

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

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 is a comprehensive law that seeks to protect women from sexual harassment in the workplace. This Act recognizes that sexual harassment is not limited to physical acts but can also involve various forms of unwelcome behaviour, including verbal, non-verbal, and implicit actions that create a hostile or offensive work environment.

➤ **Sexual harassment** is not just about physical contacts, it also includes following things namely:

- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- Implied or explicit promise of preferential treatment in her employment; or
- Implied or explicit threat of detrimental treatment in her employment; or
- Implied or explicit threat about her present or future employment status; or
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety.

➤ **INTERNAL COMPLAINTS COMMITTEE (ICC):**

- Every employer of a workplace (**if more than 10 employees in the organization**) shall, by an order in writing, constitute a Committee to be known as the "**internal Complaints Committee**" consisting of
 - a) A presiding Officer who shall be a woman employed at **senior level** at workplace from amongst the employees
 - b) **Not less than 2 Members** from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
 - c) **1 member from amongst NGO** or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

"Provided that at least 50 % of the total Members so nominated shall be women"

- The Presiding Officer and every Member of the internal Committee shall hold office for such period, **not exceeding 3 years**, from the date of their nomination as may be specified by the employer.
- The Member appointed from **amongst the NGOs** shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer as may be prescribed.

➤ **LOCAL COMPLAINTS COMMITTEE (LCC):**

- Where the Internal Complaints Committee has not been constituted due to having **less than 10 workers** or **if the complaint is against the employer himself**; District Officer shall constitute in the district concerned, a committee to be known as the "**Local Complaints Committee**" to receive complaints of sexual harassment from establishments
- The jurisdiction of the Local Complaints Committee shall extend to the areas of the district where it is constituted.

- The District Officer shall designate one nodal officer in every block, Taluka and wind in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Complaints Committee within a period of 7 days.

❖ **Local Complaints Committee (LCC) which shall consist of**

- a) Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;
 - b) 1 Member to be nominated from amongst the women working in block, Taluka or tehsil or ward or municipality in the district;
 - c) 2 Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:
- ***“Provided that at least 1 of the nominees should preferably have a background in legal knowledge”***
 - ***Provided further that at least 1 of the nominees shall be a woman belonging to the SC/ST/OBC or minority community notified by the Central Government, from time to time;***
 - ***The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding 03 years.***

In conclusion, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, serves as a critical framework for ensuring the safety and dignity of women in the workplace. By broadening the definition of sexual harassment to include various forms of unwelcome behaviour and establishing clear guidelines for the formation of Internal and Local Complaints Committees, the Act empowers women to seek redressal for grievances in a structured and supportive environment. This legislation underscores the importance of creating a workplace culture that is free from harassment, fostering equality, and protecting the rights and well-being of all employees.