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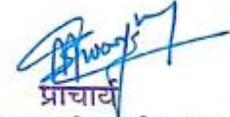
जुन्नर तालुका शिवनेर शिक्षण प्रसारक मंडळ, जुन्नर

श्री शिव छत्रपती महाविद्यालय जुन्नर, जि. पुणे

महिला अंतर्गत तक्रार समिती व महिला कक्ष विभाग

दि. ०७/०४/२०२५

महिला अंतर्गत तक्रार समिती	महिला कक्ष
डॉ. सौ. एस. एच. काळे	प्रा. डॉ. सौ. व्ही.व्ही. नढे
प्रा. एस.व्ही. सोनवणे	डॉ. सौ. पी.जे. माने
प्रा. सौ. एम. आर. कुंभोजे	प्रा. कु. ए. पी. ढोले
प्रा. सौ. ए. एम. दुराफे	प्रा. सौ. एस. डी. सोनार
प्रा. डॉ. ए. एस. पाटील	प्रा. सौ. एम. डी. हाडवळे
प्रा. डॉ. एस. जे. जाधव	प्रा. सौ. एम. डी. कोरे
प्रा. आर. बी. सहाणे	सौ. एस. डी. साबळे
प्रा. व्ही. के. रसाळ	सौ. व्ही. ए. चव्हाण
सौ. एम. डी. जोगळेकर	



प्राचार्य
श्री शिवछत्रपती महाविद्यालय
जुन्नर (पुणे)

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

What is sexual harassment?

- **'Sexual Harassment' includes any one or more of following unwelcome acts (whether directly or by implication) such as:**
- **Physical contact and advances,**
- **Demand or request for sexual favors,**
- **Sexually coloured remarks,**
- **Showing pornography,**
- **Any other unwelcome physical, verbal or nonverbal conduct of sexual nature.**

Sexual Harassment Act 2013:

Vishakha Guidelines for prevention of sexual harassment were introduced by the Supreme Court of India in 1997.

This judgment was followed by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This legislative act in India protects women from sexual harassment at their place of work.

The Act:

- ✓ **Provides the definition of sexual harassment at work place,**
- ✓ **Makes mandatory for the employer to create complaint,**
- ✓ **Redressal mechanism,**
- ✓ **Makes workplace healthy and free of discrimination,**
- ✓ **Rights of working women,**
- ✓ **Work with dignity in a safe environment,**
- ✓ **Protection form sexual harassment Equal treatment at workplace.**

कामाच्या ठिकाणी महिलांचा लैंगिक छळ

लैंगिक छळ म्हणजे काय?

‘लैंगिक छळामध्ये’ खालीलपैकी एक किंवा अनेक अस्वगाताह वरतणुकीचा समावेश होतो (प्रत्यक्ष किंवा अप्रत्यक्ष), जसेकी,

- नकोसा वाटणारा शारीरिक स्पर्श
- लैंगिक सुखासाठी मागणी किंवा विनंती
- लैंगिक शेरबाजी
- अश्लील चित्रे दाखविणे
- कोणत्याही प्रकारची शारीरिक, शाब्दिक, अशाब्दिक अस्वगाताह वरतणुक.

लैंगिक छळवणुक कायदा २०१३:

१९९७ ला भारतातील सर्वोच्च न्यायालयाने कामाच्या ठिकाणी होणारा लैंगिक छळ ह्या संदर्भात विशाखा आदेश जाहीर केला. त्या नियमांवर २०१३ चा कायदा आधारित आहे. कामाच्या ठिकाणी महिलांची होणारी लैंगिक छळवणुक (नोवरण, प्रतिबंध आणि भरपाई) कायदा २०१३, हा कामाच्या ठिकाणी होणाऱ्या लैंगिक छळवणुकीपासून महिलांचे संरक्षण करतो.

हा कायदा,

- ✓ लैंगिक छळवणुकीची व्याख्या करतो,
- ✓ कामाच्या ठिकाणी मालकाला तक्रार निवारण यंत्रणा गठीत करण्यास सक्तीचे करतो,
- ✓ कामाचे ठिकाण निकोप आणि भेदभाव विरहित करतो,
- ✓ काम करणाऱ्या स्त्रीचे अधिकार अबाधित ठेवतो,
- ✓ कामाच्या ठिकाणी सुरक्षित वातावरणात आत्मसन्मानाने काम करता येते,

- ✓ लैंगिक छळवणुकीपासून संरक्षण होते,
- ✓ कामाच्या ठिकाणी समान वागणूक मिळण्यास मदत होते.

