

Sexual harassment law compliance poor

Namrata Singh,TNN | Sep 15, 2015, 08.15 PM IST

MUMBAI: Response to the law against sexual harassment of women has been tepid if action taken by respective state governments and private entities is anything to go by. It's been nearly two years since the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 came into force, but only one state, Rajasthan, has managed to become fully compliant with the law.

According to responses Mumbai-based consultant Complykaro Services received to its RTI applications, Maharashtra, Andhra Pradesh, Haryana, Arunachal Pradesh, Uttarakhand, Chhattisgarh and Goa have so far only partially complied with the law. In response to a query from TOI, an official from the ministry of women & child development (MWCD) said it had issued advisories to all states/UTs in December 2013 and again in October 2014 to ensure effective implementation of the Act.

Under the Act, states/UTs are required to monitor implementation and compliance of the law through the office of district officer for each district who, in turn, nominates a local complaints committee (LCC) and nodal officers. Most of the states are still in the process of ensuring all measures are taken in compliance with the Act.

"The biggest challenge to implementation is ignorance of the law. It is applicable for all organizations irrespective of its size and whether they have women employees or not. The entire focus of this law is to prevent sexual harassment by bringing about a behavioural change among employees. Only when all organizations implement this law will our spouses, sisters and daughters feel safe," said Vishal Kedia, founder & director, Complykaro Services, which is in the business of assisting companies to comply with the said law.

While the Act cast an obligation upon all the employers to constitute an internal complaint committee (ICC), it also placed the responsibility on the appropriate state government to notify the district officer for setting up LCC. State governments are expected to monitor the implementation of the Act and maintain data on the number of cases filed and disposed of in respect of all cases of sexual harassment at the workplace. The LCC is required to investigate complaints received from employees in cases where an ICC has not been constituted by the employer or the complaint is against the employer himself.

"The law requires the state government (through the district officer) to constitute an LCC at the district level. There is not enough information in the public domain to ascertain where such committees have been set up or whether they have prepared and submitted annual reports to the state government," said Vikram Shroff, head-HR Law, Nishith Desai Associates, a legal and tax counselling firm. State governments are required to develop relevant information, education, communication and training material, besides organizing awareness programmes, to on the provisions of the Sexual Harassment Act providing for protection of women at the workplace. "To my knowledge, such information does not appear to have been made available for public access as yet. There is lack of clarity on any penal action taken by the state governments for non-compliance of the Sexual Harassment Act," said Shroff.

The punishment under the law is fairly stringent, especially in cases where an employer, after having been previously convicted of a punishable offence under the Act, subsequently commits and is convicted of the same offence, in which case the employer is liable to cancellation of his business licence or registrations.