



## J.S. Verma Committee on Sexual Harassment at Workplace Act

Union Ministry for Women and Child Development will set up a committee of senior judicial and legal persons to look into the legal and institutional framework to curb sexual harassment at workplaces following the #MeToo campaign on social media.

- The Justice JS Verma committee was set up after the Nirbhaya incident of December 2012 and submitted its recommendations on strengthening the laws to curb crimes against women.

### JS Verma Committee recommendations on Sexual Harassment at the Workplace Act:

- Justice J.S. Verma Committee had recommended **setting up of an employment tribunal instead of an internal complaints committee** (ICC) in the Sexual Harassment at the Workplace Act.
- To ensure speedy disposal of complaints, the committee proposed that the tribunal should not function as a civil court but may choose its own procedure to deal with each complaint.
- An internal complaints committee as laid down under the act could be counterproductive as dealing with such complaints in-house could discourage women from filing complaints.
- Domestic workers should be included within the purview of the Act.
- The Committee has termed the Sexual Harassment Act “unsatisfactory” and said it did not reflect the spirit of the Vishakha guidelines — framed by the Supreme Court in 1997 to curb sexual harassment at the workplace.
- The Committee said any “unwelcome behavior” should be seen from the subjective perception of the complainant, thus broadening the scope of the definition of sexual harassment.
- The Verma panel said an employer should be held liable if
  - he or she facilitated sexual harassment
  - permitted an environment where sexual misconduct becomes widespread and systematic
  - Where the employer fails to disclose the company’s policy on sexual harassment and ways in which workers can file a complaint
  - When the employer fails to forward a complaint to the tribunal
  - The company would also be liable to pay compensation to the complainant
- The panel opposed penalizing women for false complaints as it can potentially nullify the objective of the law.
- The Verma panel also said that the time-limit of three months to file a complaint should be done away with and a complainant should not be transferred without her consent.

### The Protection of Women Against Sexual Harassment at Workplace Act, 2013

- The Act defines sexual harassment at the workplace and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees.
- The Complaints Committees have the powers of civil courts for gathering evidence.
- The Complaints Committees are required to provide for conciliation before initiating an inquiry if requested by the complainant.

- Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine.
- Repeated violations may lead to higher penalties and cancellation of license or registration to conduct business.

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