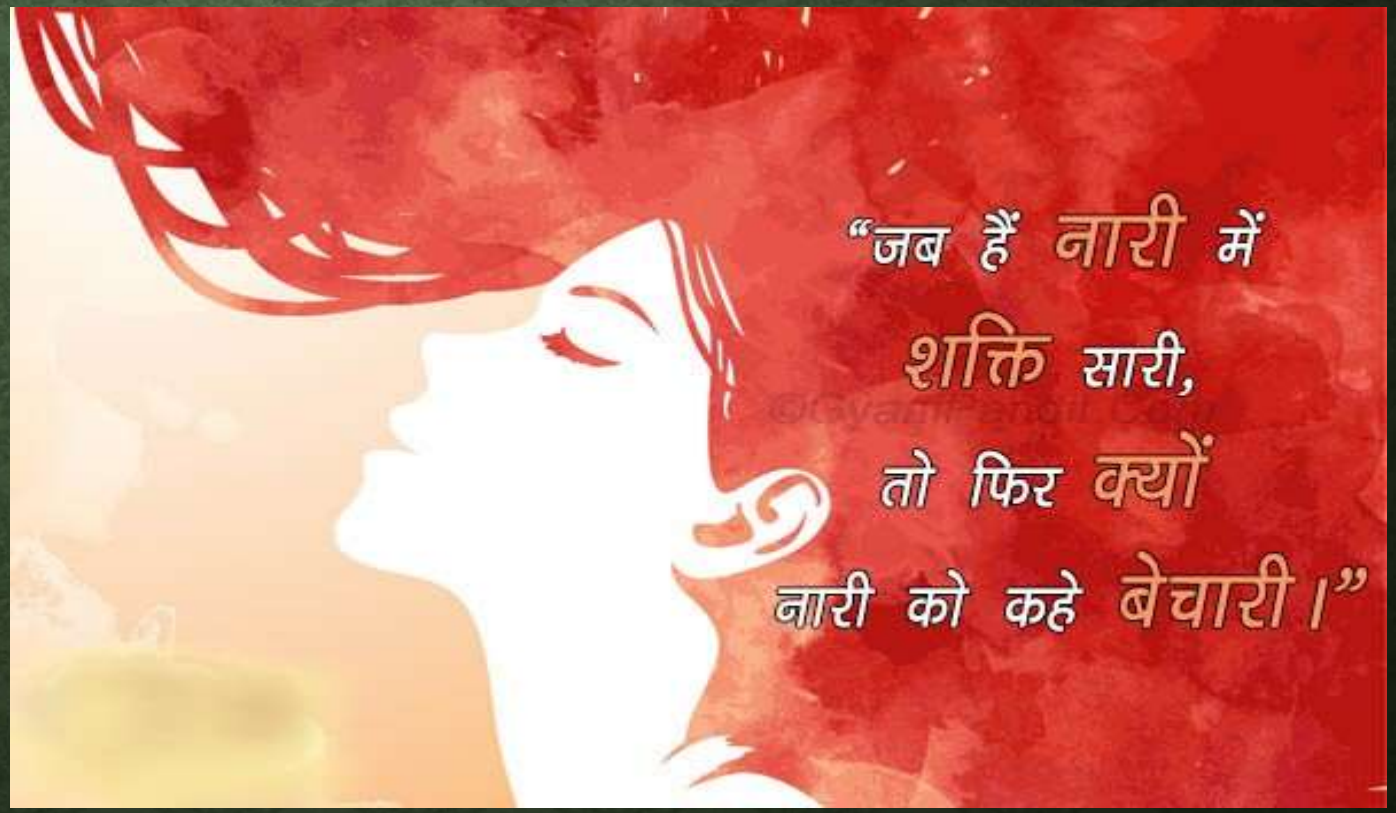
IMPORTANT TERMS UNDER THE ACT

- SEXUAL HARASSMENT
- WORKPLACE
- EMPLOYER
- EMPLOYEE



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IMPORTANT TERMS UNDER THE ACT

SEXUAL HARASSMENT

- The term Sexual Harassment has been defined under Section 2 (n) of the Act.
- It includes the following:

1. Physical contact and advances; or
2. A Demand or request for sexual favours; or
3. Making Sexually coloured remarks; or
4. Showing Pornography; or
5. Any other unwelcomed physical, verbal or non verbal conduct of sexual nature

OTHER WAYS OF SEXUAL HARASSMENT ACT AGAINST WOMEN

1. Making the environment around her unbearable to work with it.
2. Offering promotions in return of sexual favours.
3. Hampering with the career growth of the woman after declining sexual favour.

Sexual harassment has a devastating impact on the psychology of a woman. It impacts the work potential, the attitude towards the co-worker, overall development and personality of a woman.

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IMPORTANT POINTS TO REMEMBER

- Against the will of a woman.
- If the act is done with the permission of a woman then it cannot be considered as sexual harassment.
- Act of Sexual harassment is not determined by the intent of the accused but by the impact of such act on the woman.

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WORKPLACE

- The term workplace includes six different types of places:

1. Any Department, Organisation, Undertaking, Establishment, institution, office, branch which is established, owned, controlled or wholly or substantially financed by funds or directly or indirectly by the government.
2. Any private sector organisation., private venture, society, trust, NGO and undertaking.
3. Hospitals or nursing home.
4. Any sports institute, stadium, sports complex, or competition or games venue whether residual or not used.
5. Any place visited by the employee during the course of work.
6. A dwelling place or house.

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EMPLOYER

- Section 2 (g) defines the term Employer under the Act which includes:

1. Head of Office, Branch or Unit of the appropriate Government or a local authority the head of it.
2. Any person responsible for the management, supervision and control of the workplace.
3. Any person discharging contractual obligations with respect to his employees;
4. Owner or manager of the dwelling place or a house.

THE ECONOMIC TIMES, WEDNESDAY 03 OCTOBER 2018

- Congress Worker – Divya Spandana approached the Court against Chirag Patnaik for Sexual Harassment
- Court has summoned for February 2, 2019.
- Complaint stated that on many occasions she was physically harassed and unwelcome behaviour.
-

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"ME TOO"

- TANUSHREE DUTTA files a complaint against actor NANA PATEKAR alleging sexual harassment during the shooting way back in the year 2008 – "Horn OK Please"

- Whether these complaints should be entertained now??

- Any time limit for the complainant?

- Is this being misused by the Females??

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BBC
STOP
SEXUAL
ASSMENT

BOLLYWOOD AND SEXUAL HARASSMENT

- ANU MALIK – JUDGE OF INDIAN IDOL HAS RECENTLY STEPPED DOWN AFTER COMPLAINT OF SEXUAL HARASSMENT BY SHWETA PANDIT

TOOLS OF COMPLAINT

- INTERNAL COMPLAINT COMMITTEE: It has to be constituted at every place where 10 or more workers works.
- LOCAL COMPLAINT COMMITTEE: One in every District.

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TOOLS OF COMPLAINT

INTERNAL COMPLAINT COMMITTEE

- SECTION 4
  - More than 10 people working.
  - Responsibility on the owner of the company.
  - Internal Complaint Committee shall be formed in every branch of the company.
  - Internal Complaint Committee must have 4 core members presided by a woman presiding officer

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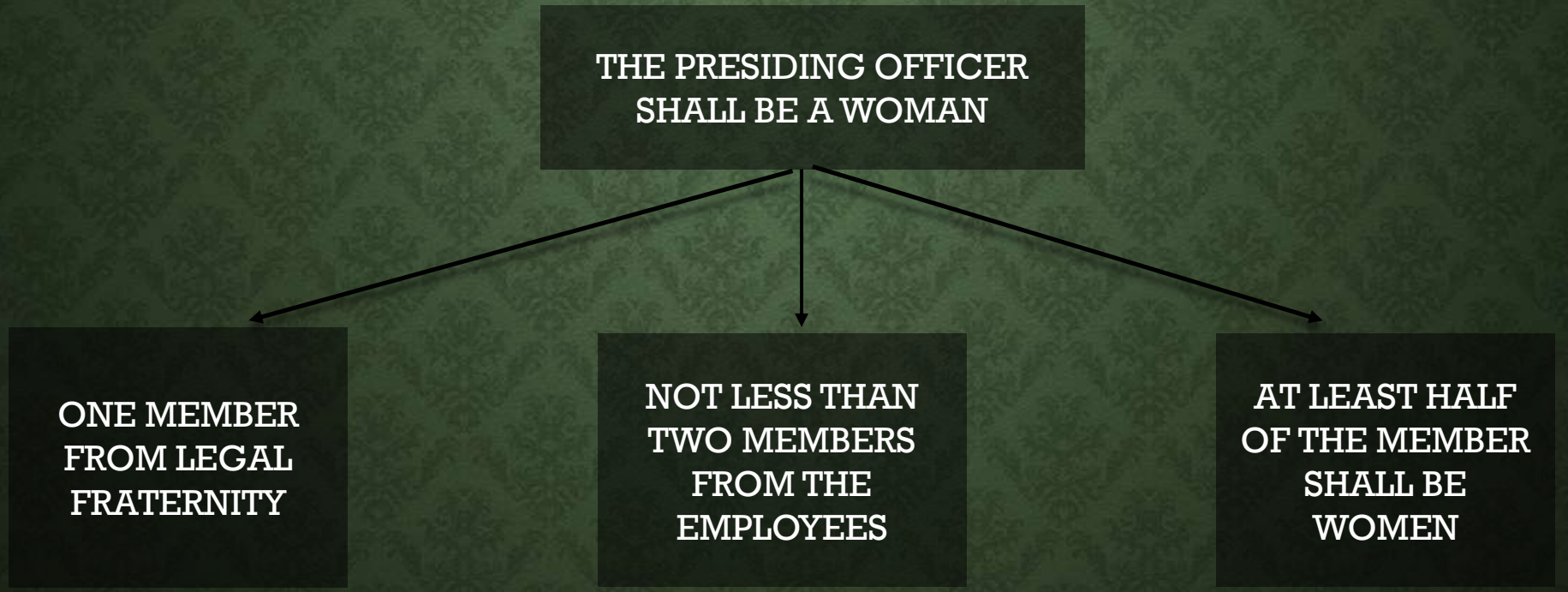
INTERNAL COMPLAINT COMMITTEE



