

One-Day Workshop on Sexual Harassment at Workplace

Date: 28 March 2018

Venue: Room No. 508, Manav Adhikar Bhawan

A One-Day workshop on ‘Sexual Harassment at Workplace’ was held in the Commission on 28 March 2018 under the chairmanship of **Smt. Jyotika Kalra, Hon’ble Member, NHRC**. It was attended by Mrs. Swati Maliwal, Chairperson of Delhi Commission for Women, senior officials representing the States of Delhi, Haryana, Punjab, Rajasthan and UT of Chandigarh, Delhi Legal Services Authority (DLSA), academicians and civil society organizations. The list of participants is **annexed**.

2. **Shri Ambuj Sharma, Secretary General, NHRC**, opened the discussion, by giving the background of Bhanwari Devi’s case (1992) which ultimately led to the creation of legally binding guidelines known as Vishaka Guidelines by the Supreme Court. He pointed out that it took more than two decades to form a Law against Sexual Harassment as the Act was passed in 2013. He expressed his concern about the prevalence of stereotypical mindset in our society, as we always ask our girls to behave in an appropriate manner, to dress in a particular way and to return back home ‘on time’, but on the other hand, we never ask the boys to do the same. He drew attention to the NCRB data from which it is understood that the women are not reporting about the sexual harassment cases at workplace. One of the reasons may be that the women are often in low ranking positions in offices and are afraid to voice out their grievances. He added that the need of the hour is to involve SHRCs in these matters and hold regional as well as national level meetings to come with an action plan. Further, it is also necessary to involve the private sector and to ensure that the top companies set up Internal Complaints Committee (ICC).

3. **Smt Jyotika Kalra, Hon'ble Member, NHRC**, in her address mentioned about the declining trend in participation of women in the work force. Quoting the data from International Labour Organization, she stated that there has been a seven per cent decline in women's participation in India over the last decade. One of the reason for lower participation of girls/women in the workforce remains their safety. Soft women targets like students, interns, ad-hoc employees, single women etc. are harassed because of their weakness. The ambitious, assertive and independent women are harassed as a mean of their public scrutiny. She also raised concern over the institutional response to mechanisms like the ICC. She stated that ICC is considered as an additional burden on its resources, both human as well as financial. The road ahead for NHRC is effective implementation of the Act, there is a need for having the empirical research to collect procedures adopted by ICC in different organizations, number of complaints lodged, number of complaints compromised or disposed of, compensation/relief paid to victims, departmental action taken against the respondent etc. Finally to draft a model regulation/procedure to be followed by ICC (which is simple and understandable by its members who have no legal background).

4. **Smt. Swati Maliwal, Chairperson, Delhi Commission for Women (DCW)**, expressed her concern about the increasing cases of sexual violence against women/girls. She apprised the participants that DCW had issued notices to all the universities in Delhi in order to assess the status of implementation of the 'Sexual Harassment of Women at Work Place (Prevention, Prohibition and redressal) Act, 2013'. It was revealed that either there is no ICC, or if there is ICC, there is no external member in the Committee, and the members are also not trained to deal with the sexual harassment complaints. Further, the Committees do not have adequate budget for their proper functioning. She emphasized that stronger deterrence and certainty of action in accordance to law within 6 months

will deter the violent crimes against women. She stated that she would like to share a copy of the recommendations issued by DCW on this subject with NHRC.

5. It was general observation of the participants that there is low level of reporting of incidence of sexual harassment by superiors at workplace because women fear the repercussions. Further, there is poor compliance of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and redressal) Act, 2013 (herein after referred to as 'Act') by the employers. The complaints are not redressed effectively by the employers. It was also brought to light that the employers were either unaware of the law's provisions or have implemented the Act partially.

6. Further, it was also revealed from the discussion that there is no monitoring of the redressal mechanism under the Act. The Act calls for penalty on the employer who do not implement the Act or constitute ICC, however little has been done in this regard, and many employers are yet to constitute ICC as prescribed under the Act.

7. **Dr. Charu WaliKhanna, Advocate Supreme Court, President SAFMA,** talked about sexual harassment as a manifestation of power. She highlighted that women are often in low-ranking positions and hence are more vulnerable to their superior male counterparts. Further, she added that increase in participation of women in the workforce is the key to end sexual harassment at workplace.

8. **Dr. Ritu Gupta, Professor, National Law University, Delhi,** emphasized that in the cases of sexual harassment at work place, collection of evidence becomes difficult and almost in every case there is lack or non-availability of evidence resulting in acquittal of the accused. She also stated that empirical data needs to be collected for understanding the status of implementation of the Act.

9. **Smt. Sumedha Dwevedi, SSP, NHRC**, while acknowledging the importance of sharing the best practices, requested the States to share their best practices which can be used as a model for other States to put into practice. She also asserted that more focus should be on prevention rather than on redressal. She also stated that the victims are often not willing to register the complaints and there is a need to support and encourage the victims to come forward, not only to file complaints but to pursue it till justice is done.

10. The following major **recommendations** emanated out of the deliberations:

Mission Statement: Safe and secure working environment which would encourage equal employment opportunities for all and to integrate business and human rights to prevent sexual harassment at work place.