मौन तोडा, कामाच्या ठिकाणी होणारी लैंगिक छळवणुक नोंदवा.

कोण तक्रार दाखल करू शकतो?

कोणताही विद्यार्थी / विद्यार्थिनी, शिक्षक, शिक्षकेतर कर्मचारी व इतर सेवा पुरवणारे हे कोणत्याही विद्यार्थी / विद्यार्थिनी, शिक्षक, शिक्षकेतर कर्मचारी व इतर सेवा पुरवणारे यांच्या विरोधात तक्रार दाखल करू शकतात.

आपण तक्रार कशी दाखल करू शकतो?

महिलेने तक्रार, घटना घडल्यापासून तीन महिन्यांच्या आत लेखी स्वरूपात देणे आवश्यक आहे. शारीरिक किंवा मानसिक क्षमतेमुळे पिडीत महिला दिलेल्या कालावधीमध्ये तक्रार करण्यास अक्षम असल्यास ती महिला तीन महिन्यांनंतरही तक्रार दाखल करू शकते. तपासणी ९० दिवसांमध्ये पूर्ण होणे आवश्यक आहे.

अधिक माहितीसाठी संपर्क: अंतर्गत तक्रार समिती (ICC)

ISBN



HANDBOOK

WORKING OF ICC

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

DR. MANOJ WAGH

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Chapter 1. Filing complaint of sexual harassment at workplace

What should you do if you are sexually harassed?

- 1) Do not feel ashamed. Tell the harasser very clearly that you find his behavior offensive and he should not repeat that behavior.
- 2) Do not ignore the harassment in the hope that it will stop on its own.
- 3) Talk to somebody you trust about the harassment you experience. It will not only give you strength but also help others in similar position to come forward and complain.
- 4) Keep a record of all incidents of sexual harassment. If you feel the need to register a formal complaint later, this record will be helpful.

How to file complaint of sexual harassment at workplace?

- 1) Filing written complaint of sexual harassment at workplace is the first step to get justice against sexual harassment at workplace. Redressal of sexual harassment at the workplace and justice for the aggrieved woman are pursued after receiving the written complaint.
- 2) For redressal of sexual harassment at workplace, written complaint must be filled to the Internal Complaint Committee (ICC) constituted at workplace or Local complaint committee (LCC) at block level, taluka level or district level in case of no ICC constituted at workplace.
- 3) Complaint of sexual harassment at workplace can also be filed online on website <https://shebox.wcd.gov.in/> (this website belongs to government of India, ministry of women and child development)
- 4) However, along with a complaint to the ICC, aggrieved women can simultaneously file a police FIR under Section 75 of the Bhartiya Nyaya Sanhita (BNS) for sexual harassment at the workplace.
- 5) The written complaint of sexual harassment at workplace must be filed immediately but can be filed within 3 months from the date of the incident of sexual harassment.
- 6) In case it is not a single but a series of incidents, then the complaint needs to be filed within 3 months from the date of the last incident.
- 7) The POSH Act further provides that the period of 3 months may be extended by the Committee after recording the reasons for doing so. That is if the reason for filing the complaint was genuine and beyond control of complainer, then committee can register the complaint.
- 8) The complaint of sexual harassment at workplace can be filed by the following persons:
 - i) The aggrieved woman herself.
 - ii) In the case of Physical Incapacity: Complainant's Relative, Complainant's Friend, Co-Worker, or Any person who has knowledge of the incident with the written consent of the Complainant.
 - iii) In case of Mental Incapacity: Complainant's Relative, Complainant's Friend, Special Educator, Qualified psychiatrist or psychologist, guardian or authority under whose care the complainant is receiving treatment or care or Any person with the knowledge of the incident, jointly with any person mentioned above.
 - iv) In Case of Complainant's Death: Any person having the knowledge of the incident with the written consent of the Legal heir.
 - v) In Case of Complainant is unable to file the Complaint about any other reason: By any person who has the knowledge of the incident with the written consent of the Complainant.