- THE TIME DURATION OF HOLDING THE OFFICE IN INTERNAL COMPLAINT COMMITTEE SHALL BE A MAXIMUM OF 3 YEARS.

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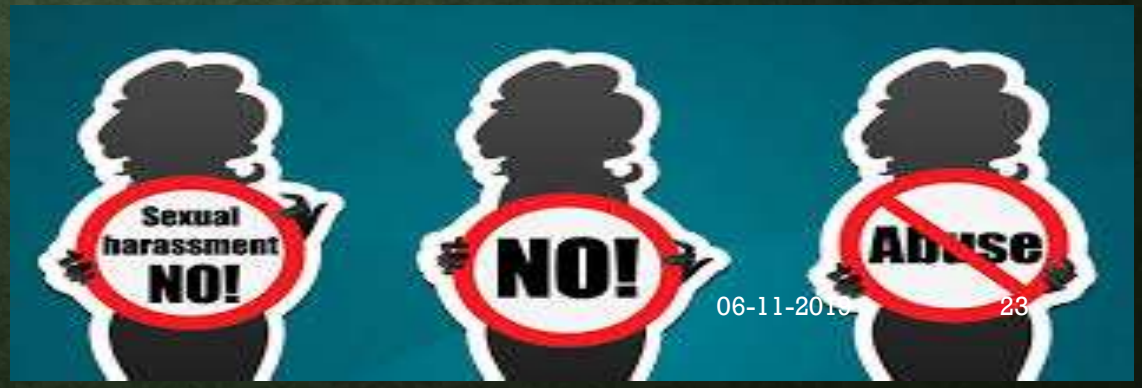
THE ECONOMIC TIMES, TUESDAY, 25 OCTOBER 2018

GOVERNMENT IS TAKING STEPS TO STRENTHEN SAFETY LAWS FOR WOMEN

- **MJ AKBAR recent resignation and Alok Nath's episode are a few which are being highlighted.**
- **Shows the rampant abuse which has not come to light.**
- **Government to take stringent measures for legal compliance**



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PROCEDURE OF COMPLAINT

- SECTION 9 OF THE ACT DEALS WITH THE PROCEDURE:

1. Any aggrieved woman has to file a complaint of sexual harassment within 3 months from the date of such act which can be relived with a period of additional 3 moths in case of special circumstances.
2. If required, the committee would be required to help the aggrieved woman to file the complaint.
3. If the aggrieved woman is not going well or has died then any other person can file the complaint who has knowledge about the incident.
4. Six copies of the complaint has to be submitted to the complaint committee.

COMPROMISE/SETTLEMENT

- If the aggrieved woman desires or wishes to compromise the issue with the accused before the investigation begins she is free to do so.
- The aggrieved woman cannot be forced to compromise or settle the issue with the accused or to take her complaint back.
- The Compromise or the settlement should not be based on monetary transaction.
- Once the settlement is done the Internal Complaint Committee shall record the settlement and forward the same to the employer.

INQUIRY INTO COMPLAINT

- Following are the steps of Inquiry Process (Section 11, 12 and 13)-

1. Once the complaint received, proceed with the process of preliminary inquiry or in case of domestic worker the complaint should be forwarded to the police.
2. Interim relief.
3. On completion of the inquiry a report of its finding the committee should submit to the employer within 10 days from the date of completion of inquiry.
4. Where the Committee arrives at a conclusion that the allegation against the respondent has been proved , it shall recommend to the employer or District Officer to take action against the misconduct or deduct salary, wages, of the respondent.
5. Where the employer is unable to deduct the amount the employer shall direct the respondent to pay the amount to the aggrieved woman.

