



Shortfalls in Sexual Harassment Laws

What is the issue?

\n\n

\n

- The #Me Too movement has gained momentum in India, with a recent series of allegations.

\n

- In this backdrop, it is essential to understand the drawbacks and shortcomings in the present [law against sexual harassment at workplace](#).

\n

\n\n

What did the 2013 Act do?

\n\n

\n

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, passed in 2013, is the law in place.

\n

- The Act expanded the ambit of the earlier Vishaka guidelines, to cover women in any working environment.

\n

- It ranges from domestic helps to those in the unorganised sector and covers clients and customers.

\n

- The sphere of the workplace was expanded from immediate office environment to any place visited during the course of employment.

\n

- It included transportation, and non-traditional workplaces which involve telecommuting.

\n

- But the #metoo movement suggests that the law urgently requires further expansion.

\n

\n\n

What are the continuing shortfalls?

\n\n

- \n
 - **Past incidents** - The biggest and the most obvious gap in the law flows from retrospective accusations.
 - \n
 - The Act offers no clues to how organisations should proceed when an existing employee stands accused of past transgressions by women with no immediate link to the existing company.
 - \n
 - **Mechanisms** - Some organisations have responded by mobilising the internal complaint committee to address backdated external claims.
 - \n
 - But the law should not rely on the subjectively variable element of organisational wisdom or convention to redress this use.
 - \n
 - Explicit steps to deal with such contingencies would only reassure women that the legal system takes their rights seriously.
 - \n
 - **Relevance** - The Act does not offer guidelines on dealing with questions raised by the movements like the current #metoo tweet-storm.
 - \n
 - The #metoo movement reflects a greater sense of empowerment.
 - \n
 - Notably, this space was curtailed by an understandable hesitation to file complaints with the police, under the current law.
 - \n
 - The law, therefore, needs to move in sync with the times.
 - \n
 - **Implementation** - For ordinary women in the unorganised sector, especially in politics, redressal mechanisms are non-existent.
 - \n
 - The laws stipulate setting up local complaints committees in every district for organisations with 10 or fewer employees.
 - \n
 - But currently, their existence and functioning is not to any noteworthy levels.
 - \n
 - There are also no penalties for districts that lack such complaints committees.
 - \n
 - **Balance** - The Act needs to acquire some balance by extending the rights to

men who stand accused too.

\n

- Ensuring the principles of natural equity is the best guarantor of women's rights indeed.

\n

- **Leadership** - A crucial reason why women have resorted to public naming and shaming is the unresponsiveness in the formal channels.

\n

- Leaders across workplaces must thus ensure that the formal system is sensitive and responsive enough for female employees.

\n

- This is essential for them to confidently come forward and register a complaint.

\n

\n\n

\n\n

Source: Business Standard

\n



IAS PARLIAMENT

Information is Empowering

A Shankar IAS Academy Initiative