

Women and the workplace

- Why do we need diverse work places?
- What do women bring to the workplace?

- Many constraints for women-Statistics.
- Are our work places gender sensitive?
- Sexual harassment at Work place Act, 2013
- Why are there such few women leaders(in organisations) ?

- What can we do to
 - Encourage more women to join the workplace
 - To have more women in leadership positions in organisations

- Ensure physical safety
- Basic amenities
- Sensitivity to concerns
- Managers as role models

- Risk analysis-identify the vulnerable
- Act decisively and in time
- Flexibility? (Pros and cons)
- Women as mentors and role models
- Ongoing conversations about gender to increase awareness
- Speak up!!

and

- Family and society-true partnerships

Sexual harassment at workplace

- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
- redressal and prevention of sexual harassment within the workplace a central concern for all employers

Major features of the Act

- The Act defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- The Act also covers concepts of 'quid pro quo harassment' and 'hostile work environment' as forms of sexual harassment if it occurs in connection with an act or behaviour of sexual harassment.
- The definition of "aggrieved woman", who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, public or private and covers clients, customers and domestic workers as well.

- The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.
- Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.
- The Complaints Committees have the powers of civil courts for gathering evidence.

- The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant.
- The inquiry process under the Act should be confidential and the Act lays down a penalty of Rs 5000 on the person who has breached confidentiality.
- The Act requires employers to conduct education and sensitisation programmes and develop policies against sexual harassment, among other obligations.

Penalties

- Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine of up to ₹ 50,000. Repeated violations may lead to higher penalties and cancellation of licence or registration to conduct business.
- Government can order an officer to inspect workplace and records related to sexual harassment in any organisation.

Indian Penal Code

- Through the Criminal Law (Amendment) Act, 2013, Section 354 was added to the Indian Penal Code that stipulates what consists of a sexual harassment offence and what the penalties shall be for a man committing such an offence.
- Penalties range from one to three years imprisonment and/or a fine.
- Additionally, with sexual harassment being a crime, employers are obligated to report offences

- According to a FICCI-EY November 2015 report, 36% of Indian companies and 25% among MNCs are not compliant with the Sexual Harassment Act, 2013.

Duties of the employer

- Provide a safe working environment at the workplace, which shall include safety from the persons coming into contact at the workplace
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the ICC

Duties(Contd..)

- Organise workshops/awareness programmes
- Provide necessary facilities to the ICC
- Securing the attendance of the respondent and witnesses before ICC
- Make available all information to ICC

Duties(Contd...)

- Provide assistance to the woman if she chooses to file a complaint under the IPC or any other law in force
- Cause to initiate action under the IPC/any other law against the perpetrator, if the woman so desires, where the perpetrator is not an employee, in the workplace at which the incident took place

Duties(Contd...)

- Treat sexual harassment as misconduct under the Service Rules and initiate action
- Monitor timely submission of reports by the ICC

The reality

- No credible statistics-526 cases in 2014!!
- Anecdotal evidence says there are more cases reported.
- According to a FICCI-EY November 2015 report, 36% of Indian companies and 25% among MNCs are not compliant with the Sexual Harassment Act, 2013.
- Need to watch the Pachauri case.