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WHAT INTERIM RELIEF CAN BE PROVIDED

- Once the complaint is lodged there are different modes through which interim relief can be provided:

1. Transfer of the aggrieved woman or the respondent
2. Grant leave to the aggrieved woman up to a period of 3 months,
3. Any other relief to the aggrieved woman as may be prescribed

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FRIVOLOUS COMPLAINT

- If the committee come to know after inquiry that the complaint filed by the woman has been filed with a malafide intention against the respondent, the committee can initiate the inquiry against the woman from beginning.
- However, if the woman filing the complaint against the respondent is not able to give any evidence against the respondent because of which the allegations cannot be proved in that case there will be no inquiry against the woman.
- In order to initiate the inquiry against the woman it is essential to prove that the allegations was made with a malafide intention to defame the person or out of any personal grudge with the respondent.

RIGHT OF COMPLAINANT

- Respect the Complainant
- Confidentiality
- Not being judgmental
- No Character Assasination
- Explanation in the language she is comfortable
- Encourage her to bring friend or relative
- No pressure for job security
- Make her aware about her rights

RIGHT OF ACCUSED

- The accused should be provided an opportunity to be heard.
- A copy of the complaint and apt time to file the reply should be provided.
- The accused has every right to appeal in a court of law.

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COMMITTEE RESPONSIBILITY

- To go into the facts of the case carefully and try to dispose the case as soon as possible.
- In case of request from complainant, it should try to settle the issue between both the parties in accordance with the provisions of law.
- In case of no request for settlement or fail of compromise initiate the inquiry.
- For speedy disposal of case summon the witnesses and go through the documentary evidences presented before it.
- To initiate the inquiry within 90 days rom the date of complaint.
- To submit annual reports of such complaint of sexual harassment at work place to the district magistrate.

RESPONSIBILITY OF EMPLOYER

- Work Friendly environment
- Safe working place
- Details for inquiring the complaint.
- Create awareness among the employees, organising continuous workshops, training programmes and seminars relating to sexual harassment policies and rules.
- Details of Internal Complaint Committee which are required by it in order to speedy disposal of the case.

GOOGLE SEXUAL HARASSMENT POLICY

Employees dissatisfied with the Policy of Sexual Harassment

- Walked out

- Sundar Pichai- Amended the policy

- In an email to staff on Thursday, Sundar Pichai, the chief executive, said he was altering the sexual harassment policies because "as C.E.O., I take this responsibility very seriously and I'm committed to making the changes we need to improve."

SEXUAL HARASSMENT AT WORKPLACE

NCW has received 2,383 complaints between 2015 and 2018 so far

Maximum complaints between 2015 to 2018&

RISE IN COMPLAINTS

National Commission for Women has received 2,383 complaints pertaining to sexual harassment at workplace since 2015.

Numbers has increased and more than 750 complaints till October, 2018

With Awareness there has been rise in Complaints:

2015 – 522

2016 – 539

2017 – 570

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WHAT TO CHANGE

- RESPECT EACH OTHER
- EVALUATE ONLY PERFORMANCE BASED
- HELP AND ASSIST YOUR FELLOW WORKERS
- TEACH THE NEXT GENERATION TO RESPECT WOMEN
- BELIEVE IN EQUALITY
- NO BIASNESS FOR MALE AND FEMALE
- GOOD SOCIETY WOULD ELIMINATE THIS CRIME

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IT STARTS FROM HOME

कार्यस्थल पर यौन उत्पीड़न की शून्य सहनशीलता

आचार संहिता

यौन उत्पीड़न क्या है?

विशाखा एवं अन्य बनाम राजस्थान राज्य एवं अन्य में सुप्रीम कोर्ट द्वारा दिए गए दिशा निर्देशों के अनुसार यौन उत्पीड़न में सम्मिलित है नापसन्द आने वाले निम्नित यौन व्यवहार (चाहे परोक्ष रूप से हो अथवा सार्वरूप में) जैसे कि —

a) शारीरिक स्पर्श तथा काम सम्पर्क की अनुचित मांग अथवा प्रार्थना;
b) यौन -संवेदनी की यौन अथवा इशारेबाजी;
c) अश्लील चित्रण के द्वारा टीका टिप्पणी;
d) किसी आपत्तीजनक बातें-व्यवहार/कामुकी का प्रदर्शन;
e) उपरोक्त की प्रकृति की किन्हीं यौन संबंधी कोई भी अन्य शारीरिक, मौखिक या अमौखिक आचरण।

