



## **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013**

**&**

## **Protection of Children from Sexual Offences (POCSO) Act, 2012**

### **What amounts to Sexual Harassment?**

Subjecting a woman to an unwelcome sexually determined behavior (whether directly or by implication) by physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; threat of detrimental treatment in employment; threat about present or future employment; interference with work or creating an intimidating or offensive or hostile work environment; or humiliating treatment likely to affect the lady employee's health or safety.

### **Timelines:**

- A written complaint has to be filed by the aggrieved female employee within 3 months of the date of the incident
- The inquiry has to be completed within 90 days.
- The inquiry report has to be issued within 10 days from the date of completion of inquiry
- The employer is required to act on the recommendations of the committee within 60 days of the receipt of inquiry report.
- Appeal against the decision of the committee is allowed within 90 days of the date of the recommendation.

### **The Protection of Children from Sexual Offences (POCSO) Act, 2012**

- The POCSO Act 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from sexual abuse. It also intends to protect the child through all stages of judicial process and gives paramount importance to the principle of "best interest of the child".



- It constitutes all forms of physical and/or emotional ill treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility trust or power.
- Child abuse and exploitation are grave violation of human rights of children. The consequences may reverberate throughout the life time.
- Physical abuse, sexual abuse, neglect and negligent treatment, emotional abuse, exploitation, conscription of children, bullying/delinquent environment.
- This act suggests that any person, who has an apprehension that an offence is likely to be committed or has knowledge that an offence has been committed, has a mandatory obligation to report the matter i.e. to the authorities as mentioned in the Act or to the Members of the Internal Complaints Committee or to any other Officers in this Institution.

### **What Constitutes Sexual Harassment?**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- ▶ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- ▶ Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- ▶ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Unwelcome Behavior** is the critical word. Unwelcome does not mean "involuntary." A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment, or joke depends on all the circumstances.



**Preventing Sexual Harassment (BNA Communications, Inc.) SDC IP .73 1992 manual Sexual harassment includes many things...**

- ▶ Actual or attempted rape or sexual assault.
- ▶ Unwanted pressure for sexual favors.
- ▶ Unwanted deliberate touching, leaning over, cornering, or pinching. Unwanted sexual looks or gestures.
- ▶ Unwanted letters, telephone calls, or materials of a sexual nature.
- ▶ Unwanted pressure for dates.
- ▶ Unwanted sexual teasing, jokes, remarks, or questions.
- ▶ Referring to an adult as a girl, hunk, doll, babe, or honey.
- ▶ Whistling at someone.
- ▶ Cat calls.
- ▶ Sexual comments.
- ▶ Turning work discussions to sexual topics.
- ▶ Sexual innuendos or stories.
- ▶ Asking about sexual fantasies, preferences, or history.
- ▶ Personal questions about social or sexual life.
- ▶ Sexual comments about a person's clothing, anatomy, or looks.
- ▶ Kissing sounds, howling, and smacking lips.
- ▶ Telling lies or spreading rumors about a person's personal sex life.
- ▶ Neck massage.
- ▶ Touching an employee's clothing, hair, or body.
- ▶ Giving personal gifts.
- ▶ Hanging around a person.
- ▶ Hugging, kissing, patting, or stroking.
- ▶ Touching or rubbing oneself sexually around another person.
- ▶ Standing close or brushing up against a person.
- ▶ Looking a person up and down (elevator eyes).
- ▶ Staring at someone.
- ▶ Sexually suggestive signals.
- ▶ Facial expressions, winking, throwing kisses, or licking lips.
- ▶ Making sexual gestures with hands or through body movements.



## **Terminology**

**SEXISM** is an attitude. It is an attitude of a person of one sex that he or she is superior to a person of the other sex. For example, a man thinks that women are too emotional. Or a woman thinks that men are chauvinists.

**SEX DISCRIMINATION** is a behavior. It occurs when employment decisions are based on an employee's sex or when an employee is treated differently because of his or her sex. For example, a female supervisor always asks the male employees, in a coed workplace, to move the boxes of computer paper. Or, a male supervisor always asks the female employees, in a coed workplace to plan office parties.

**SEXUAL HARASSMENT** is a behavior. It is defined as unwelcome behavior of a sexual nature. For example, a man whistles at a woman when she walks by. Or a woman looks a man up and down when he walks towards her.

**SUBTLE SEXUAL HARASSMENT** is a behavior but not a legal term. It is unwelcome behavior of a sexual nature that if allowed to continue could create a QUID PRO QUO and/or a Hostile Work Environment for the recipient. For example, unwelcome sexual comments, jokes, and innuendoes.

**QUID PRO QUO HARASSMENT** is when employment and/or employment decisions for an employee are based on that employee's acceptance or rejection of unwelcome sexual behavior. For example, a supervisor fires an employee because that employee will not go out with him or her.

**HOSTILE WORK ENVIRONMENT** is a work environment created by unwelcome sexual behavior or behavior directed at an employee because of that employee's sex that is offensive, hostile and/or intimidating and that adversely affects that employee's ability to do his or her job. For example, pervasive unwelcome sexual comments or jokes that continue even though the recipient has indicated that those behaviors are unwelcome.



### **Members of the Sexual Harassment & POCSO Committee**

1) Dr. Dheeraj Sharma	Sr. Enquiry Officer
2) Dr. KCS Mehta	Enquiry Officer
3) Ms. Rajni Sharma	Committee Coordinator
4) Ms. Gurpreet Kour	Member (PGT)
5) Mr. Surinder Kataria	Member (PGT)
6) Ms. Anchal Gupta	Member (TGT)
7) Ms. Pooja Sharma	Member (PGT)
8) Mstr. Sarsh Dev Jamwal	Member (Head-Boy)
9) Ms. Sargam Gautam	Member (Head-Girl)

### **Steps to be taken by the Employers:**

- To provide a safe working environment.
- Display conspicuously at the workplace, what constitutes sexual harassment, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Complaints Committee.
- Organize workshops and awareness programmes at regular intervals for sensitizing employees on the issues and legal implications of sexual harassment at workplace and organizing orientation programmes for members of the Internal Complaints Committee.
- Treat sexual harassments as misconduct under the service rules and initiate action for misconduct.