



A & S LAW WEEKLY
Week - 20

Prevention of Sexual Harrasment at workplace



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SECTION 2 (n) OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013 - (DEFINITION OF SEXUAL HARASSMENT)



SECTION 2(n) OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013



The Term Sexual Harassment includes any one or more of the the following acts:

- *Any Physical contact and advances*
- *A Demand for sexual favours*
- *Making sexually coloured remarks*
 - *Showing pornography*
- *Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.*



**SECTION 3 OF SEXUAL HARASSMENT OF WOMEN AT
WORKPLACE ACT, 2013 - (PREVENTION OF SEXUAL
HARASSMENT)**



PREVENTION OF SEXUAL HARASSMENT



Section 3(1) of the act says that "No woman shall be subjected to sexual harassment at their workplace".

This section further aims in tackling situations when sexual favors are demanded with a threat or promise either implied or explicitly to alter the employment status

This section also talks about threat to the employee's future employment status




Employer interfering in the employee's work or creating an threatening or offensive which created hostile work environment and humiliating treatment which may affect the health and safety of the employee which will be treated as sexual harassment

SECTION 4 OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013 - (CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE)






Constitution of Internal Complaints
Committee
Sec-4 of POSH Act

- 1, Every employer shall constitute an Internal Complaints committee in Writing
- 2, the committee shall consist of 4 members



Members of the committee and their
Tenure


The Committee shall consist of a
presiding member,
two members of social or legal
knowledge and
another member from NGO
The members shall hold a maximum
Tenure of three years



Removal From the Committee

If any members

1. Contravenes section 16
2. Has been convicted of any offence
3. Has been guilty of a disciplinary action
4. Abused their position they shall be removed from the committee.



SECTION 9 OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013 - (COMPLAINT)



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SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013

S.9 - Complaint of Sexual harassment

(1) The aggrieved Woman may make a complaint of sexual harassment at workplace in writing to the **Internal Committee or the Local Committee** -

- within **three (3) months** from the **date of incident**
- in case of series of incidents, then within **three (3) months** from the **date of last incident**

(If such complaint can't be made in writing, then the committee shall render all available assistance to the woman for making the complaint in writing)



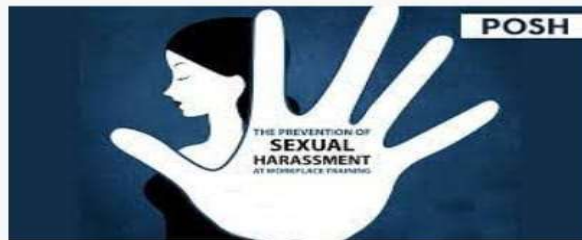
(2) When the aggrieved woman is unable to make a complaint because of her physical / mental capacity or death / otherwise, in such case her legal heir or other person (prescribed) may make a complaint under this section

**SECTION 10 OF SEXUAL HARASSMENT OF WOMEN AT
WORKPLACE ACT, 2013 - (CONCILIATION)**

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**SECTION 10 OF THE SEXUAL HARASSMENT OF WOMEN AT
WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL)
ACT, 2013**



The Internal Committee or the Local Committee, before initiating an inquiry under section 11 at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation
Provided no monetary settlement

Where settlement has been arrived at under sub-section (1), the Internal Committee or the Local Committee, shall record the settlement so arrived and forward the same to the employer or the District Officer to take action

The Internal Committee or the Local Committee, shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and the respondent.

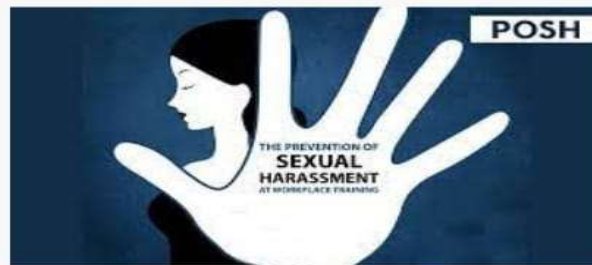
Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee or the Local Committee.

SECTION 11 OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013 - (INQUIRY INTO COMPLAINT)

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SECTION 11 OF THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013



- Respondent is an employee, proceed to make inquiry into the complaint in accordance with rules applicable to the , where no such rules exist, or in case of a domestic worker, the Local Committee shall, if prima facie case exist, forward the complaint to the police, within 7 days
- Court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15.
- summoning and enforcing the attendance of any person and examining him on oath;
- requiring the discovery and production of documents; and
- any other matter which may be prescribed
- The inquiry under sub-section (1) shall be completed within a period of 90 days.

**SECTION 19 OF SEXUAL HARASSMENT OF WOMEN AT
WORKPLACE ACT, 2013 - (DUTIES OF EMPLOYER)**



**SEC 19 .DUTIES OF
EMPLOYER**

Facilitating a fair enquiry	Conduct regular awareness sessions
Safe Working Environment	Initiate action for misconduct
Equipping the Internal Committee	Prepare and submit annual reports
Display the Policy	Securing the Witness & others