नियोक्ता दिशा निर्देशों का कर्तव्यों और अनुपालन

- सभी सरकारी, निजी क्षेत्र और असंगठित क्षेत्र।
- हर महिला जो नियमित रूप से वेतन ले रही है, अस्थायी (ऑनरेरियम) द्वारा सेवारी है या स्वैच्छिक क्षमता में काम करती है।

कार्यस्थल में सम्मिलित है :—

- कोई संस्थान, संगठन, उपक्रम, व्यवसाय, उद्यम, संस्था, कार्यालय, शाखा या इकाई जिसकी स्थापना, स्वामित्व, नियंत्रण, पूर्ण रूप से या आंशिक रूप से, सुनिश्चित सरकार या स्थानीय अथॉरिटी या सरकारी कंपनी या निगम या सहकारी समिति द्वारा प्रत्यक्ष अथवा अप्रत्यक्ष रूप से प्रदत्त धन द्वारा होता है।
- कोई निजी क्षेत्र का संगठन या निजी उद्यम, उपक्रम, एण्टरप्राइजेज सेक्टर, स्थापना, समिति, ट्रस्ट, गैर सरकारी संगठन, इकाई या सेवा प्रदाता, जो वाणिज्यिक, व्यावसायिक, शैक्षणिक, वैज्ञानिक, मनोरंजक, औद्योगिक या वित्तीय गतिविधियां कर रही हैं जिसमें उत्पादन, आपूर्ति, बिक्री, वितरण या सेवा सम्मिलित है।
- घर या निवास — स्थान, कोई भी जगह, वाहन (चाहे जल, भूमि, रेल या वायु) जहां पर कर्मचारी अपनी नौकरी के सम्बंध में जाए।

कार्यस्थल महिलाओं के अधिकार :—

- सुरक्षित और सक्षुरक्षा वातावरण में काम-धन्धा के साथ कार्य करना।
- यौन उत्पीड़न का निवारण।
- शिकायत समिति से सुरक्षाई एवं राहत।
- स्वयं या या अभ्यावेदकों का स्थानान्तरण करने की मांग करना।

नियोक्ता की जिम्मेदारी

- निवारण प्राथमिकता और यौन उत्पीड़न के कृत्यों को रोकना।
- संगठन के नियम और विनियम संशोधन किये जाए, ताकि यौन उत्पीड़न को दुर्व्यवहार माना जाए और करने वाले को दण्ड प्रदान किया जाए।
- विशाखा दिशा निर्देशों के सख्त और अनिवार्य कार्यान्वयन।
- विशाखा दिशा निर्देशों के आधार पर कार्यस्थल पर यौन उत्पीड़न की शून्य सहनशीलता प्रदर्शित करने के लिए नीति तैयार की जानी चाहिये।
- कार्यस्थल पर विशाखा दिशा निर्देशों की अधिसूचना प्रमुख स्थानों पर प्रदर्शित।
- समय समय पर यौन उत्पीड़न की रोकथाम पर कर्मचारी बैठकों और नियोक्ता-कर्मचारी बैठकों का आयोजन होना चाहिये।
- यौन उत्पीड़न के मामलों के व्यवस्थापन, निपटान और अभिनिर्णय की प्रक्रिया स्पष्ट होनी चाहिये।
- शिकायत समिति के सदस्यों के नाम और पहचानों को सार्वजनिक रूप से संचरण की नेमप्लेट और परिसर में प्रदर्शित किया जाए।
- निर्देशना कार्यों/दृष्टीय स्थानों से यौन उत्पीड़न का संज्ञान लेगी।

शिकायती निवारण तंत्र

- सभी कार्यस्थलों में यौन उत्पीड़न की रोकथाम और निवारण के लिए एक शिकायत समिति की स्थापना हो।
- शिकायत समिति में अध्यक्ष के रूप में महिला का यौन अधिकार है, न्यूनतम पचास प्रतिशत महिलाएं, गैर सरकारी संगठन या सक्षम विशेषज्ञ जो यौन उत्पीड़न के विषय से परिचित हो।
- पेपर कोलकाता 2004 में सुप्रीम कोर्ट के आदेश आदेश के अनुसार शिकायत समिति यौन अधिकारी का कार्य करेगी।
- शिकायत समिति के सदस्यों को कुशल, विश्वसनीय, प्रतिष्ठित, संवेदनशील और समझदार होना चाहिए।
- शिकायत प्रक्रिया समय सीमा के अन्दर और गोपनीय होनी चाहिए।
- शिकायतकर्ताओं या गवाहों को शिकायत करते समय उन्हें शिकार नहीं बनाया जायेगा।
- शिकायत समिति गतिविधियों की वार्षिक रिपोर्ट देगी।

