

## HR Law Hotline

December 10, 2015

### HANDBOOK ON INDIA'S WORKPLACE SEXUAL HARASSMENT LAW RELEASED

India's Ministry of Women and Child Development has released a handbook on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Handbook is meant to serve as a ready reckoner for employers, members of the Internal Complaints Committees and individuals aggrieved by workplace sexual harassment.

In a significant stride towards eliminating sexual harassment against women at workplace, the Ministry of Women and Child Development has released a handbook ("**Handbook**")<sup>1</sup> on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Prevention of Sexual Harassment Act**")<sup>2</sup>. Though the law was introduced over two years ago, as per the National Commission for Women, almost a third of India's corporations and a fourth of global companies, may not be in compliance with the Prevention of Sexual Harassment Act.

The Handbook is an initiative to spread awareness about workplace sexual harassment. It has been designed to serve as a user friendly guide for employers, institutions, organisations as well as the members of Internal Complaints Committees and Local Complaints Committees, on the implementation of the Prevention of Sexual Harassment Act.

The Handbook, meant to be a ready reckoner, is structured in six sections and addresses concepts such as 'workplace', 'sexual harassment', 'aggrieved woman', 'employer', etc. Nuances of sexual harassment and whether certain situations could amount to sexual harassment, have been explained with examples and case studies. The Handbook also sets out the processes to be followed as part of the complaint redressal mechanism and prescribes best practices that may be adopted to ensure a sexual harassment free workplace.<sup>3</sup>

It is hoped that this initiative of the Ministry of Women and Child Development paves the way for enhanced and effective implementation and enforcement of the Prevention of Sexual Harassment Act. In this context, currently there is also a proposal from the Ministry of Women and Child Development to make it mandatory for companies to disclose whether they have put in place an Internal Complaints Committee to inquire into sexual harassment complaints of women employees.<sup>4</sup>

The Handbook is currently available at the following link: <http://wcd.nic.in/sites/default/files/Handbook%20on%20Sexual%20Harassment%20of%20Women%20at%20Workplace.pdf>

Our research paper on India's Law on Prevention of Sexual Harassment at Workplace may be viewed at: [http://www.nishithdesai.com/fileadmin/user\\_upload/pdfs/Research%20Papers/Prevention\\_of\\_Sexual\\_Harassment\\_at\\_Workplace.pdf](http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Prevention_of_Sexual_Harassment_at_Workplace.pdf)

[Prevention\\_of\\_Sexual\\_Harassment\\_at\\_Workplace.pdf](http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/Prevention_of_Sexual_Harassment_at_Workplace.pdf)

– Preetha S, Veena Gopalakrishnan & Vikram Shroff  
You can direct your queries or comments to the authors

<sup>1</sup> <http://pib.nic.in/newsite/PrintRelease.aspx?relid=132685>

<sup>2</sup> <http://www.thehindu.com/business/sexual-harassment-cases-at-workplace-more-than-double-in-2014/article7924191.ece>

<sup>3</sup> <http://pib.nic.in/newsite/PrintRelease.aspx?relid=132685>

<sup>4</sup> <http://indianexpress.com/article/india/india-news-india/harassment-at-workplace-jaitley-say-no-to-maneka-request-on-disclosure-of-probe-panels/#sthash.naZpegaz.dpuf>

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