- 9) Complaint of sexual harassment at workplace must contain name of complainer, name of aggrieved women, name of responder, name of witness and information about evidences along with description of sexual harassment at workplace with date, time and place.
- 10) The complainant can attach the required supporting documents with the complaint, such as a letter of concern from the aggrieved woman, in case the complainant and the aggrieved woman are different and evidences if any to prove the allegations mentioned in the complaint.
- 11) Complainer must sign the complaint and collect the acknowledgement of complaint after filing the written complaint to ICC.
- 12) ICC shall accept the complaint of sexual harassment at workplace in below given format only. The information provided by the complainant in the given format is required for the investigation of the complaint during the redressal process. For filing a written complaint of sexual harassment at the workplace, the employer can provide a complaint form, which includes the following details; (organizations can prepare the complaint form which contain following details).
- 13) Under the POSH act 2013, only women can file complaint against men.

Part -1 Details of Complainer

- 1) Date of Complaint Filing:
- 2) Full name of complainer:
- 3) Gender:
- 4) Contact Details of complainer (Mobile No.):
- 5) Email:
- 6) Date of birth of complainer:
- 7) Residential Address of complainer (Present):
- 8) Residential Address of complainer (Permanent):
- 9) Name of Employer with address where complainer is working:
- 10) Designation of complainer:
- 11) Duration of employment:
- 12) Work ID of the complainer:
- 13) Relation of complainer with aggrieved women (Co-worker, employer, reporting manager etc.) (Mention self if filing herself):

Part - 2 Details of aggrieved women

- 1) Full name of aggrieved women (victim women):
- 2) Contact Details of aggrieved women (Mobile No.):
- 3) Email:
- 4) Date of birth of aggrieved women:
- 5) Residential Address of aggrieved women (Present):
- 6) Residential Address of aggrieved women (Permanent):
- 7) Name of Employer with address where aggrieved women is working:
- 8) Designation of aggrieved women:
- 9) Duration of employment with present employer:
- 10) Work ID of the aggrieved women:

Part - 3 Details of Respondent

- 1) Full name of respondent (against whom complaint is filled):
- 2) Contact Details of respondent (Mobile No.):
- 3) Email:

- 4) Residential Address of respondent (Present):
- 5) Residential Address of respondent (Permanent):
- 6) Name of Employer with address where respondent is working:
- 7) Designation of respondent:
- 8) Working relation of aggrieved women with respondent (Employer, Reporting Manager, co-employee, junior staff, other):

Part - 4 Description of sexual harassment

- 1) Number of sexual harassment incidences done by the respondent:
- 2) Are aggrieved women and responded working in the same organization or same department when the incidence of sexual harassment happened?
- 3) What was the date of last incidence of sexual harassment?
- 4) Mention date/s and time wise description of sexual harassment done by respondent: - (take additional sheet if required)
Date -1: Time: Place:
Description of sexual harassment:
- 5) Describe the physical and mental suffering aggrieved women experiencing now due to the sexual harassment committed by the respondent.
- 6) Have you undergone any treatment by a psychiatrist or physician due to the sexual harassment committed by the respondent? (attach the supporting documents)

Part -5 Details of witnesses and evidences

- 1) Is there any evidence or eyewitness of sexual harassment committed by the respondent? (ICC can call and cross check witnesses and evidences during redressal):
- 2) Mention details of evidence of the incidence for supporting your complaint:
- 3) Full name of witness:
- 4) Contact Details of witness (Mobile No.):
- 5) Email:
- 6) Residential Address of witness (Present):
- 7) Residential Address of witness (Permanent):
- 8) Name of Employer with address where witness is working:
- 9) Designation of witness:
- 10) Working relation of aggrieved women with witness (Employer, Reporting Manager, co-employee, junior staff, other):

Declaration:

I (Full name of complainer): _____ filing complaint of sexual harassment on this date and day _____ against (Name of responder) _____.

I declare that the above information given by me in this complaint is true and best of my knowledge. I am responsible for this complaint filed by me and aware that I can be punished for any malicious or false complaints.

Signature of the complainer:

Date:

Place:

Attachments:

- 1) Concern letter of aggrieved women in case of complaint filed by any other person.
- 2) Evidences if any

Chapter 2. Terminology as per sexual harassment act 2013

1. Sexual Harassment:

As per sexual harassment of women act 2013;

- In sexual harassment at workplace, “it is impact, not intent that matters.”
- Sexual harassment includes any unwelcome acts or behavior (whether directly or by implication) namely: Physical contact and advances; or A demand or request for sexual favors; or Making sexually colored remarks; or Showing pornography; or Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

2. 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.