यौन उत्पीड़न के बारे में प्रचलित मिथ्या धारणाएं

मिथक: महिलाएं जो लैंगिकवादी और यौन उत्पीड़न में आनन्द लेता है।
सत्य: महिलाएं यौन उत्पीड़न को अपमानजनक, उत्तेजक और असहज अनुभव पाती हैं।

मिथक: यौन उत्पीड़न मुख्यतः इकहरायी है। महिलाओं को इसे हास्य के रूप में लेना चाहिए।
सत्य: कोई भी आचरण/व्यवहार जो महिला को रूप में उसे सुरक्षित न होने पर कहा जा सकता।

मिथक: यौन उत्पीड़न अनुचित पुरुष व्यवहार है।
सत्य: महिलाओं का यौन उत्पीड़न जैसे किया जाए यह पुरुष जन्म से नहीं जानता। यह एक सीखा हुआ व्यवहार है।

मिथक: महिलाएं यौन उत्पीड़न को अपने व्यवहार से उकसाती हैं। अच्छी शालीन महिलाएं कभी भी यौन उत्पीड़न का सामना नहीं करती।
सत्य: अपने दुर्व्यवहार का भार उठायी हुई महिला पर डालने का यह एक शातिर तरीका है। महिलाओं को किस किसी ढंग से अपनी पसंद का पहनने एवं व्यवहार निर्णय लेने का अधिकार है।

मिथक: यदि महिलाएं के कार्य स्थल पर न्यायालय पुरुष काम करते हैं तो उच्च स्थिति में यौन उत्पीड़न का होना कोई विशेष बात नहीं है।
सत्य: यौन उत्पीड़न दुःखद और कानूनी अपराध है। महिलाएं को भी पुरुषों की तरह, आदर सम्मान के साथ काम करने का अधिकार है।

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Zero Tolerance to Sexual Harassment at Work Place

CODE OF CONDUCT

WHAT IS SEXUAL HARASSMENT?

As defined by the Supreme Court of India in the guidelines given in Vishakha and others vs. State of Rajasthan and others (1997) sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

a) physical contact and advances;
b) a demand or request for sexual favours;
c) sexually coloured remarks;
d) showing pornography;
e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

SCOPE AND APPLICATION OF THE VISHAKHA GUIDELINES

- All Government, Private Sector and Unorganised Sector;
- Every Woman, who draws regular salary, receives a honourarium, or works in voluntary capacity.

WORKPLACE SHALL INCLUDE

- Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a Corporation or a cooperative society.
- Any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, nongovernmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial or financial activities including production, supply, sale, distribution or service.
- House or dwelling place; any place, vehicle either by air, land, rail or sea visited by the employee arising out of, or during and in the course of, employment.

RIGHTS OF WORKING WOMEN

- Work with dignity in a safe and secure environment.
- Prevention from sexual harassment.
- Obtain hearing and relief from Complaints Committee.
- Seek their own or perpetrator's transfer.

EMPLOYERS RESPONSIBILITIES

- Prioritise Prevention and Deter acts of sexual harassment.
- Amend organisation Rules and Regulations to recognise sexual harassment as Misconduct and provide Penalty for the same.
- Strict and mandatory implementation of the Vishakha guidelines.
- Formulate a sexual harassment policy based on the Vishakha guidelines to demonstrate zero tolerance to sexual harassment.
- Prominent notification of the Vishakha guidelines at workplace.
- Organise and Conduct worker's meetings, employer-employee meetings about sexual harassment periodically.
- Provide procedures for resolution, settlement, and prosecution of sexual harassment.
- Names and Contact details of the Complaints Committee members shall be publicly displayed on the organisation website and premises.
- Employer shall take cognisance of sexual harassment from outsiders / third parties.

COMPLAINTS REDRESSAL MECHANISM

- All workplaces shall have a Complaints Committee for prevention and redressal of sexual harassment.
- Complaints Committee shall have a woman as the chairperson, fifty percent women members, a NGO or external expert familiar and oriented towards sexual harassment as an issue.
- Complaints Committee will function as the Enquiry Authority as per interim order given by the Supreme Court in Medha Kotwal vs. Union of India, 2004.
- Complaints Committee members shall be accessible, approachable, committed, sensitive and understanding.
- Complaint procedure shall be time bound and done confidentially.
- Complainants or witnesses shall not be victimised or marginalised against, while dealing with complaints.
- Complaints Committee shall make an annual report of their activities.

PREVALENT MISCONCEPTIONS ABOUT SEXUAL HARASSMENT

Myth: *Women enjoy being teased and sexually harassed.*
Facts: Women find sexual harassment a humiliating, painful, and frightening experience.

