



**FACULTY OF JURIDICAL SCIENCES**

**COURSE: LLM TWO YEARS Constitutional & Administrative Group /Criminal group/ corporate & business group**

**Semester-II**

**SUBJECT: Law and social transformation in India**

**SUBJECT CODE: LLM-221**

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# Lecture-6



Sexual harassment at work place:

Where any such acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem it amounts to Sexual harassment. It has been laid down by the Supreme Court that it is the duty of the employer or other

responsible persons in work places or other institutions to prevent or deter the Commission of acts of sexual harassment and provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

Steps to be taken by the employer:

All Employer or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. They should take the following steps:

Express prohibitions of sexual harassment as define, above at the work place should be notified. Published and circulate in appropriate ways.

The Rules/Regulations of Government and public sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender,

As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1940.

Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

Complaints, Criminal proceedings / disciplinary action:

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be create in the employer's organization for redress of the complaint made by the victim.

Such complaint mechanism should ensure time bound treatment of complaints.

The complaint mechanism, referred above should be adequate to provide, where necessary, a Complaints Committee, a special counselor or other support services, including the maintenance of confidentiality.

The Complaints Committee should be headed by a woman and not less than half of its member should be a woman.

Further, to prevent the possibility of any undue pressure or influence from senior levels, such Complaints Committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

Complaint procedure must be time bound. Confidentiality of the complaint procedure has to be maintained.

Complainants or witnesses should not be victimized or discriminated against while dealing with complaints.

The Complaints Committee must take an annual report to the Government department concerned of the complaints and action taken by them.

The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the Complaints Committee to the Government department.

The head of the organization, upon receipt of the report from the Complaints Committee shall after giving an opportunity of being heard to the person complained against submit the case with the Committee's recommendations to the management.

The Management of the Organization shall confirm with or without modification the penalty recommended after duly following the prescribed procedure.

Where the conduct of an employee amounts to misconduct in employment as defined in the relevant service rules the employer should initiate appropriate disciplinary action in accordance with the relevant rules.