

PD,PP&S:POSH:1

April 20, 2018

Dear Professional Colleagues

Every day, millions of women in India come out of the comfort of their home to be a part of our country's work force owing to the opportunities arising out of easy access to education, work skills and booming economy. With opportunities come challenges. The working woman may be subjected to gender biasness or sexual harassment at workplace infringing their Right to Life, Liberty and Livelihood. With gender equality granted under the Constitution of India and protected under various Laws of the land, it is necessary for the organisations / employers to provide a safe and secure environment to their female employees.

A lot needs to be done to educate people, especially women, as to what constitutes an act of sexual harassment at workplace and what are the remedies available to counter the same.

The Institute of Company Secretaries of India has set up a Task Force on Prevention of Sexual Harassment of Women at Workplace. The Institute has decided to introduce an Online Weekly Educational Series to create awareness towards Prevention of Sexual Harassment of Woman at Workplace. This Weekly Educational Series is the first step toward our contribution in this regard and will serve to improve awareness about the obligations of employers and rights of employees in case of an offence of sexual harassment take place at workplace.

I am pleased to present to you the First Issue of this Weekly Educational Series and am sure it will serve its defined objective.

CS Makarand Lele

President, ICSI

Prevention of Sexual Harassment of Women at Workplace

Weekly Educational Series

Supreme Court in *Vishaka Vs. State of Rajasthan* and others, recognised, acknowledged and explicitly defined sexual harassment as an- unwelcome sexual gesture or behaviour aimed or having a tendency to outrage the modesty of woman directly or indirectly. The Apex Court considered the constitution of India and held that Sexual harassment of women at workplace is violating Articles 14, 15 and 21 of the Constitution as it impedes with her right to life and to live with decorum as well as right to practice any profession or to carry on any occupation, trade or business which encompasses right to a safe environment, free from sexual harassment.

India's first legislation specifically addressing the issue of workplace sexual harassment; the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act") was enacted by the Government of India in 2013. The Government also subsequently notified Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("POSH Rules"). The year 2013 also witnessed the promulgation of the Criminal Law (Amendment) Act, 2013 ("Criminal Law Amendment Act", amending Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, The Indian Evidence Act, 1972 and the Protection of Children from Sexual Offences Act, 2012) which has made the offences such as sexual harassment, stalking and voyeurism, a criminal offence.

Snapshot of legislation governing Prevention of Sexual Harassment of Women at Workplace In India



This Act provides for :

- Protection against sexual harassment of women at workplace
- Prevention of sexual harassment of women
- Redressal of complaints of sexual harassment.

*An Initiative under the aegis of ICSI Task Force on Prevention of Sexual Harassment of Women at Workplace.

For details, visit <http://www.icsi.edu/posh.aspx>