Myth: *Sexual harassment is harmless flirtation. Women need to take it as humour.*
Facts: Any behaviour which makes the woman uncomfortable cannot be termed as harmless or as humour.

Myth: *Sexual harassment is natural male behaviour.*
Facts: Men are not born knowing how to sexually harass women. It is a learnt behaviour.

Myth: *Women invite sexual harassment by dressing provocatively. Decent women do not face sexual harassment.*
Facts: This is a classic way to shift the burden of the misbehaviour from the harasser to the women. Women have the right to dress and move around freely without a threat of attack.

Myth: *If women work in places where there are all men then sexual harassment is bound to happen.*
Facts: Sexual harassment is misconduct and a crime by law. Women have equal rights to work with dignity as men.

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कार्यस्थल पर महिलाओं के लिये सुरक्षित माहौल की प्रतिबद्धता

कार्यस्थल पर सुरक्षित माहौल सुनिश्चितता से महिलाओं की भागीदारी बेहतर होती है जिसका परिणाम उनके आर्थिक सशक्तिकरण और समावेशी वृद्धि के रूप में सामने आता है।

कार्यस्थल पर महिलाओं का यौन उत्पीड़न (रोकथाम, निषेध एवं सुधार) अधिनियम, 2013 के तहत, कार्यस्थल पर यौन उत्पीड़न संबंधी शिकायतों की सीमित समय के भीतर जाँच के लिए नियोक्ता द्वारा एक "आन्तरिक शिकायत समिति" ("ICC") बनाना और सरकार द्वारा जिला स्तर पर एक "स्थानीय शिकायत समिति" ("LCC") गठित करना अनिवार्य है।

क्या है यौन उत्पीड़न?

- महिला के साथ अवांछनीय यौन व्यवहार (प्रत्यक्ष अथवा परोक्ष रूप से) शारीरिक संपर्क या पैर आगे, अश्लील यौन या अनुरोध करना, यौन रंग की टिप्पणियाँ करना, अश्लील साहित्य दिखाना या कोई भी अन्य अवांछनीय शारीरिक, मौखिक अथवा अमौखिक कृत्य।
- सेवायोजन में हितकर व्यवहार की प्रत्यक्ष अथवा निहित परिस्थितियाँ पैदा होना या भविष्य होना, सेवायोजन में अहित का खतरा होना, भविष्य अथवा मौजूदा सेवायोजन को खतरा होना, काम में हस्तक्षेप होना, कार्य के लिए भयावह वातावरण पैदा करना या अपमानजनक या शत्रुतापूर्ण वातावरण, ऐसा अपमानजनक व्यवहार जिसका महिला के स्वास्थ्य या सुरक्षा पर असर पड़ने की आशंका हो।

क्या है कार्यस्थल?

- सरकारी निकाय, निजी एवं सार्वजनिक क्षेत्र के संगठन, गैर-सरकारी संगठन, वाणिज्यिक, व्यावसायिक, शैक्षिक, मनोरंजनात्मक, औद्योगिक, वित्तीय गतिविधियों वाले सभी संगठन, अस्पताल और नर्सिंग होम, जिला अस्पताल, खेल संस्थान और व्यक्तियों द्वारा प्रयोग के लिये इस्तेमाल होने वाले स्टेडियम।
- सेवायोजन के दौरान अथवा सेवायोजन के सिलसिले में किए सफर के लिए कर्मचारियों का आना-जाना जो – जिसमें सेवायोजन द्वारा दी गयी जगह तक आवागमन के लिये नियोक्ता द्वारा दिया गया वाहन भी सम्मिलित है।
- आवास स्थान या मकान।
- कोई उद्यम (जिसमें श्रमिकों को व्यक्तिगत स्वामित्व वाले अथवा स्व-रोजगार युक्त श्रमिकों का) जहाँ कर्मचारियों की संख्या दस से कम हो।

नियोक्ताओं द्वारा किए जाने वाले उपाय :

- काम का सुरक्षित माहौल उपलब्ध कराना।
- कार्यस्थल पर स्पष्ट रूप से प्रदर्शित करना कि यौन उत्पीड़न क्या है, कार्यस्थल पर यौन उत्पीड़न संबंधी कृत्य में संलिप्त होने पर दंड के साथ प्रावधान है और आंतरिक शिकायत समिति के सदस्यों के लिये अनुकूलन कार्यक्रम (ओरिएंटेशन प्रोग्राम) आयोजित करना।
- कर्मचारियों को आरंभिक एवं यौन उत्पीड़न के मुद्दों और उनके पहलुओं से अवगत कराने के लिए नियमित अंतराल पर कार्यशालाओं और जागरूकता कार्यक्रमों का आयोजन करना और आंतरिक शिकायत समिति के सदस्यों के लिए अनुकूलन कार्यक्रम आयोजित करना।
- यौन उत्पीड़न को सेवा नियमों के तहत दुराचार मानना चाहिये और उसी के अनुरूप कार्रवाई की जाए।