- i) Implied or explicit promise of preferential treatment in her employment;
- ii) Implied or explicit threat of detrimental treatment in her employment;
- iii) Implied or explicit threat about her present or future employment status;
- iv) Interference with her work or creating an intimidating or offensive or hostile work environment;
- v) Humiliating treatment likely to affect her health or safety.

3. Behavior that constitute sexual harassment at the workplace:

- i) Making sexually suggestive remarks such as teasing related to a person's body or appearance;
- ii) Offensive comments or jokes;
- iii) Inappropriate questions, suggestions about a person's sex life;
- iv) Displaying sexist or other offensive pictures, posters by MMS, SMS, WHATSAPP, or e-mails;
- v) Threats, intimidation or retaliation against an employee who speaks up about unwelcome behavior with sexual overtones or blackmail for sexual favors;
- vi) Unwelcome social invitations, with sexual overtones commonly understood as flirting.
- vii) Inappropriately giving too little or too much work.
- viii) Removing areas of responsibility, unjustifiably.
- ix) Exclusion from group activities or assignments without a valid reason.
- x) Criticizing, insulting, blaming, reprimanding or condemning an employee in public.
- xi) Systematically interfering with normal work conditions, sabotaging places or instruments of work.
- xii) Arbitrarily taking disciplinary action against an employee.
- xiii) Blaming an individual constantly for errors without just cause.
- xiv) Constantly overruling authority without just cause.
- xv) Unjustifiably monitoring everything that is done.
- xvi) Insults or humiliations, repeated attempts to exclude or isolate a person.

4. Some examples of workplace behaviors that may not constitute sexual harassment:

- i) Following-up on work absences by manager or other employees.
- ii) Requiring performance to job standards.
- iii) The normal exercise of management rights.
- iv) Work-related stress e.g. meeting deadlines or quality standards.
- v) Conditions of works.
- vi) Constructive feedback about the work mistake and not the person.

5. Aggrieved women:

- i) Woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- ii) All women working or visiting any workplace whether in the capacity of regular, temporary, adhoc, or daily wages basis.

- iii) All women whether engaged directly or through an agent including a contractor, with or without the knowledge of the principal employer.
- iv) They may be working for remuneration, on a voluntary basis or otherwise.
- v) Their terms of employment can be express or implied.
- vi) Further, she could be a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name, women candidates coming for interview, students etc.

6. Workplace:

- i) Any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking such a journey.
- ii) Government organizations, including Government Company, corporations and cooperative societies;
- iii) Private sector organizations, venture, society, trust, or NGO
- iv) Organizations which are commercial, vocational, educational, sports, professional, entertainment, industrial, health related or financial activities, including production, supply, sale, distribution or service;
- v) Hospitals, Nursing Homes;
- vi) Sports Institutes, Facilities;
- vii) Places visited by the employee (including while on travel) including transportation provided by employer;
- viii) A dwelling place or house (during work from home)

7. Complainer:

A person who file complaint of sexual harassment of women at workplace. Complainer can be aggrieved women herself or any other person on her behalf.

8. Respondent:

A person against whom the complaint of sexual harassment at workplace is filed.

Chapter 3. Constitution of Internal Complaint Committee (ICC)

- 1) ICC is a group of people (which includes employees of the organization and other NGO) in the organizations responsible for prevention, protection and redressal of sexual harassment of women at workplace. As per the clause no. 4 of the Sexual Harassment Act 2013 constitution of ICC is mandatory legal /statutory compliance for any organization. This ICC is having legal status.
- 2) The ultimate purpose of ICC is to create workplace sexual harassment free by developing and implementation of Zero Tolerance Policy (ZTP) and creating awareness about Sexual Harassment Act 2013 (POSH Act)
- 3) Minimum 50% members of the ICC must be women.
- 4) The ICC members are;
 - i) **Presiding officer:** (Who must be a women working at senior level at workplace)
 - ii) **Two employee members:** Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
 - iii) **One external member:** This should be from an NGO or Association committed to the cause of women and issues related to sexual harassment.
- 5) In case of unavailability of a senior female employee, then as per SH Act 2013:
 - i) A senior female employee can be nominated from other offices or administrative units of a workplace.
 - ii) If a senior-level woman employee is not available at the other offices or administrative units of the workplace too, then the Presiding Officer can be nominated from any other workplace of the same employer.
 - iii) If the above is not possible then the Presiding Officer can be nominated from any other workplace.
- 6) **Tenure of the ICC members:** The Presiding Officer and all other members of the ICC shall hold office for period of three years, from the date of their nomination.
- 7) Remuneration of the ICC members: External member of ICC is eligible for remuneration paid by the employer. In addition to the remuneration they are also eligible for reimbursement of travel cost incurred.
- 8) **Termination or disqualification of ICC members:** Members can be terminated or removed from ICC if:
 - i) They disclose any information regarding SH complaints like details of complainer, respondent, proceedings of inquiry etc. to any other person or organization. Even under RTI 2005 Act, ICC can't provide any information to any person or organization.
 - ii) Conviction or Inquiry: If any member is convicted, or an inquiry is pending against him/her regarding any offence under any law; Violation of any law;
 - iii) If found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them;
 - iv) Abuse of position;
- 9) No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the ICC.
- 10) Any Committee member charged with offence of sexual harassment in a written complaint must step down (they have to resign themselves) as member during the enquiry into that complaint.
- 11) All meetings of the Committee will be called by the Chairperson and a notice of at least 5 working days must be given for the meeting while in exceptional cases emergency meeting may be arranged as per the requirement.

