

## 5 legal rights that every working women should know

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The corporate world has welcomed women with open arms appreciating their presence at workplace. No doubt the horizon for women have broaden up, companies are taking various initiative to empower women at workplace. But often we come across such situations where we go clueless about how to handle it. On the eve of International Women's Day, TimesJobs brings to you list of rights that every women should know.

**TimesJobs spoke to Vikram Shroff, Leader - HR Law, Nishith Desai Associates** , regarding the exclusive legal rights that a woman should be aware of while working with companies, and what are the after-effects if the employer fails to comply with it.

-In 1997, the Supreme Court of India, for the first time, acknowledged sexual harassment of women at the workplace as a human rights violation. **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act** (POSH Act) was enacted in December 2013.

-As a result of the growing awareness and importance of effectively dealing with issues relating to sexual harassment, a new section 354A was added to the **Indian Penal Code, 1860** , which enlists the acts which constitute sexual harassment and stipulates punishment.

- **The Equal Remuneration Act, 1976** (ERA) assures equal remuneration for female employees for 'same work or work of a similar nature', and prohibits gender discrimination on HR aspects such as recruitment, promotions, training or transfer.

- **The recently amended Maternity Benefit Act, 1961** (MBA) provides for 26 weeks of maternity leave, extends leave to adopting and commissioning mothers, and stipulates payment of medical bonus. In addition to arranging crèche facilities, the employer is required to inform the female employees of all the benefits.

- **The Factories Act, 1948** (FA) requires employers to ensure adequate that adequate safeguards are adopted for female employees. Some of the **Shops and Establishments Acts** (SEA) require prior consent and mandate compliance of safety and security measures for working in night shift.

#### **In case of infringement what a women can do or approach**

In case of sexual harassment, she can approach the employer's Internal Complaints Committee, the Local Complaints Committee, the District Officer or the police authorities. The government has also introduced SHE-Box, an online complaint recording portal.

If she is aggrieved by the ICC/LCC's decision, she may appeal to the court or tribunal within the stipulated time.

In case she is deprived of her maternity benefits, she may file a complaint with the labour inspector.

Some non-government organisations also provide external support and guidance in such matters.

#### **Repercussions in case of failure**

Non-compliance of the POSH Act may be punishable with a fine of up to Rs. 50,000. In case of a repeat offence, it could lead to the cancellation / withdrawal of the employer's business license.

Non-compliances of the MBA, ERA, SEA or FA could trigger monetary penalties or imprisonment liabilities.