

COMPLIANCE CHECKLIST FOR EMPLOYERS

Is your organization compliant with anti-sexual harassment laws?

This is a checklist enumerating the responsibilities of employers under the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The checklist can be used by employers, HR professionals and consultants to quickly check whether an organization is compliant with anti-sexual harassment law in India. Each entry has been kept brief for quick reference - wherever necessary, you are advised to refer to the modules under the toolkit to access detailed explanations of how you can comply with the law effectively.

Policies

Have you prepared and implemented an internal Anti-Sexual Harassment Policy in your organization?

Have you created an Internal Complaints Committee (ICC) for each branch or office as per the Anti-Sexual Harassment Act, 2013?

(* applies for each branch or office with 10 or more staff)

Is sexual harassment specified as a form of misconduct under the employment contract or service rules, or the standing orders (if standing orders are applicable to your business)?

Notices

Have you displayed sufficient notices informing employees about your organization's stance on sexual harassment and the consequences of indulging in such acts?

*(*these could be on notice boards, outside the entry, at the reception, in the canteen, on the local intranet of your company, or similar locations that can be appropriately identified by the employer)*

Have you provided sufficient information about the members of the ICC in prominent places in the organization, so that employees and staff can reach them?

*(*these could be on notice boards, outside the entry, at the reception, in the canteen, on the local intranet of your company, or similar locations that can be appropriately identified by the employer)*

Employee awareness and assistance

Do you conduct periodic workshops or seminars to sensitise employees about the stance of your organization on sexual harassment and about the consequences of engaging in any conduct that amounts to sexual harassment?

Have you made efforts to make employees aware about their rights under the Act?

Is there any system or process of providing assistance to an employee who has been sexually harassed, in approaching complaints committees and in dealing with psychological and other effects of sexual harassment?

Does the organization provide assistance to the harassed employee to make a criminal complaint in the police station? Have employees been made aware of this?

Obligations pertaining to ICC

Do you have required number of members in the ICC as per the conditions laid down in the Anti-Sexual Harassment Act, 2013?

Have you conducted an orientation programme for the members of the ICC?

Do you conduct capacity and skill building workshops for the members of the ICC?

Do you provide necessary facilities to the ICC for dealing with sexual harassment proceedings?

Compliance with complaints committee recommendations

Have you followed the recommendations of the Local Complaints Committee / ICC (as applicable) regarding the interim measures?

Have you implemented the Local Complaints Committee / ICC's recommendations as per the final award?

Do you monitor the functioning and performance of the ICC at a broad level? For example, do you know whether complaints are being decided within prescribed time limits, whether necessary procedures are being followed, etc.?

Reports

Does the ICC forward an annual report containing necessary details of sexual harassment proceedings?

Do you include information about pending and resolved sexual harassment cases in the annual report of your company?