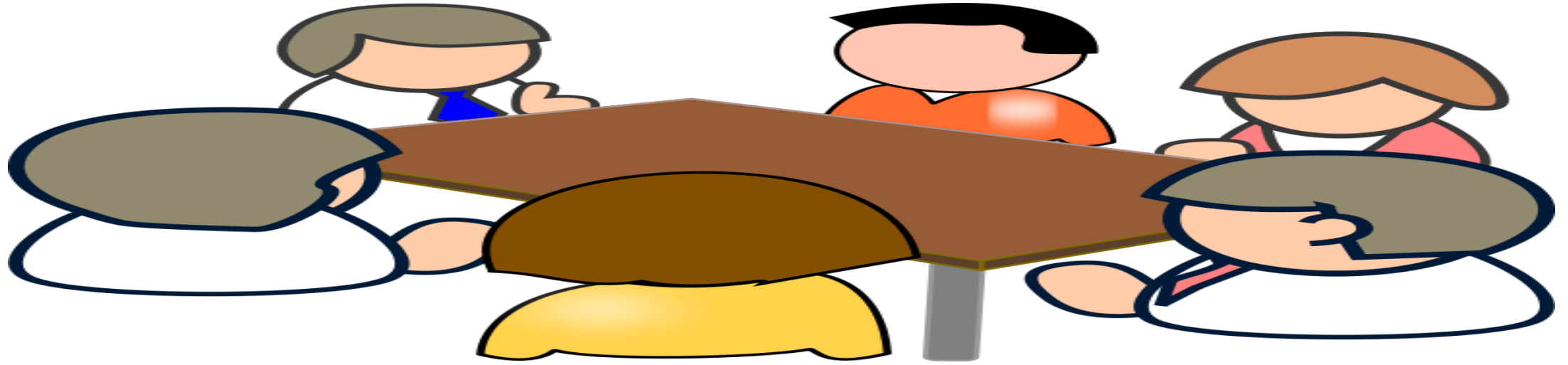


Internal Complaints Committee



Group:5

- Dr. Tirou Aroul
- Dr. Lokesh
- Mr. Kingsle Kishore Coumar M.F.
- Mr. Vijaya Kumar
- Mr. Kuppusamy Desikan

Reviewed By :

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OUTLINE

- **Introduction**
- **Terminology**
- **Definition**
- **Law**
- **Objective**
- **Harassment**
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- **Committees**
- **DO'S & DONT'S of Committees**
- **Sexual Harassment Complaint Process**
- **Interview Tips**
- **Time Line**
- **Committee Check List**
- **Implementation**
- **SHE-Box Complaint System**

INTRODUCTION

- As enshrined in the Preamble to the Constitution of India, “**equality of status and opportunity**” must be secured for all its citizens; equality of every person under the law is guaranteed by Article 14 of the Constitution.
- A safe workplace is therefore a **woman’s legal right**
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build enabling work environments that respect women’s right to equality of status and opportunity

TERMINOLOGY

- **ACT-** It is a bill which has passed through the various legislative steps required for it and which has become **law**.
- **HARASSMENT:** Wide range of behavior of an offensive nature.
- **RESPONDENT-** A person against whom the aggrieved woman has made a complaint.
(Section 2 m)
- **ICC-**Internal Complaints Committee
- **LCC-**Local Complaints Committee
- **NGO-**Non Governmental organizations

Sexual Harassment

- Protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for the matters connected therewith or incidental thereto.

- Ministry of Women and Child Development (Govt of India)

LAW

- The Parliament of India passed the “**Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act,**” in the year **2013**.
- Based on "**Vishaka Guidelines**”
- Articles 14, 15 and 21 of the Indian Constitution



OBJECTIVE

- To develop a policy against sexual harassment of women at the Institute.
- To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the Institute.
- To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.

HARASSMENT INCLUDE....

1. Physical contact and advances
2. A demand or request for sexual favors
3. Making sexually colored remarks
4. Showing pornography
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.