Chapter 4. Power and Duties of ICC (Internal Complaint Committee)

Power of ICC

- 1) The ICC is vested with the powers of a Civil Court under the Civil Procedure Code, 1908;
- 2) ICC has the authority to investigate complaints of sexual harassment of women at workplace and recommend punishment to respondent if found guilty and to the complainant if the complaint is malicious or false. ICC can recommend punishment to guilty person like written apology; Warning; Reprimand, or censure; Withholding of Promotion; Withholding of pay rise or increment; Undergoing a counseling session; Carrying out of community services; (Denial of membership of statutory bodies); Termination; transfer, demotion, suspension; Debarring from supervisory duties; Any other punishment according to the service rule (Withdrawal of residential facilities and prohibition from entry in the campus etc.)
- 3) ICC is entitled to initiate an inquiry into the complaint of SH the workplace;
- 4) ICC can summon to witnesses and parties before the committee to give statements;
- 5) The Committee have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- 6) ICC can assert its powers to summon evidence for examination and cross-check evidence and witnesses.
- 7) ICC may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.
- 8) ICC have the right to terminate the inquiry, proceedings or to give an *ex-parte* decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson or Presiding Officer of ICC. Provided that such termination or *ex-parte* order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- 9) ICC have right to keep all information confidential regarding complainant, respondent, witness and any other information related to the complaint of sexual harassment of women at workplace. ICC cannot disclose any information even under the RTI Act 2005.
- 10) ICC can recommend interim relief to the aggrieved woman to the employer during pendency of enquiry of the complaint of sexual harassment at workplace. Following are the recommendations of ICC to employer;
 - i) Transfer the aggrieved woman or the respondent to any other workplace; or
 - ii) Grant leave to the aggrieved woman up to a period of three months; (The leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled)
 - iii) Grant such other relief to the aggrieved woman like change her reporting manager if the complaint is against him.
 - iv) Allow aggrieved women to work from home;

Duties of ICC

- 1) Prime duty of ICC is to make organizations sexual harassment free work place for all employees;
- 2) Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- 3) Carry out orientation programs and seminars for the members of the ICC;
- 4) Carry out employees awareness programs and create forum for dialogues which may involve women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary;

