

## INTERVIEW

# Comply or face jail !



All organizations must comply with anti-Sexual Harassment Act



**P**RCI has set up its Internal Compliance Committee to comply with the anti-sexual harassment act. In an exclusive interview with B N Kumar, our external consultant and founder of Complykaro Vishal Kedia discusses the significance of the law and the need for all organizations to comply with it.

## 1. Question :

What is the significance of the Anti-Sexual Harassment Law?

**Answer :** The Government of India, on the directive of the Supreme Court, has brought out The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 w.e.f. 9th December 2013 to create a safe, secure and conducive work environment for women.

Organisation can no longer dismiss workplace sexual harassment with a 'Chalta Hai' attitude as it is their responsibility to ensure safety of all women whether employed in their premise or coming in contact with other people within their premises. It mandates that organisations employing 10 or more employees should have Internal Complaints Committee (ICC) at each of its location to tackle the complaints of harassment and gender bias. Failure to comply with the law could lead to hefty penalties, imprisonment and even closure of business. In fact a company in Chennai, where a woman complained of sexual harassment, was fined Rs1.68 crores for its failure to comply with the law.

## 2. Question :

How does one comply with the law?

**Answer :** Apart from the Internal Complaints Committee (ICC), every firm needs to formulate an Anti-Sexual Harassment policy and publicise penal consequences of sexual harassment by putting up necessary posters. All employees – male and female – must be made to undergo sensitization training programme so that they understand what constitutes sexual harassment and their rights and responsibilities as per the law.

## 3. Question:

Is this law going to safeguard only those who are working in a particular company?

**Answer :** As per the law, management of government offices and every private firm are responsible to ensure that no women (whether she is an employee or not) is sexually harassed within their premises. Even if a woman is harassed at a mall, railway station or airport the management of such premises is legally obliged to assist the aggrieved women make a complaint against the accused, if she desires to do so.

## 4. Question:

Tell us something about the ICC and how the committee needs to function?

**Answer :** At least 50% of the committee members must be women including the Presiding Officer who must be a woman employed at senior level within the firm. There must be minimum two other employee members and an external member who is an Advocate or social worker from an NGO or association committed to the cause of women. Such members must undergo skill training programme. The ICC is mandatory at each location for any organisation employing 10 or more people, irrespective of men or women. The companies need to file their

compliance statement as part of their Annual Reports.

In case the complaint is against the management itself or in case the firm is a small outfit having less than 10 employees, the law provides for a district level Local Complaints Committee (LCC) setup by the Government for redressal of such complaints.

## 5. Question:

What if an organisation fails to comply with the law?

**Answer :** The law is clear. As I said, non-compliance with the law can invite trouble for the managements, from fines to shutting down of businesses. They even face charges of abetment of the crime and criminal prosecution.

## 6. Question:

Is the law applicable only to companies?

**Answer :** No. It is applicable to all, including associations, proprietorship, partnership firms, LLP, trust, society, clubs and sports events like marathons and matches, schools, colleges.

## 7. Question:

What do you think of the awareness levels of the law?

**Answer :** Unfortunately, not many seem to be aware of the law. A quick survey by the field staff of Complykaro in Mumbai's business districts of Nariman Point and Parel showed that less than three per cent of the big and small offices are aware of the law and most of even those do not have ICCs at each location or have done training of employees and committee members. That's a sad situation. But I am happy that increasing number of women employees have now begun to take the issue seriously. They are complaining. My sincere appeal to all companies, groups and management is that they should comply with the law. Sooner the better, else be ready to suffer as women are asserting their rights.