Shortfalls in Sexual Harassment Laws

What is the issue?

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- The #Me Too movement has gained momentum in India, with a recent series of allegations.
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- In this backdrop, it is essential to understand the drawbacks and shortcomings in the present law against sexual harassment at workplace.
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What did the 2013 Act do?

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- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, passed in 2013, is the law in place.
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- The Act expanded the ambit of the earlier Vishaka guidelines, to cover women in any working environment.
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- It ranges from domestic helps to those in the unorganised sector and covers clients and customers.
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- The sphere of the workplace was expanded from immediate office environment to any place visited during the course of employment.
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- It included transportation, and non-traditional workplaces which involve telecommuting.
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- But the #metoo movement suggests that the law urgently requires further expansion.
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What are the continuing shortfalls?

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

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- **Leadership** - A crucial reason why women have resorted to public naming and shaming is the unresponsiveness in the formal channels.
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- Leaders across workplaces must thus ensure that the formal system is sensitive and responsive enough for female employees.
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- This is essential for them to confidently come forward and register a complaint.
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Source: Business Standard

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