- 5) Conduct capacity building and skill building programs for the Members of the Internal Committee;
- 6) Provide aggrieved women a safe and accessible mechanism of complaint;
- 7) Provide required assistance to aggrieved women or complainer to file written complaint of sexual harassment;
- 8) Provide the necessary assistance and to the aggrieved woman or complainant to file a police FIR if she wishes to do so;
- 9) It is the responsibility of ICC that aggrieved women, complainer or witness are not victimized or discriminated at workplace during or after redressal of the complaint;
- 10) Declare the names and contact details of all the members of the Internal Committee;
- 11) Create awareness among all employees of the organization about SH Act 2013 by workshop, lecture, poster etc.;
- 12) Prepare and implement Zero Tolerance Policy (ZTP) for sexual harassment of women at workplace to treat sexual harassment as misconduct;
- 13) Prominently display the policy at any conspicuous place in the workplace for the prevention and prohibition of Sexual Harassment;
- 14) Prominently display notices in work places spreading awareness about the issue of Sexual Harassment and giving information for the redressal mechanism that has been put in place and encouraging its members to file their grievances;
- 15) Accept and redressal of complaint of Sexual harassment of women at workplace;
- 16) Initiation of inquiry of the complaint of sexual harassment at the earliest;
- 17) The Committee shall strive to complete the enquiry in the shortest possible time, however the maximum duration to complete enquiry and redressal is 90 days;
- 18) Redress the complaints in a judicious manner (without fear and favor);
- 19) Stick to the principles of natural justice at all stages of the proceedings;
- 20) Provide interim relief to the complainant;
- 21) Provide an opportunity for conciliation wherever possible;
- 22) ICC will prepare documentations of the complaints and proceedings;
- 23) ICC will keep record of all summons, notices, decisions and recommendations issued;
- 24) After concluding its enquiry, ICC shall prepare a detailed and written report of its findings;
- 25) The enquiry report shall specify the details of the charges against the defendant, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings arrived at by the Committee;
- 26) The Committee shall provide a report of its findings to the employer within 10 days of completion of inquiry and such report shall be made available to the concerned parties too;
- 27) Monitor the implementation of recommended suggestions and punishment implemented by the employer;
- 28) The ICC shall submit an annual report to the Local Complaint Committee (LCC) and employer, which contains the number of cases of workplace sexual harassment registered, redressed and under proceedings (pending cases more than 90 days); recommendations implemented by the employer and number of workshop conducted and other activities carried out to create awareness about sexual harassment act 2013.
- 29) ICC shall coordinate with local complaint committee (LCC);

Chapter 5. Working of ICC (Step-by-step procedure to investigate complaint of sexual harassment)

- 1) ICC must have to prepare and maintain documentation of the sexual harassment complaints and proceedings. Because ICC has to submit report to employer and Local Complaint Committee.
- 2) ICC will prepare Inward, Outward and Proceeding registers.
- 3) ICC will award punishment either to respondent if found guilty or complainer if complaint is found to be false or malicious.
- 4) As per the sexual harassment Act 2013, clause No. 11, ICC shall conduct enquiries into the complaints of sexual harassment of women at workplace.
- 5) Accept the written complaint of sexual harassment and provide acknowledgement to the complainer and take a note into your inward register.
- 6) ICC will investigate the complaint of sexual harassment and find the truth.
- 7) ICC members will work professionally and not emotionally.
- 8) ICC will redress the complaint without fear and favor and without any conflict of interest.
- 9) ICC will follow the principle of natural justice;
- 10) ICC will make proper documentation of everything since acceptance of the complaint to final closure.
- 11) ICC will make record of all proceedings in register.

Step-by-step procedure to investigate complaint of Sexual harassment (How to investigate complaint of Sexual harassment?)

- 1) Before registration of the complaint of sexual harassment, accept complaint, take a note into inward register, provide acknowledgement to complainer.
- 2) Upon receipt of the complaint immediately informed to presiding officer and other members of ICC and call a meeting within three days of receipt of complaint. And verify description, place, and time of sexual harassment.
- 3) During all hearings and proceedings of the complaint, minimum 3 members including Chairman/ Presiding officer of ICC must be present.
- 4) For the redressal of the sexual harassment (SH) complaint, all hearings must be recorded in the proceedings register. Make note of all statements given by all parties, including the complainant, respondent, witnesses, or any other persons involved.
- 5) Check the complaint form is properly filed and duly signed by the complainer;
- 6) Check name of complainer, aggrieved women, responder and witness is mentioned in the complaint;
- 7) Check present employer of all parties involved;
- 8) Check whether the concern letter of the aggrieved woman is attached with the complaint in case of the complaint is being filed by someone else on her behalf.
- 9) Verify if the description of sexual harassment (SH) in the complaint aligns with the definition of SH as per the SH Act, 2013. If it does, proceed further; if NOT, **reject** the complaint;
- 10) Verify if the place of the incident mentioned in the complaint falls under the definition of 'workplace' according to the SH Act 2013.
- 11) If **yes**, check that the gap between the date of the last incident of sexual harassment (SH) mentioned in the complaint and the date of filing the complaint is not more than 3 months. If the gap is less than 3 months, proceed to register the complaint. If the gap is more than 3 months, send a notice to the complainant for a meeting to clarify the delay in filing the complaint. Record

this notice in the outward register. (This notice should be sent by the ICC within 7 days of receiving the complaint.)

