



Standing Committee Report Summary

The Protection of Women against Sexual Harassment in Workplace Bill, 2010

- The Department Related Parliamentary Standing Committee on Human Resources Development submitted its 239th Report on 'The Protection of Women against Sexual Harassment at Workplace Bill, 2010' on November 30, 2011.
- The Bill lays down the definition of sexual harassment and seeks to provide a mechanism for redressing complaints in the organised and the unorganised sector.
- The Bill seeks to provide protection to women against sexual harassment. With respect to cases of sexual harassment against men, the Committee felt that that a provision to look at cases of sexual harassment against men may be explored. Alternatively, the Committee proposed that an employer could be required to provide details of cases of sexual harassment against men in the annual report.
- The Committee agreed with the definition of sexual harassment in the Bill. However, it recommended that the words 'verbal, textual, physical, graphic or electronic actions' be added in the definition. It recommended that employers expressly include sexual harassment in the definition of misconduct.
- The Bill does not specify any time limit within which the complaint has to be filed. The Committee recommended that a reasonable time limit be specified.
- The Bill excludes domestic workers from its purview. The Committee recommended that the domestic workers be included within the ambit of the Bill.
- The Committee recommended that in order to make the Internal Complaints Committee more effective, a provision be provided specifying the circumstances under which the constitution of this committee could be exempted.
- The Committee made certain comments on the provisions related to conciliation. It said that a distinction should be made between a major and minor offence. Conciliation should be open only in case of a minor offence. It recommended that there should not be any monetary settlement as that would trivialise the offence.
- The Committee examined the procedure related to inquiry of an appeal. It recommended that inquiry be made in accordance with the service and conduct rules. The term "damages" should be used in place of "compensation".
- The Bill does not specify any provision relating to the rights of the accused. The Committee recommended that an appropriate procedure be included in the Bill to ensure a free and fair trial for the accused.
- The Bill provides for penalties against any person making a false or malicious complaint. The Committee recommended that a distinction be made between false and malicious complaints. It recommended that there should be no punishment for a false complaint. However, if it was filed with a malicious intent, then action should be considered.
- The Bill stipulates certain penal provisions for non compliance with the Bill. These provisions include cancelling the employer's license/registration. The Committee stated that while a strong deterrent was required, cancellation of the license would harm the interests of people associated with the business. It recommended that the provision be modified to safeguard the interests of other employees and dependents.
- The Bill provides for the setting up of a Local Complaints Committee in every block/ward where it is not possible to have an Internal Complaints Committee. The Committee was of the opinion that it may not be feasible to have an additional Local Complaints Committee in every block or ward. It was of the view that district level committee could handle such cases.

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