

## **SEXUAL HARASSMENT AGAINST WOMEN AT WORKPLACE**

Sexual Harassment of women at workplace is a form of gender based violence. It not only violates their self esteem, self respect and dignity but also takes away their basic human as well as constitutional rights.

It cannot be termed as a new phenomenon but certainly, fast changing workplace equations have brought this dark underground reality to the surface. Like any other sex based crime, it is about power relationship, domination and control. The victim is often confused, embarrassed or scared. She may not know how to label her experience and with whom she should share. It appears to be mild but has severe consequences. It has, therefore, to be curbed at the initial stage.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the Act) is a law enacted by Parliament providing the legal framework for resolving the problem of sexual harassment. The Act has been provided in detail in the link below.

The following **FAQs** provides quick answers to queries that one may have regarding sexual harassment at workplace.

### **1) What is Sexual Harassment at Workplace?**

Section 2 (n) of the Act states that sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

- i) Physical contact and advances; or
- ii) A demand or request for sexual favours; or
- iii) Making sexually coloured remarks; or
- iv) Showing pornography; or
- v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Section 3 sub-section 2 further states that the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:-

- i) Implied or explicit promise of preferential treatment in her employment; or
- ii) Implied or explicit threat of detrimental treatment in her employment; or
- iii) Implied or explicit threat about her present or future employment status; or
- iv) Interferes with her work or creating an intimidating or offensive or hostile work environment for her; or
- v) Humiliating treatment likely to affect her health or safety.

### **2) What is PSHWW?**

It is an abbreviation of Prevention of Sexual Harassment against Women at Workplace

**3) What is ICC?**

It is an abbreviation of Internal Complaints Committee constituted by the University. The members of the ICC have been nominated by the University and at present there are 11 members of the ICC. The present Chairperson of ICC is Prof. Sanghamitra Raha.

**4) What facility does the Visva-Bharati have to address the problem of sexual harassment at workplace?**

The University has constituted a Committee called the Internal Complaints Committee to address the problem of sexual harassment. It is an independent body and has the powers of a civil court. The ICC is empowered to enquire and investigate into the complaints made by victims of sexual harassment against the respondent and forward the report to the Registrar for taking necessary action.

**5) How does one make a complaint?**

All complaints must be made in writing either to the Registrar of the University or to the Chairperson of the Internal Complaints Committee (ICC), VB.

Complaints can also be made by email to the following email address – [complaints.pshww@visva-bharati.ac.in](mailto:complaints.pshww@visva-bharati.ac.in)

**6) Who can lodge a complaint?**

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the ICC within a period of 3 months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.

Provided that where the woman cannot make the complaint in writing, the ICC shall render all reasonable assistance to such woman for making the complaint in writing.

If the aggrieved woman is unable to make a complaint due to her physical or mental incapacity or death or otherwise, her legal heir or any other person may make the complaint on her behalf.

**7) What is the procedure for conducting enquiry into a complaint?**

The ICC on receipt of a complaint from the victim, call the complainant and hear and record her statement. It shall then forward a copy of such complaint to the respondent (person against whom complaint has been made), seeking his reply.

The respondent shall then be summoned to appear before the ICC to place his case. Both parties shall be given reasonable opportunity of being heard. Both parties shall also be given the opportunity to bring witnesses on their behalf.

Statements of both parties and all witnesses shall be recorded and all observations, references and reasons shall be recorded and such depositions shall be referred to while drafting the report of the ICC.

**8) What are the reliefs available?**

Since the ICC cannot prescribe punishment, it shall recommend steps to be taken and forward the report to the Registrar who shall take measures in accordance with service rules. The mildest penal measure is censure/warning. The gravest penal measure is stopping promotion/increment and/or termination of employment.

**9) What are malicious complaint and its consequences?**

The law is very strict about malicious complaint and it prescribes severe action against such complainant.

Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman has made the complaint knowing it to be false or that they have produced any forged or misleading document, it may recommend to the employer to take action against the woman.

Where the ICC arrives at a conclusion that any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action against the witness.

**10) Does the University have a Policy on Sexual Harassment?**

Yes, Visva-Bharati has a Policy on Sexual Harassment. The hard copy is available with the Registrar for perusal. The soft copy is available on the website. All are welcome to view it.