कर्मविकास

- प्रत्येक की तिथि से 3 महीने के भीतर पीड़ित महिला कर्मचारी लिखित शिकायत करेगी।
- जाँच का समय 90 दिन के भीतर पूरा किया जाएगा।
- जाँच पूरी होने के 10 दिन के भीतर जाँच रिपोर्ट जारी की जाएगी।
- जाँच रिपोर्ट प्राप्त होने के 60 दिन के भीतर नियोक्ता को जाँच समिति की सिफारिशों पर अमल करना होगा।
- समिति के फैसले के खिलाफ शिकायत जारी होने की तिथि से 90 दिन के भीतर अपील करने की अनुमति होगी।

भारतीय दंड संहिता, 1860 के तहत महिलाओं के साथ हिंसा के कानूनी प्रावधान

आईपीसी की धारा	अपराध	दंड	जमानती / गैर जमानती
354	महिला की शीलता भंग करने की नीयत से हमला या आपराधिक बल प्रयोग।	एक वर्ष का कारावास जिसे पाँच वर्ष के लिए बढ़ाया जा सकता है, जुर्माना सहित।	संज्ञेय और गैर जमानती
354A	आपत्तिजनक शारीरिक संपर्क या वैसा आग्रह या यौन कृपा की माँग अथवा अनुरोध, अश्लील तस्वीरें दिखाना। यौन भाव की टिप्पणियों के माध्यम से	तीन वर्ष तक का कारावास अथवा जुर्माना अथवा दोनों। एक वर्ष तक का कारावास अथवा जुर्माना अथवा दोनों।	संज्ञेय और जमानती संज्ञेय और जमानती

जनहित में जारी :
राष्ट्रीय महिला आयोग
www.ncw.nic.in

Commitment to Safe Environment for Women at WORK PLACE

A sense of security at the workplace improves women's participation in work, resulting in their economic empowerment and inclusive growth.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 requires an employer to set up an 'Internal Complaints Committee' ("ICC") and the Government to set up a 'Local Complaints Committee' ("LCC") at the district level to investigate complaints regarding sexual harassment at workplace and for inquiring into the complaint in a time bound manner.

What amounts to Sexual Harassment?

- Subjecting a woman to unwelcome sexually determined behaviour (whether directly or by implication) by 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.
- 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; creating an intimidating or offensive or hostile work environment; humiliating treatment likely to affect the lady employee's health or safety.

What is a Workplace?

- Government bodies, private and public sector organisations, non-Governmental organisations, organisations carrying on commercial, vocational, educational, entertainmental, industrial, financial activities, hospitals and nursing homes, educational institutes, sports institutions and stadiums used for training individuals.
- Places visited by employees during the course of employment or for reasons arising out of employment - including transportation provided by the employer for the purpose of commuting to and from the place of employment.
- A dwelling place or a house.
- An enterprise (owned by individuals or self employed workers) where the number of workers is less than ten.

Steps to be taken by the Employers:

- To provide a safe working environment.
- Display conspicuously at the workplace, what constitutes sexual harassment, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Complaints Committee.
- Organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and legal implications of sexual harassment at workplace and organizing orientation programmes for members of the Internal Complaints Committee.
- Treat sexual harassment as misconduct under the service rules and initiate action for misconduct.

Timelines

- A written complaint has to be filed by the aggrieved female employee within 3 months of the date of the incident.
- The inquiry has to be completed within 90 days.
- The inquiry report has to be issued within 10 days from the date of completion of inquiry.
- The employer is required to act on the recommendations of the committee within 60 days of receipt of inquiry report.
- Appeal against the decision of the committee is allowed within 90 days of the date of recommendations.

LEGAL PROVISIONS FOR CRIMES AGAINST WOMEN UNDER INDIAN PENAL CODE, 1860

Sections IPC	Offence	Punishment	Bailable/ Non-Bailable
354	Assault or use of criminal force to woman with intent to outrage her modesty.	Imprisonment for one year or may extend to five years, with fine.	Cognizable and Non Bailable
354A	Sexual Harassment of the nature of unwelcome physical contact and advances or a demand or request for sexual favours, showing pornography. Sexual harassment of the nature of making sexually coloured remark.	Imprisonment up to three years or fine, or both. Imprisonment up to one year, or with fine, or with both.	Cognizable and Bailable Cognizable and Bailable

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