

**POLICY ON INTERNAL COMPLAINT COMMITTEE FOR PREVENTION OF
SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

General

1. Sexual Harassment is an offence under 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 No. 14 of 2013'. It has come to be widely condemned as a form of human rights violation, an infringement on life and liberty and a grave form of gender-based discrimination. Such behavior is an affront to dignity and fundamental right.

Constitution of the Internal Complaints Committee

2. As per Section 3 (1) of Act, no woman shall be subjected to sexual harassment at any workplace. As per section 4 (1) of Act an "**Internal Complaints Committee**" (ICC) has been constituted. The revised composition of Internal Complaints Committee (ICC) is as under:

- (a) Presiding Officer - Er. Pooja Agarwal, Dean
- (b) Member 1 - Dr. L. Chandiramani, COE
- (c) Member 2 - Dr. Indu Prabha Singh, HOD (EC)
- (d) Member 3 - Dr. Priyanka Srivastava, HOD (MBA)
- (e) Member 4 - Prof. Gaurav Mishra, Associate Director (PG)
- (f) External Member - Ms. Anjali Singh, Advocate

Objectives of the Committee

3. The Objectives are given as under:

- (a) Provide assistance if an employee or a student chooses to file a police complaint.
- (b) Provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence.
- (c) Protect the safety of the complainant by not divulging the person's identity and approaching the employer for grant of additional leave or transfer to the other department if required.



- (d) Ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

Methodology

4. Any issue of harassment, if found, shall be brought into the notice by email to Er. Pooja Agarwal, Presiding Officer at dean@srmcem.ac.in or any other member of ICC.
5. The Committee shall initiate action as stipulated under the act on top priority.
6. Attention of the committee is invited to provisions of the Act attached as Appendix A to this letter.

Conclusion

7. The term of the committee is for three years, after which the composition will be reviewed.
8. This policy supersedes all earlier instructions on the subject and will come into force with immediate effect.



(Prof. (Dr.) R.K. Jaiswal)
Director General

Distribution: List A, B, C & D (All)

(Appendix-A)

Ref. Para 6 of No./SRMGPC/Policy/ICC/HR/2019-20/ 41

Dated 17 Feb. 2020

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

1. The **Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013** has been notified by the Govt. of India. The legislation has come in force with effect from December 09, 2013. The extracts of the same are mentioned in the succeeding paras.

2. Definitions:

(a) **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favours; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

(b) **“Workplace”** includes

(i) Any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service.

(ii) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

3. **Prevention of Sexual Harassment:** The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:-

- (a) Implied or explicit promise of preferential treatment in her employment; or
- (b) Implied or explicit threat of detrimental treatment in her employment; or
- (c) Implied or explicit threat about her present or future employment; or
- (d) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (e) Humiliating treatment likely to affect her health or safety.

4. **Constitution of Internal Complaints Committee:**

(a) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

(b) The Internal Committee shall consist of the following members to be nominated by the employer, namely:-

(i) **A Presiding Officer who shall be a woman employed at a senior level at workplace form amongst the employees:**

(ii) Not less than two Members form amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge:

(iii) One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

(iv) Provided that at least **one-half of the total Members so nominated shall be women.**

(c) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, form the date of their nomination as may be specified by the employer.

5. **Complaint of sexual harassment:** Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

6. **Conciliation:** The Internal Committee may, before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation:

7: **Inquiry into the Complaint:** For the purpose of making an inquiry, the Internal Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters:-

- (a) Summoning and enforcing the attendance of any person and examining him on oath.
 - (b) Requiring the discovery and production of documents: and
 - (c) Any other matter which may be prescribed.
8. The inquiry shall be completed **within a period of ninety (90) days.**
9. **Action during pendency of inquiry:** During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the employer:
- (a) To transfer the aggrieved woman or the respondent to any other workplace; or
 - (b) Grant leave to the aggrieved woman up to a period of three months: or
 - (c) Grant such other relief to the aggrieved woman as may be prescribed.
 - (d) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
10. **Inquiry report:** On the completion of an inquiry under this Act, the Internal Committee shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.
11. **Prohibition of publication or making known contents of complaint and inquiry proceedings:** Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliating and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.
12. **Duties of Employer:** Every employer shall:
- (a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace; display at any conspicuous place in the workplace, the penal consequences of sexual harassments: and the order constituting, the Internal Committee.
 - (b) Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed.
 - (c) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry.