

GOVT. OF NCT OF DELHI
DEPARTMENT OF WOMEN & CHILD DEVELOPMENT
MAHARANA PRATAP ISBT Building, Kashmere Gate, Delhi-110006

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ADVISORY

The Department of Women and Child Development (DWCD), Government of NCT of Delhi, maintains a zero-tolerance policy towards any form of sexual harassment of women at the workplace. The Department is committed to ensuring a safe, secure, and dignified working environment for all its employees, especially for women. In pursuance of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the following advisory is issued for the strict and mandatory compliance of all employees of DWCD and its field offices.

Zero-Tolerance Policy:

DWCD adopts a zero-tolerance policy towards sexual harassment at the workplace. Any unwelcome act or behavior (whether direct or implied) that falls within the purview of Section 2(n) and Section 3 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, shall be treated as misconduct and shall attract disciplinary and legal action.

Definition of Sexual Harassment:

As per Section 2(n) and Section 3 of the Act, sexual harassment includes one or more of the following unwelcome acts or behaviors (whether directly or by implication):

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually colored remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature;

Additionally, circumstances such as implied or explicit promises of preferential treatment, threats of detrimental treatment in her present or future employment, interference with work performance, creating an intimidating, hostile and offensive work environment, or humiliating treatment likely to affect her mental health and safety are also considered as an act of sexual harassment.

Section 3: What makes it "Sexual Harassment at the Workplace"?

Section 3 explains the circumstances under which the acts defined in Section 2(n) constitute sexual harassment at the Workplace. These include when the behavior:

- I. Interferes with a woman's work; or
- II. Creates an intimidating or hostile work environment; or
- III. Is made in exchange for a benefit (such as a promotion); or
- IV. Threatens a woman with negative consequences, if she refuses; or
- V. Damages her dignity in the workplace;

Additional Directives:

Inclusion of Electronic Misconduct:

Any act of sexual harassment committed through electronic means—including telephone, internet, or intranet—shall be treated as misconduct under the applicable service and conduct rules.

Protection against Retaliation and Discrimination:

Provision of protective measures to the aggrieved woman, including safeguards against retaliation, discrimination, or hostile work environment arising out of the complaint process.

Constitution of Internal Committees (IC) :

In compliance with Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Internal Committees (IC) have been duly constituted at the Department headquarters and at each District Office to address complaints of sexual harassment. The Committees function independently and impartially to uphold the dignity and rights of women in the workplace.

As per section 19(b), the penal consequences of sexual harassments and the order constituting the Internal Committee should be displayed at any conspicuous place in the workplace.

Complaint Procedure/Redressal Mechanism:

All women employees, interns, contract workers, and visitors are entitled to file written complaints of sexual harassment with the respective Internal Committee. The Committee shall follow the procedures outlined in Sections 9 to 11 of the Act for receiving, inquiring, and resolving such complaints confidentially and within the stipulated timeframe.

Compliance of Section 12 of the Act- Action during pendency of inquiry:

(1) As per section 12 of the Act, during the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee or the local Committee, as the case may be, may recommend to the employer to-

- Transfer the aggrieved woman or the respondent to any other workplace; or
- Grant leave to the aggrieved woman up to a period of three months; or
- Grant such other relief to the aggrieved woman as may be prescribed.

Misuse of the Provisions of the Act:

While the Act provides a robust mechanism for redressal of grievances, it is imperative to ensure that its provisions are not misused. Filing false or malicious complaints is contravenes the intent of the Act and may result in action under Section 14 of the Act.

Action in Case of Misuse:

If any complaint is found to be false, malicious, or made with a deliberate intent to mislead or defame, appropriate disciplinary action, including penalty deemed fit, shall be initiated in accordance with the rules as per Section 14 of Sexual Harassment Act.

Misconduct and Harassment-Indicative List- *(The conduct mentioned in Section 2(n) must be present first. Only then can the impact or effect under Section 3 be considered. If the behavior complained of does not fall under the definition of sexual harassment as per Section 2(n), then it cannot be treated as sexual harassment under this Act, even if the woman felt uncomfortable or offended.)*

The following conduct, while not exhaustive, may amount to workplace sexual harassment, bullying, or creating a hostile work environment and should be reported and addressed accordingly:

1. Public criticism, reprimanding, or condemnation without justification.
2. Social exclusion from workplace activities without cause.
3. Spreading malicious gossip or damaging a person's professional reputation.
4. Arbitrary removal of key responsibilities or assigning menial tasks.
5. Overloading or underutilizing an employee without justification.
6. Undermining authority or responsibilities without justification.
7. Excessive surveillance or micromanagement.
8. Repeated blaming or unjustified fault-finding.
9. Assigning degrading or humiliating tasks repetitively.
10. Isolating or marginalizing individuals.
11. Tampering with tools, workspaces, or work output.
12. Publicly humiliating or shaming an employee.
13. Misuse of disciplinary procedures to intimidate.
14. Withholding essential resources or support deliberately.

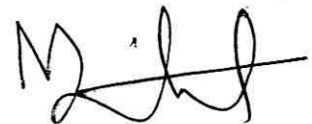
Such behaviors may create a hostile work environment, particularly when gender-based power imbalances are involved, and may constitute sexual harassment under the Act.

Responsibility of Employees at the Work Place:

Creating a workplace free of harassment is the collective responsibility of all officials, staff, and stakeholders. Every employee is expected to:

- Treat colleagues with respect and dignity.
- Avoid any behavior that could be perceived as unwelcome or offensive.
- Support and cooperate with the Internal Committee in preventing and redressing complaints.

The Department of Women and Child Development reaffirms its commitment to upholding the dignity, equality, and safety of women in the workplace. All officers/officials are urged to familiarize themselves with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and act in a manner that promotes a respectful, inclusive, and secure work environment.



(Mitali Namchoom), IAS
Director (WCD)

To:

1. All the Deputy Director/Branch In-charges, DWCD, GNCTD.
2. All District Officers, DWCD, GNCTD with direction to circulate in all WCD institutions and offices under their jurisdiction.
3. All Internal Committees (ICs), DWCD, GNCTD.
4. The Deputy Director (IT) to upload on departmental website.

Copy for Information:

1. P.S to Secretary, DWCD, GNCTD.
2. P.S to Special Director, DWCD, GNCTD.