

Sexual Harassment of Women at Workplace - Prevention and Laws

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**the Act**") is a long awaited and much welcomed piece of legislation. With an increasing number of women being employed, both in organized and unorganized sectors, it was imperative to ensure an enabling working environment for women through legislation. The Act provides protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

It is interesting to note that though the Act only protects women from sexual harassment at workplace (which appears to be a departure from the prevailing global laws in respect of the same subject matter) it could have been made applicable to both the genders.

In view of the current social scenario where sexual harassment against women has enraged the community, the Act could not have come at a better time. The safeguards provided to women at workplace under the Act are over and above any other remedies available to women under any other prevailing laws. Companies, business houses, entrepreneurs etc. may be required to seek legal advice to implement and comply with the provisions of the Act.

The Act provides for a very wide definition of "workplace" which inter alia includes any Government undertakings, local authority or government company, private sector organizations, private venture, undertaking, enterprise, society, trust, hospitals, nursing homes, any sports institute, sports complex, dwelling place or a house. The definition further includes any place visited by the employee arising out of or during the course of employment.

The Act places a mandatory obligation on the employer of a workplace to comply with the provisions of the Act. It also provides for penalty for non-compliance of the provisions of the Act by the employer.

The duties of an employer as enumerated under the Act inter alia include

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that every employer shall provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace. The Act contains provisions to protect every woman from any sexual harassment irrespective of whether such a woman is employed or not inter alia by fixing the responsibility on the employer as well as the District Magistrate or Additional District Magistrate or the Collector or Deputy Collector of every District in the State as a District Officer and laying down a statutory redressal mechanism.

The provisions of the Act were initially envisaged in the landmark judgment of Vishakha vs. State of Rajasthan passed in 1997. Although, the implementation of the judgment has been long overdue, it is a welcome move for the purpose of social and economic empowerment of women.

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- By Anshuman Jagtap (Team Leader) & Rishabh Vora (Associate)

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