

Women's empowerment in the workplace is essential for business. It is a core human right supported by international standards as well as the Indian government. It creates opportunities for growth, benefits productivity and quality and avoids costly risks. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redress) Act, commonly referred to as the POSH Act - sets out specific requirements regarding addressing sexual harassment, while the Maternity Act, Equal Remuneration Act, and the Factories Act outline key requirements for you to abide by to create an enabling environment for women at work.

For more information on the amfori work **Women's Empowerment Programme** and on the India Project go to www.amfori.org.

To register for training programmes, follow the link at academy.amfori.org.

amfori has an agreement with the Confederation of Indian Industry (CII) to initiate a one-year project to reduce workplace violence with a focus on sexual harassment.

Please contact our Network Representative India for any further support.

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Key Legislation



The Maternity Act, 1961

The Act requires certain benefits to employees in case of sickness, maternity and employment injury.



The Equal Remuneration Act, 1976

Article 39(d) of the Indian Constitution envisages that state shall direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women.



Working Hours for Women (The Factories Act, 1948)

This restricts the hours women workers are allowed to work. The Factory Act also restricts Occupational Health and Safety related to women, for example, it prohibits employment of women in any part of a factory for pressing cotton in which a cotton opener is at work.

Women's empowerment in the workplace

Understanding and addressing sexual harassment and other women's rights in the workplace.

Womens Empowerment in the Workplace

These guidelines outline the business case and the key legal requirements to be aware of for women's empowerment at the workplace in India. It highlights the benefits of creating an empowering environment for women which can unlock business opportunities and ensure that legal requirements are met under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (including the formation and working of Internal Committees), the Maternity Benefits Act 1961 and amendments to the same, the Equal Remuneration Act 1975 and the Factory Act 1948 (which also covers working hours for women).

The Business Case

Creating workplaces that enable women to be empowered to reach their full potential is not only the right thing to do, it is also better for business. Research has shown that if women were enabled to work to their full potential globally, the economy could **grow by \$28 trillion** by 2025 ^[1].

In fact, creating empowering workplaces for women can:

- Increase worker satisfaction
- Reduce absenteeism
- Reduce staff turnover
- Increase ownership, confidence and skills of women workers
- Enhance productivity levels
- Increase financial turnover and profits
- It can also create opportunities for suppliers to reap the benefits as a preferred supplier for the RoSL (Rebate of State Levies) government scheme. The benefits of RoSL include offsetting indirect taxes levied by states, such as stamp duty, electricity duty and petroleum tax that are embedded in exports.

Sexual Harassment and the Workplace

Not only do we need to ensure that we are creating workplaces that allow women to reach their full potential, we must also ensure that we are creating environments that are respectful, recognise and welcome diversity and provide a safe and healthy environment for all, irrespective of gender.

Sexual harassment of women at workplace: The Posh Act

In 2013, India introduced the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), or POSH Act. The Act recognises that sexual harassment is a violation of the fundamental rights of women and their right to a life with dignity. Harassment creates an insecure and hostile work environment and discourages women's participation at work.



What is sexual harassment?

Sexual harassment is any unwanted conduct that occurs with the purpose or effect of violating the dignity of an individual or creates an intimidating, hostile, degrading, humiliating or offensive environment.

It can be:

- Physical, mental or verbal
- By an individual or group
- Persistent or a single occurrence

What is required?

Companies must:

- Develop an anti-sexual harassment policy
- Organise awareness programmes
- Set up an internal complaints committee
- Display relevant notices and policies

The Must-Dos of Internal Complaints (IC)

When investigating a complaint, they must:

- Interview the complainant, respondent and witnesses
- Ensure confidentiality and impartiality is guaranteed (sign a non-disclosure agreement - NDA)
- The chairperson should call the committee to meet within 7 days of a grievance being logged
- A minimum of three members of the Internal Complaint Committee (ICC) including the chairperson shall be present during the inquiry
- Send a complaint to the respondent within seven days
- Complete the inquiry within 90 days

To resolve a complaint, companies must:

- Appoint a neutral conciliator to resolve the complaint
- Forward the findings and conciliation resolution to the employer
- The choice is with the complainant to determine if the case is satisfactorily resolved or if further action is required
- If a victim is dissatisfied with the findings of IC, she can appeal to a Court / tribunal.

[1] McKinsey Global Institute Report, September 2015 https://www.mckinsey.com/~media/McKinsey/Featured%20Insights/Employment%20and%20Growth/How%20advancing%20womens%20equality%20can%20add%201.2%20trillion%20to%20global%20growth/MGI%20Power%20of%20parity_Full%20report_September%202015.ashx