

Types of Punishments – on proving alleged Sexual Harassment

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According to section 13(3) (i) of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013, where the Internal Committee or Local committee finds that the allegation is proved against the respondent, it shall recommend to the Employer or District Officer, as the case may be, to take action as per the service rules (HR policy, Code of Conduct, Code on Ethics, etc.) or in such manner as may be prescribed, if no such rules are prescribed.

Following are few such retributions, ranging from simple reprimand to termination of employment, which can be included in the service rules of an Organization or considered by the Internal Committee when the alleged sexual harassment is proved and an order has to be passed on the findings.

1. Admonition – Reprimanding someone. Orally (and sometime severely) warning someone, whose behaviour is not correct and you are not happy with. Such behaviour is against the set policy/rules of the organisation. Action of such type is condemned or the person is censured that it is unacceptable and shall not be repeated.
2. Admonition and display the details of action taken, in any conspicuous place. If this becomes a punishment for any non-grievous misconduct, it may deter employees even to think of conducting themselves or involving in any action which is not considered as normal activity in workplace
3. A written warning and the same shall be part of the Service Record
4. Demotion / Salary cut / Increment on hold / Consideration of Promotion is on hold
5. Debarring the individual from any big projects, Training, Travel abroad, etc

6. Prohibiting the individual respondent from harassing the victim in any manner including, but not limited to, prohibition from communicating with her in any manner such as phones, messages, electronic means, physical or other means for a specified period
7. Transfer to any other department or branch, to ensure that the individual respondent do not communicate or contact the complainant woman
8. Make the Respondent to undergo a Counselling session
9. Make the Respondent to carry out a Community service
10. Suspension
11. Termination
12. If any monetary compensation has to be extended to the complainant woman, due to physical harm during the harassment or mental disturbance due to the incident, the same can be deducted from the salary of the respondent. Employer to compensate initially and deduct the same from the respondent.

For Internal Committee, the above can only be a Recommendation on the Findings during the inquiry and the Management will decide the action accordingly.

Due caution has to be taken as both the aggrieved woman and respondent can appeal against the Order.

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