- i. **Action Plan:** The National Human Rights Commission and the State Human Rights Commissions together should conduct awareness programmes about the provisions of the Act at the regional and national level and to formulate an action plan for implementation by the state governments to prevent sexual harassment at workplace.
- ii. **Local Complaints Committee (LCC):** Steps should be taken to constitute the LCC in every district as per the Act so as to enable women in the unorganised sector or small establishments to get their grievance of sexual harassment redressed.
- iii. **Internal Complaint Committee (ICC):** An ICC is mandatory in every private and public organization that has ten and more employees as per the Act. It is to be further ensured by the respective governments that the composition of the ICC is in accordance with the Act.
- iv. There should be proper allocation of budget for the functioning of the Complaints Committee. There should also be time bound disposal of the

cases as per the Act, so that there is strong deterrence and prevention of sexual harassment at workplace.

v. Awareness:

- a) Awareness on prevention of Sexual Harassment through newspapers/ radio/ television/ social media/messages/ emails on various provisions of Sexual Harassment at Workplace.
- b) Programmes and Workshops regarding women issues including sexual harassment at workplace should be conducted in the schools/ colleges for students of Class 8 and above. (covering both boys and girls).
- c) During the orientation programmes, video films about the sexual harassment at workplaces should be used to encourage appropriate behavior among the employees in the organizations (both public and private sector).
- d) Display Boards which provide details of the Complaint Committee constituted under the Act and penal consequences, at conspicuous places in the working place.
- e) Details of the ICC also need to be mentioned on the website of all the organizations (Public and Private Sectors). There should be a hyperlink indicating the information regarding free legal help that the woman can seek in case of Sexual Harassment at Workplace.

vi. Training Module: The training module should be divided into two categories -

- a) General or customized training for the employees/employer, depending on the need and group of people under training, and
- b) Specialized Training for the members of ICC.

vii. Legal Aid: The hyperlink of National/State Legal Service Authority for providing free legal aid to the victims of sexual harassment should also be provided at the websites of NHRC and SHRCs.

viii. Research Projects:

- An industry specific empirical study needs to be undertaken to create a database concerning the following:
 - Number of complaints lodged before the ICC,
 - Time taken by ICC for disposal of the complaints,
 - Number of complaints compromised
 - Number of complaints in which relief granted to victim
 - Amount of compensation paid
 - Disciplinary action taken against the harasser/ respondent
 - Possible alternatives/ remedial measures
- A study to determine the best practices of the States and Private Sector in handling the sexual harassment cases needs to be carried out.
- To draft a model regulation/procedure to be followed by ICC (which is simple and understandable by its members who have no legal background).

ix. Pledge/ Undertaking: To generate awareness and accountability, the employees should undertake a pledge/undertaking for protection, preservation and promotion of woman's rights in the work place at the time of their joining the organization (both private and public sector).

11. The workshop concluded with finalization of the above mentioned recommendations and a vision to overcome the challenges and thereby creating a safe environment for all at the workplace.

List of Participants

States/UT:

1. Chandigarh

- i. Smt. Navjot Kaur, PCS
Director Public Relations
Director Social Welfare Department
UT of Chandigarh
- ii. Shri Sanjeev Gulati, SPC
Department of Social Welfare
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2. Delhi

Ms. Renu Love
District Officer/Assistant Director,
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3. Punjab

- i. Shri Malvinder Singh Sidhu
AIG/Human Rights
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- ii. Shri G.S. Maur
Deputy Director
Women and Child Department
Punjab

4. Rajasthan

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5. Haryana

Ms. Pooja
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Resource Persons

6. Dr. Charu Wali Khanna
Advocate, Supreme Court
Social Action Forum, Manvadhikar
7. Prof. Ritu Gupta
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8. Shri Chanderjit Singh

Secretary,
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Delhi Commission for Women

9. Smt. Swati Maliwal
Chairperson
Delhi Commission for Women

Participants

10. Prof. Savitri Ray
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11. Smt. Anita Balyan
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12. Ms. Bina Jain
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14. Dr. Jyoti Chauthaiwale

National Executive Member
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15. Smt. Chandane Das
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16. Dr. Kiran Aggarwal
Director/Professor
[Department of Obstetrics & Gynaecology](#)
Lady Hardinge Medical College, New Delhi

17. Dr. Sameeksha Jain
Medical Officer
Lady Hardinge Medical College, New Delhi

18. Adv. Sandhya Randev
Vice President
Chetna-Conscience of Women

19. Ms. Khushboo Mishra
Apne Aap Worldwide

NHRC

20. Shri Ambuj Sharme, Secretary General
21. Dr. Ranjit Singh, Joint Secretary (P&A)
22. Smt. Sumedha Dwevedi, SSP-III
23. Dr. M.D.S. Tyagi, Joint Director (Research)
24. Shri Vikal Raj, Assistant Registrar
25. Ms. Samra Irfan, Junior Research Consultant
26. Mr. Jitamanyu Sahoo, Junior Legal and Research Consultant
27. Ms. Rimanshi Goel, Junior Legal and Research Consultant
28. Ms. Disha Oswal, Junior Legal and Research Consultant
29. Mr. Devesh Saxena, Junior Legal and Research Consultant

