

Human Rights in Organisations/ Workplace

Introduction

- Human Rights are protected by the Law
- Many of the principles of the Human Rights Acts are designed to protect you as a worker within the workplace (For eg: the right to privacy)
- They protect people from discrimination
- Employers have to be aware of human rights legislation as it applies to all practices of employment

Rights relevant to workers

- No one may be subjected to slavery, servitude and forced labour
- Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions
- Every citizen has the right to choose their trade, occupation or profession freely

Labour Policy in India

- It has been evolving in response to specific needs of the situation to suit requirements of planned 'Economic Development and Social Justice' – the two-fold objectives. Labour policies are devised to maintain economic development, social justice, industrial harmony and welfare of labour in the country.

Important Acts of Indian Labour Laws

- The Apprentices Act, 1961
- The Payment of Wages Act, 1936
- The Workmen's Compensation Act, 1923
- The Factories Act, 1948
- The Industrial Disputes Act, 1947
- The Employees PF & MP Act, 1952
- The Employees State Insurance Act, 1948
- The Maternity Benefit Act, 1961
- The Payment of Bonus Act, 1965
- The Payment of Gratuity Act, 1972

More broadly

- Discrimination – to treat someone unfairly, deny a benefit, exclude, impose obligations, disadvantage, etc, because of a characteristic or perceived characteristic under a code. Intent is not necessary to prove discrimination.
- Harassment – Offensive behaviour, comments or insults based on one or more of the grounds of discrimination in a Code. Harassment also occurs when people say something that they know will make you feel uncomfortable.

Some Examples

- One cannot be discriminated on the basis of caste, class, religion, region, language or any other such grounds.
- If there is a an expressed need, the employer is bound to meet, creche.
- Discrimination based on sex. Not hiring a woman because she is pregnant or is in the reproductive age.
- Considering an aggressive male employee to be strong, but an aggressive female employee to be bad.

Sexual Harassment at Workplace: its Prevention, Prohibition and Redressal, 2013



Definition of Sexual Harassment

- Unwelcome sexually determined behaviour (whether directly or by implication) as:
 - Physical contact and advances
 - A demand or request for sexual favours
 - Sexually coloured remarks
 - Showing pornography
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature



Sexual Harassment is...

- About power, about intimidation, preserving the status quo, superiority and control.
- Exploitation of power, feeling that you can do anything you want to and get away
- Not about age or attractiveness.
- It can happen to anyone – also men
- 95% of those harassed are women



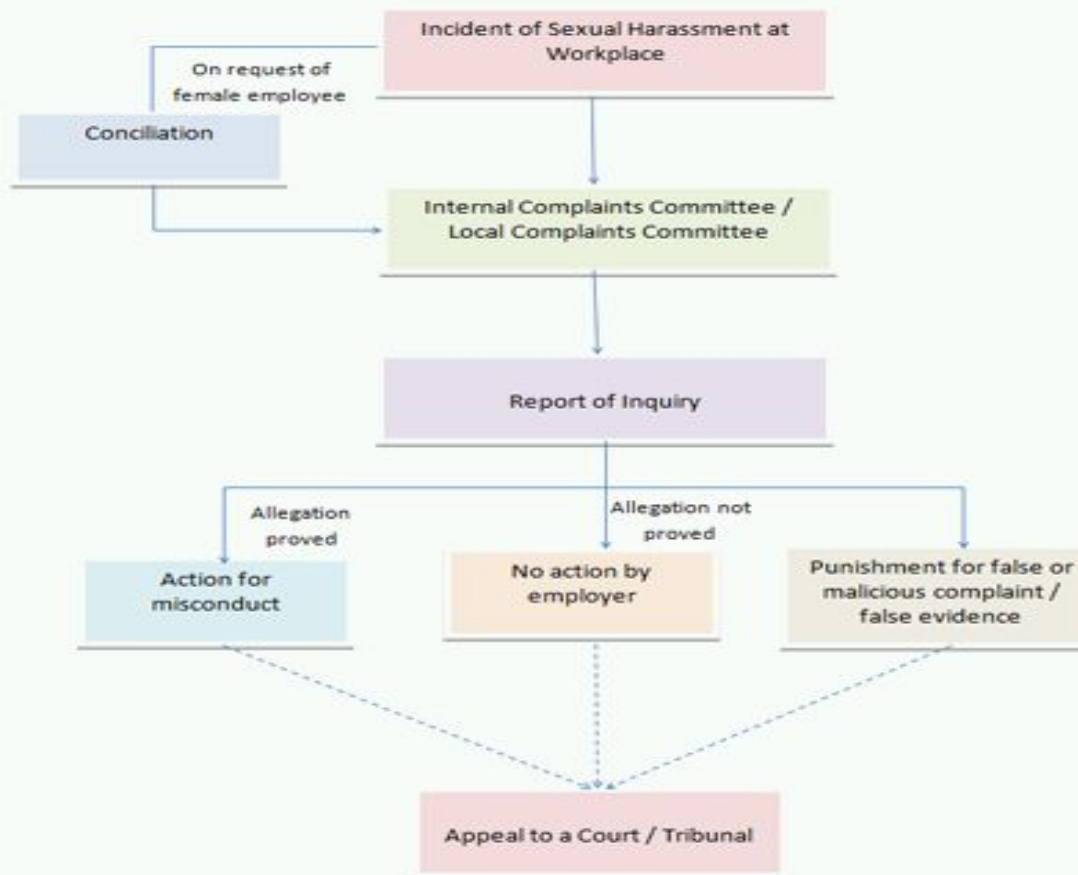
Some Facts and Figures (India)

- Crime rates – 68 rapes (3 per hour) and 23 (1 per hour) dowry deaths per day.
- 2.5 lakh cases of crimes recorded every year – only 24% conviction for rape, 32% for dowry murder and 21.3% for all other crimes.
- 7 out of 10 women have faced sexual harassment. 90% do not register a police complaint because they think it is of no use reveal TOI survey (Dec 2012).
- The flip side is also that 60% women consider it is okay for their husbands to beat them (NFHS3)



India: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

Procedure to be followed



Timelines

A written complaint has to be filed by the female employee within 3 months of the date of the incident.

The Inquiry has to be completed within 90 days.

The Inquiry report has to be issued within 10 days from the date of completion of inquiry.

Employer is required to act on the recommendations of the committee within 60 days of receipt of inquiry report.

Appeal against the decision of the committee is allowed within 90 days of the date of recommendations.