INTERNAL COMPLAINTS COMMITTEE



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MINISTRY OF LAW & JUSTICE

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



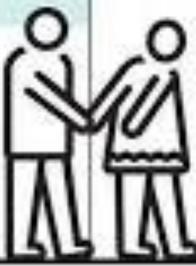


WHAT THE LAW STATES

- Every district has to constitute a local complaints committee
- DM has to constitute the committee and appoint nodal officers
- DM and the committee has to ensure fair trial for reported sexual harassment cases

- Act puts onus on employers to provide harassment-free workplaces to women workers
- Workplaces must have internal

complaints committee.
Case details have
to be shared with
local complaints
committee



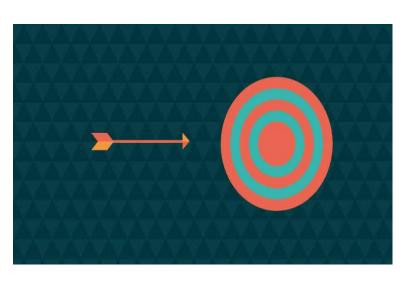
Internal Complaints Committee - Composition

Presiding Officer - Senior woman employee from the workplace/other admin units/office/organisations.

Internal Complaints Committee Two members - employees preferably, committed to the cause of women/experience in social work/legal knowledge



One member from an NGO/other women's organisation/familiar with issues relating to sexual harassment.



OBJECTIVES

- ➤ Protection against sexual harassment of women at workplace
- > Prevention
- > Redressal of sexual harassment

SEXUAL HARASSMENT

includes any one or more of the following unwelcome acts or behavior

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

TERMINOLOGIES

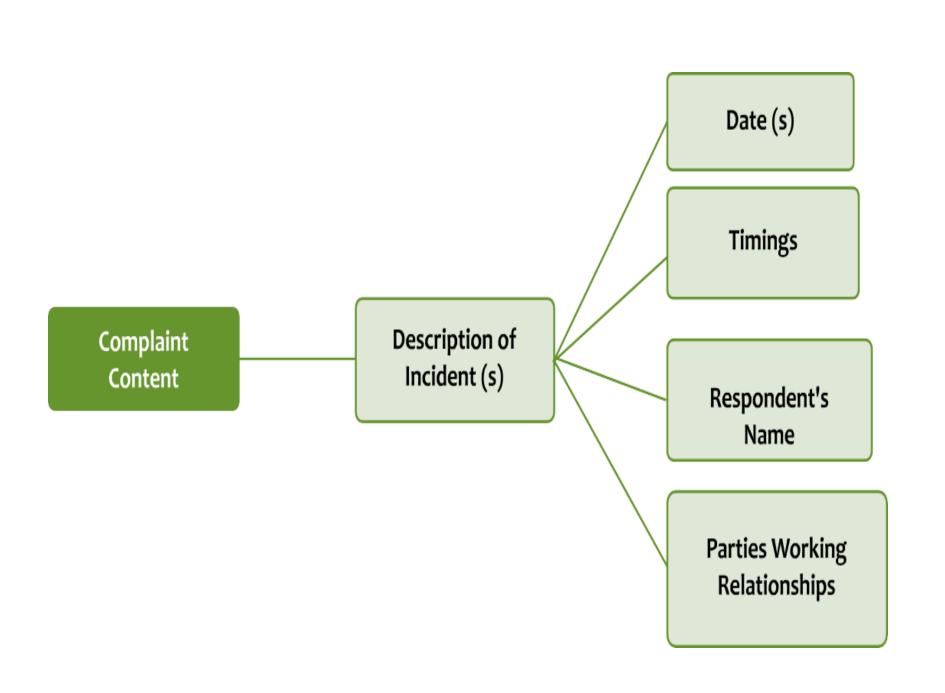
- **≻** Employee
- **≻** Employer
- > Aggrieved women
- **≻** Respondent





RESPONSIBILITIES OF THE EMPLOYER

- 1) To create a workplace free of sexual harassment.
- 2) Create and communicate a detailed policy
- 3)Ensure awareness and orientation on the issue;
- 4) Constitute Complaints Committee/s in every workplace and district
- 5) Ensure Complaints Committees are trained in both skill and capacity
- 6) Prepare an annual report and report to the respective state government



Stage One: Receipt of the Complaint

Step 1: Receive and acknowledge

receipt of the complaint

Step 2: Meet and talk to the

complainant to explore options for formal and informal resolution

Step 3: Informal mechanism

Step 4: Formal mechanism

Step 5 : Respondent and response

Stage Two: Planning Carefully

Step 6 : Prepare the file

Step 7: Consideration

Stage Three: Interviews

Step 8 : Prepare an interview plan for the hearing: Complainant, Witnesses and Respondent.

Step 9 : Assess the completeness of the information collected.



Stage Four : Reasoning

Step 10: Analyse and assess the information gathered during the inquiry.

Step 11: Create a timeline to help establish the sequence of events related to the complaints.

Step 12 : Compare similarities and differences within each of the statements made by interviewees.

Stage Six: Report

Step 15: Writing the

Report



Stage Five: Finding and Recommendation

Step 13 : Finding

Step 14:

Recommendations

ACTIONS AGAINST RESPONDENT

- > Warning
- Written apology
- ➤ Bond of good behavior
- ➤ Adverse remark in the Confidential Report Stopping of increments/promotion
- **>** Suspension
- ➤ Dismissal
- > Any other relevant actions

INTERIM RELIEFS

During the pendency of the enquiry written request by the aggrieved employee:

- Transfer the aggrieved woman or the respondent to any other workplace
- ➤ Grant leave to the aggrieved woman up to a period of three months Interim reliefs
 Procedure

PENALTY FOR NON-COMPLIANCE BY THE EMPLOYER

First Conviction

➤ Punishable with fine which may extend to Rs.50,000/-

For **subsequent conviction** of same offence

- Twice the punishment, which might have been imposed on first conviction and
- ➤ Cancellation of his license / affiliation

COMPLAINTS COMMITTEE CHECK LIST

- 1) Review the written complaints and response to complaints
- 2) Review the applicable policy, the Act/Rules, Vishaka
- Guidelines and other relevant laws
- 3)Develop a plan
- 4) Meet with the complainant
- 5) Meet with the respondent
- 6) Meet with the witnesses
- 7) Record statements and have them dated and signed
- 8) Review and adapt the plan, as needed
- 9)Proceed with further interviews, as needed
- 10) Analyze all the facts to develop reasoning

- 11) Arrive at the findings
- 12) Give recommendations
- 13)Prepare the report
- 14)Submit the file to the organization or District Officer for implementation of the recommendations and for safe keeping.

THANK YOU

