

## **Workshop on Sexual Harassment at Work Place Act, 2013: Issues, Challenges and Compliances**

The Chamber organised a Workshop on 'Sexual Harassment at Workplace Act, 2013: Issues, Challenges and Compliances' in association with the All India Organisation of Employers (AIOE) and supported by the International Labour Organisation (ILO) on 15<sup>th</sup> June, 2013 at The Park Hotel, Kolkata. Shri Sovan Deb Chattopadhyay, Chief Whip, West Bengal Legislative Assembly, Government of West Bengal inaugurated the Workshop.

The Workshop, which concluded with lunch, was attended by 22 participants representing different industries. The Inaugural Session was followed by two Technical Sessions.

In course of his Welcome Address, Shri S S Chawdhry, Chairman, HRD & Industrial Relations Standing Committee of the Chamber observed that the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 popularly known as the "Sexual Harassment Act" has been made effective by the Government of India from 22<sup>nd</sup> April, 2013. He stated that the ambit of the Act being very broad are applicable to both organised and unorganised sectors. It also lays focus on domestic workers. It penalises malicious complaints in accordance to the service rules of the respective organisations. Coverage of the Act is not only limited to employees, but also covers clients, customers, apprentice or daily wage earners. The wide definition of 'workplace' include among all, commercial, vocational, educational, entertainment, industrial, financial activities, hospitals and nursing homes, educational institutes, sports institutions and stadiums used for training individuals. Shri Chawdhry added that the Sexual Harassment at workplace Act also covers within its scope 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.

The Act, according to Shri Chawdhry, follows after the Hon'ble Supreme Court of India, in its landmark judgment recommended enactment of a law on sexual harassment in Vishaka and others vs. State of Rajasthan ("Vishaka Judgement"). The Act is based on the exercise of the power available under Article 32 for enforcement of the fundamental rights. It is further emphasised that the Act would be treated as a law declared by the Hon'ble Supreme Court under Article 141 of the Constitution, Shri Chawdhry observed. However, according to Shri Chawdhry, the Act is not gender neutral as Male employees, if subjected to sexual harassment, cannot seek protection or relief under the law.

Shri Sovan Deb Chattopadhyay, Chief Whip, West Bengal Legislative Assembly, Government of West Bengal observed that incidences of sexual harassment at work place reported especially by women have increased to 2,44,000 in the past few years. Since in India income inequality is very high, scope for harassments of the low income group by a higher income bracket are high. Harassments including sexual harassments at workplace are mainly exploitative in nature. Shri Chattopadhyay stated that till date such type of harassments covered and unexposed. However, in the present era of

globalisation and consumerism, the functioning of the media has helped in exposing many of these offences. There has no doubt been an increase in the numbers of report on sexual harassment, yet there are a large number of such incidences which are not reported or recorded even today. The exploited, irrespective of whether they are men or women keep quiet and avert complaining due to fear of losing their jobs. Such fear is mostly on the grounds of family responsibilities they bear, Shri Chattopadhyay felt.

Incidences of sexual harassments are more common in mills and factories, construction sites and also incase domestic workers. Defining the nature of sexual harassments, Shri Chattopadhyay stated that they may be in the form of requests, promises of preference, job promotions, subjugations, pornography etc. The Act should also cover under its ambit farmers and landless tenants working in fields. The evils of sexual harassment, according to him, cannot be solely removed by legal provisions. A combined effort of both law and management can only eliminate such incidences. Establishment of a Grievance Redressal Committee on harassment at work place at the managerial levels helps in tracking incidences of sexual harassment going on within an organisation, Shri Chattopadhyay stated.

Talking about the measures that can be adopted to reduce sexual harassment at workplace, Shri Chattopadhyay stated that licenses of companies where such incidences occur may be cancelled. This would make companies more cautious and would also force them to adopt effective preventive measures. Reservation for women in work places such as mines where they are more vulnerable to such harassments should be made for only a few types of jobs. Male workers should also be protected from the misuse of the provisions of this Act, Shri Chattopadhyay observed.

The Theme Address was delivered by Shri Shitangshu Taye, Assistant Director, AIOE. Shri Anandan Menon, Programme Officer, ILO delivered the Introductory Address. At the conclusion of the Inaugural Session, Shri Avik Roy, Deputy Secretary of the Chamber offered a hearty Vote of Thanks to Shri Chattopahyay.

The Inaugural Session was followed by Session- I on 'Sexual Harassment : Workplace Discrimination, Gender Sensitisation & Decent Work' addressed by Ms. Ayah Matsuura, Specialist on Gender – ILO and Shri Ramen Pandey, Working President, INTUC, West Bengal State Branch.

Session- II on ' Sexual Harassment of Women at Workplace Act, 2013 : Impact, Obligations and Implementation at the Enterprise Level' was addressed by Shri Jayanta Dasgupta, Senior Advocate and Shri Anil Sinha, President - HR, Corporate Affairs & Legal, Hindalco Industries Limited. Shri Sinha also presented a short film on sexual harassment at corporate enterprises and how such a problem can be resolved.

AIOE also prepared a guide to employers on 'Preventing Sexual Harassment at Workplace' which was distributed among all participants in the Workshop.

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