

THE POWER OF BEING UNDERSTOO

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Newsflash – Internal Complaint Committee



1. Brief about the committee:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed there under to ensure safe working spaces for women and to build enabling work environments that respect women's right to equality of status and opportunity.

2. Definition of Sexual Harassment:

The Supreme Court defined sexual harassment as any unwelcome, sexually determined physical, verbal, or non-verbal conduct. Examples included sexually suggestive remarks about women, demands for sexual favours, and sexually offensive visuals in the workplace. The definition also covered situations where a woman could be disadvantaged in her workplace as a result of threats relating to employment decisions that could negatively affect her working life.

“Sexual Harassment” includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication), namely;

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

3. Applicability of the Committee:

This committee shall be applicable for having **At least 10 or more employees** in an organisation.

4. Important Criteria of the Committee:

At least, half of the members of an ICC (Internal Compliant Committee) are required to be women. Members will hold their position not exceeding three years from the date of their nomination or appointment.

Committee Members:

- I. Presiding Officer – One
- II. Senior Female employee of the company
- III. Chairperson – One
- IV. Women working at senior level as employee; if not available then nominated from other office/units/ department/ workplace of the same employer.
- V. Members (2 Minimum members) from amongst employees committed to the cause of women/ having legal knowledge/experience in social work.
- VI. Member from amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment.



5. Procedure for Compliance:

Timelines as per the Act

Stages	Time Frame
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

Following procedure for determining complaints filed to the Internal Complaints Committee (ICC) constituted under the Act:

1. Complaint in 6 copies along with evidence and witness should be submitted in writing to the any of the committee member or committee; it should be within three months of the incident or in case of recurring incident, within three months of last incident.
2. Complaint can take assistance of committee member to submit the complaint in writing.
3. Any complaint received to any committee member shall be forwarded to committee (Presiding Officer) and all members immediately and meeting should be called within 3 days.
4. In first meeting, decision to be taken regarding further proceeding or rejection of complaint.
5. Notice should be issued within 7 days to respondent and within 10 days respondent has to submit his/her answer.
6. The Committee will provide assistance to the aggrieved woman, if she so wish, to file a police complaint in relation to an offence under Indian Penal Code.
7. Upon request of the aggrieved woman, the Committee may take steps to settle the matter between her and the respondent through conciliation even before initiating an inquiry. Monetary settlement is restricted. Settlement should be recorded by committee and forwarded to company management/Applicant and respondent.

The Internal Complaint Committee shall have a following ways as a interim measures:

1. Endow a paid leave up to three months to aggrieved woman.
2. Transfer of aggrieved woman or respondent to other department.
3. Reduce a power of applicant or endow relief to aggrieved woman as the committee decide.
4. The Committee shall have the right to terminate the enquiry proceedings and to give an ex party decision on the complaint, should the respondent fail, without valid ground, to be present for three consecutive hearings convened by the Presiding Officer.
5. The respondent shall have no right to directly cross-examine the aggrieved woman or her witnesses.



If the respondent found guilty, following are the possible actions:

1. Payment of Compensation
2. A written apology or Warning
3. Reprimand or censure
4. Withholding of promotion
5. Withholding of pay rise or increments
6. Undergoing a counselling session
7. Carrying out of community service
8. Terminating the respondent from service
9. Any other punishment according to the service rules applicable to the respondent

No legal practitioner will be allowed to represent either the aggrieved woman or the respondent in proceedings before the Complaints Committee.

6. Required Documents to be maintained:

1. Formation of Internal Complaint Committee.
2. Minutes of Meeting – Quarterly.
3. Complaint registers.

7. Penalty Provision in the Committee:

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 at the place of work and U/s. 26 (i) (c) the appointment of committee if not done, then **employer will be liable for the penalty of Rs. 50,000/- as it is the provision.**

Thereafter, if it is informed again and again even then, committee is not appointed, then whatever Govt. Machinery will be applicable according to that, **the license of your office or the business for conducting further activities may be stopped**, for which take note.

8. Administrative Formalities for the Committee:

Therefore, as per the Act, appoint the committee in prescribed format and submit report in this office prior to 20.07.2019.