HOW VISHAKA WORKS

Employer to take appropriate action

Be in compliance of SHWW Act 2013

Complainant to File Complaint

Provide all info in structural manner

ICC to acknowledge the complainant

Meet & talk to the complainant to explore options for formal & informal resolution

ICC to have Interviews

Prepare an interview plan for the hearing: Complainant, Respondent & Witness(if any)

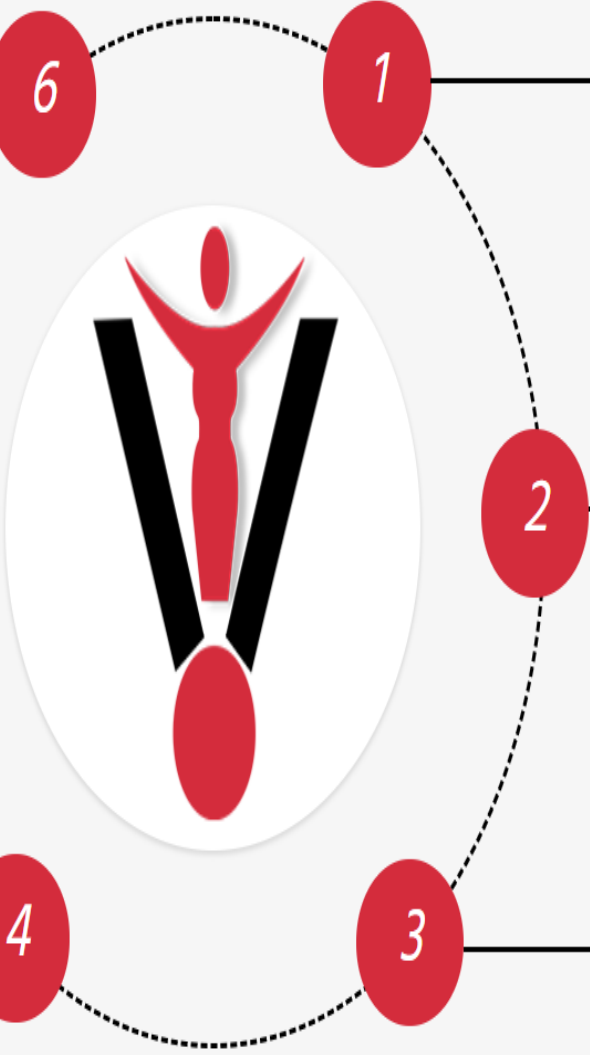
Analyze and access the information

Create time-line to help establish the sequence of events related to the complaint
Take help of ICC members to come up with findings



ICC to submit recommendations

Finalize the report



What is POSH?

The *Prevention of Sexual Harassment Act*



A

Replaced the earlier Vishakha Guidelines on sexual harassment in 2013

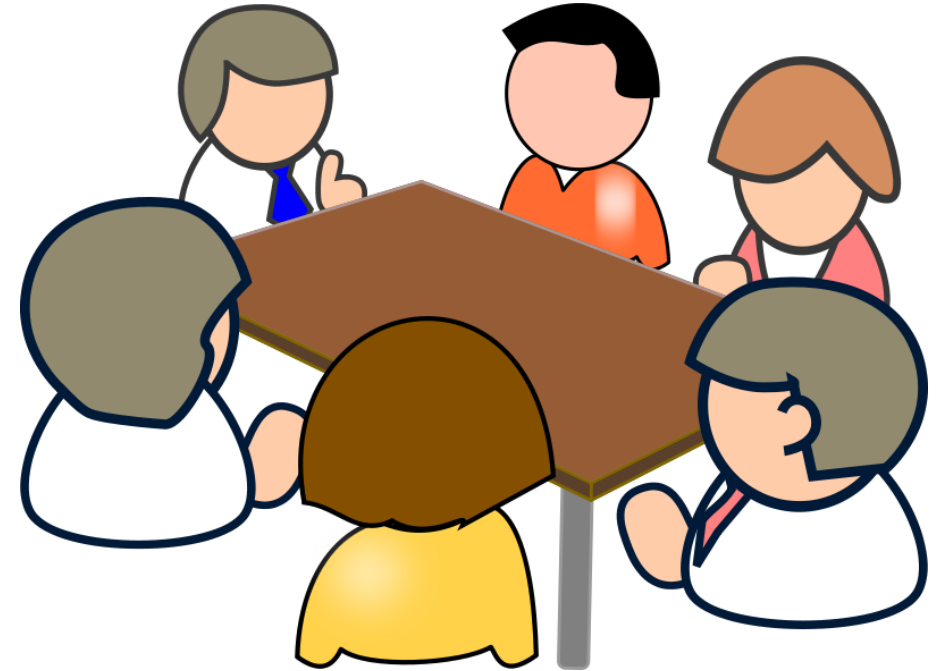
Expanded definition of 'workplace' (covered unorganized sector as well) and 'employee' (interns, domestic workers, etc) too.

Laid down rules for setting up an internal mechanism to inquire into allegations of assault



COMMITTEE

- Internal Complaints Committee
- Local Complaints Committee
- External Complaint Committee



All Complaints Committees must have 50 per cent representation of women

INTERNAL COMPLAINTS COMMITTEE

Every employer is obliged to constitute an ICC through a written order

| S.NO | MEMBER | ELIGIBILITY |
|------|-------------------------|--|
| 1 | Chairperson | <ul style="list-style-type: none">• Women working at senior level as employee; if not available then nominated from other office/units/ department/ workplace of the same employer |
| 2 | Member Secretary | <ul style="list-style-type: none">• From amongst employees committed to the cause of women/ having legal knowledge/experience in social work |
| 3 | Legal Expert | <ul style="list-style-type: none">• From amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment |

LOCAL COMPLAINTS COMMITTEE

From women working in an organization having less than 10 workers

| S.NO | MEMBER | ELIGIBILITY |
|------|-------------------|---|
| 1 | Chairperson | Nominated from amongst the eminent women in the field of social work and committed to the cause of women |
| 2 | Member | Nominated from amongst the women working in the block, taluka or tehsil or ward or municipality in the district |
| 3 | 2 Members | Nominated from amongst such NGO/associations/persons committed to the cause of women or familiar with the issues relating to sexual harassment, provided that: <ul style="list-style-type: none">• At least one must be a woman• At least one must have a background of law or legal knowledge |
| 4 | Ex Officio member | The concerned officer dealing with social welfare or women and child development in the district |

EXTERNAL COMPLAINTS COMMITTEE

- At least 5 years of experience as a social worker, working towards women's empowerment and in particular, addressing workplace sexual harassment
- Familiarity with labor, service, civil or criminal law.



DO'S AND DONT'S OF THE COMMITTEE

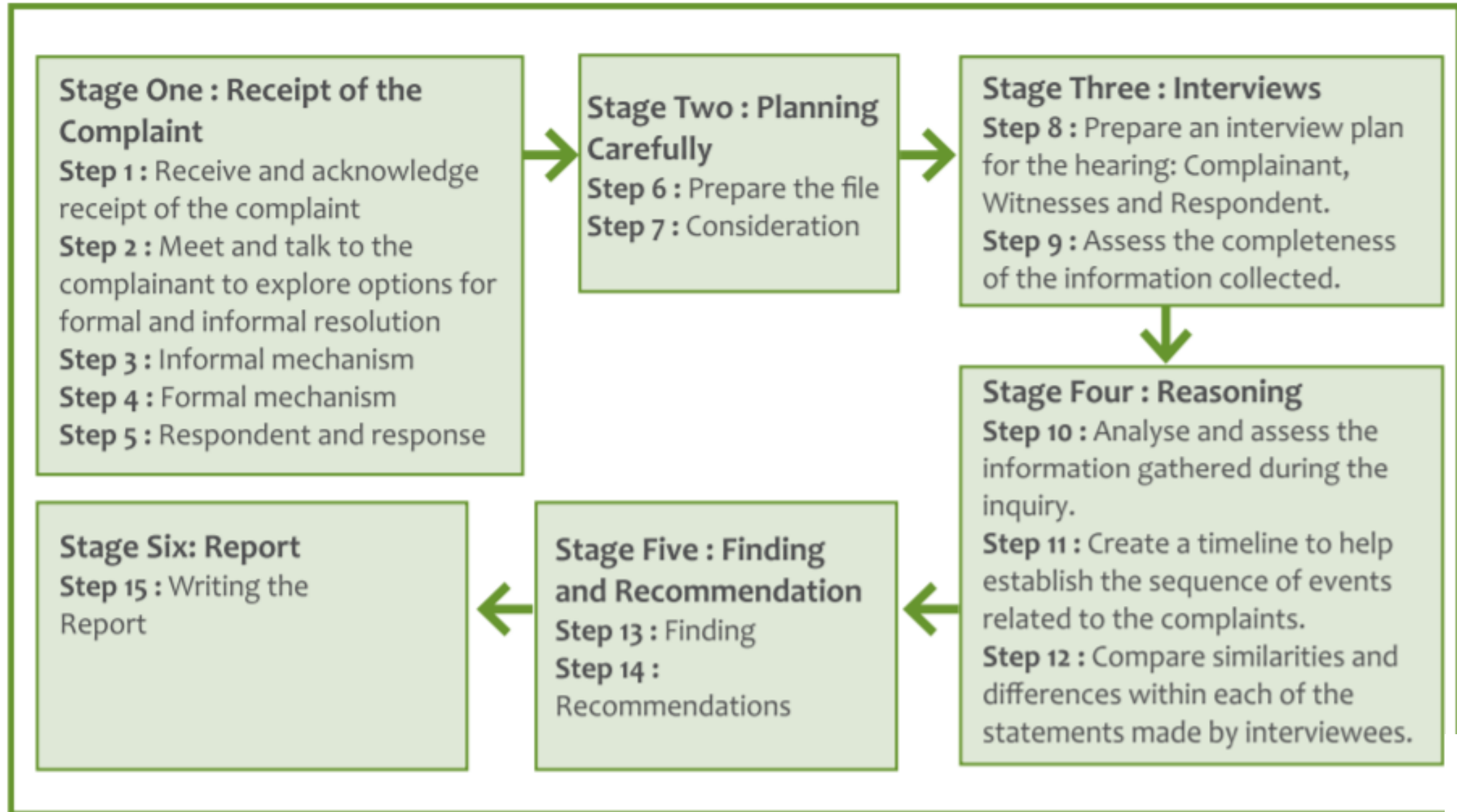
DO'S

- Create an enabling meeting environment.
- Use body language that communicates complete attention to the parties.
- Treat the complainant with respect.
- Discard pre-determined ideas.
- Determine the harm.

DONT'S

- Get aggressive.
- Insist on a graphic description of the sexual harassment.
- Interrupt.
- Discuss the complaint in the presence of the complainant or the respondent

SEXUAL HARASSMENT COMPLAINT PROCESS



Interviewing Tips

1. Introduction

Questioning the parties and witnesses in a situation of workplace sexual harassment is a sensitive task. The Complaints Committee must therefore proceed with empathy, while appreciating at times, a different version of the facts.

2. Questioning

Determine beforehand the following:

- Date, time, place and order of interviews
- Questions and their order
- Time for each interview

Generally rely on questions related to **who, what, where, when and how**. Remember:

- Questions ought to be clear and focused.
- Obtain as much information as possible through the interview.
- Do not share information gathered from other sources.

3. Choose an Appropriate Location

To create trust, comfort and openness

4. Explain the Interview Process

Explain how the interview will be conducted and what is expected

5. Records of the Interview

Take notes and explain the need for a proper record

6. Manage the Interview

The Chairperson of the Complaints Committee is responsible for ensuring the interviews are correctly carried out and due process followed

7. Sign Statements

At the conclusion of the interview, have those interviewed, sign and date statements made and recorded before the Complaints Committee

TIMELINE AS PER THE ACT

| | |
|--|--|
| Submission of Complaint | Within 3 months of the last incident |
| Notice to the Respondent | Within 7 days of receiving copy of the complaint |
| Completion of Inquiry | Within 90 days |
| Submission of Report by ICC/LCC to employer/DO | Within 10 days of completion of the inquiry |
| Implementation of Recommendations | Within 60 days |
| Appeal | Within 90 days of the recommendations |

CHECKLIST

- Review the written complaints and response to complaints
- Review the applicable policy, the Act/Rules, Vishaka Guidelines and other relevant laws
- Develop a plan
- Meet with the complainant
- Meet with the respondent
- Meet with the witnesses
- Record statements and have them dated and signed
- Review and adapt the plan, as needed
- Proceed with further interviews, as needed
- Analyze all the facts to develop reasoning
- Arrive at the findings
- Give recommendations
- Prepare the report
- Submit the file to the organization or District Officer for implementation of the recommendations and for safe keeping.

IMPLEMENTATION

- **Policy** that has been “effectively” communicated to all workers, irrespective of whether they are paid or volunteers.
- **Display** details of both informal and formal ways available to a worker to address/complain about workplace sexual harassment.
- **Undertake orientation & Awareness** on workplace sexual harassment policy for all workers in respective organizations, establishments or institutions.
- **A Complaints Committee** which is trained in terms of skill and capacity is critical for building trust.
- **Encourage** senior persons/leaders/supervisors or any person who can influence employment related decisions, to become role models.
- **Complaint Box** should be in place



एक नया ही अंदर
Towards a new dawn



Smt. Maneka Sanjay Gandhi
Minister, WCD



MINISTRY OF WOMEN & CHILD DEVELOPMENT
Government of India



Smt. Krishna Raj
MoS, WCD



SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

SHe-Box

Online Complaint Management System

IF YOU ARE FACING SEXUAL HARASSMENT AT WORKPLACE

REGISTER YOUR COMPLAINT

FREQUENTLY ASKED QUESTIONS

RESOURCES

VIEW STATUS OF COMPLAINT

EMPANELLED INSTITUTE LOGIN

Please note that only those women who have faced/are facing sexual harassment in any Ministry/Department/PSU/Affiliated office etc. of Central Government can utilise the services of this SHe-Box.



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REFERENCE

- Handbook on sexual harassment of women at workplace by Ministry of women and child development
- www.Vishaka.org