- 12) In the meeting, if the reason provided by the complainant or aggrieved woman for the delay in filing the complaint is deemed genuine and valid, proceed further. If the Internal Complaints Committee (ICC) is not satisfied by the reason provided, reject the complaint. Record the minutes of the meeting in the proceedings register, including the signatures of all attendees, including the complainant or aggrieved woman.
- 13) If the time, place, and definition of sexual harassment meet the requirements as per the SH Act 2013, then **register the complaint** under the SH Act 2013. Create a file for the complaint and keep all date-wise proceeding documents in the same file.
- 14) When registering complaint, assign number to complaint and mention date of registration in complaint register which includes name of complainer, aggrieved women and respondent. (date of receiving and date of registration of complaint must be different dates)
- 15) Within 7 days send a notice to the complainer to inform that complaint is registered or rejected (mention the reason for rejection of complaint).
- 16) Also send information to employer regarding registration of complaint of sexual harassment.
- 17) If the complaint is registered, send a notice to the complainant regarding a meeting. In the meeting, explain to her the further consequences of proceeding with the case. Also, ask if she wants to register a First Information Report (FIR) under BNS section 75 simultaneously. If she does, assist her in filing the FIR.
- 18) Send a summon to the respondent along with a copy of the complaint within 7 days of the registration of the complaint, and ask him to appear before the committee within 10 days with the necessary clarifications. (Mention the date and time to appear before the committee in the summons.)
- 19) Meanwhile;
 - i) Check whether any other SH case is under trial or filled and enquiry is pending against respondent;
 - ii) Check whether any other SH case is under trial or filled by complainer, aggrieved women or witnesses;
 - iii) Check the current status of the aggrieved woman to determine if she is receiving treatment from a psychiatrist or physician. If she is, ICC members can physically verify this and speak with the psychiatrist or physician regarding the severity of the sexual harassment.
 - iv) If the aggrieved woman is suffering from pain and under treatment, on prima facie ICC will register complaint with police under BNSS section 173 and BNS section 75, simultaneously registering the case by ICC.
- 20) In the first hearing with the respondent, ask him whether he admits that the act of sexual harassment was committed by him and that the complaint against him is true. If he admits that the complaint is true, explain him the suffering of the aggrieved woman, the consequences of proceeding with the case, and the provisions for punishment for the act committed by him.
- 21) Take the written acceptance from the respondent that he admitted the complaint against him.
- 22) Take a note into the proceeding register with date and time of hearing with name of parties.
- 23) Arrange a meeting with the aggrieved woman and explain to her that the respondent has admitted the complaint against him. Ask her if she is willing to settle the matter through conciliation, provided that no monetary settlement will be considered as part of the conciliation process.
- 24) If the aggrieved woman agrees to conciliation, obtain her written consent for the same.
- 25) Now send another summon to respondent and issue him date for hearing. Make documentation of the same in case file.
- 26) On the hearing of the respondent issue him written warning and ask him to submit written apology letter.

- 27) Now prepare the note of conciliation and attach written warning issued and written apology letter of respondent.
- 28) Inform about conciliation to complainer, respondent and employer and make documentation. And now the matter is said to be redressed.
- 29) However, if the aggrieved woman is not ready for conciliation, the ICC will conduct investigation of the complaint and find the truth of the complaint of sexual harassment.
- 30) During the investigation and proceedings of the complaint, on a written request made by the aggrieved woman, the ICC may recommend to the employer to: -
- i) Transfer the aggrieved woman or the respondent to any other workplace; or
 - ii) Grant leave to the aggrieved woman up to a period of three months; (The leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled)
 - iii) Grant such other relief to the aggrieved woman like change her reporting manager if the complaint is against him.
 - iv) Allow to work from home;
- 31) **Procedure to investigate the complaint of Sexual Harassment;**
- i) During investigation of the complaint ICC can cross check all documents and evidences and examine complainer, respondent, witness or any other person and can check evidences;
 - ii) During investigation ICC will make record of their investigation and finding relevant to complaint.
 - iii) The examination of complainer, respondent and witness shall be done separately;
 - iv) And if complainer and respondent required to cross check each other and witness, ICC will allow to do so, but they cannot ask questions directly to each other, they will ask through ICC members during hearing process in written format.
 - v) ICC may ask to produce required documents to both the parties during hearings in order to prove their sides;
- 32) **In case of no witness of the SH is given in the complaint, then to find the truth about the complaint;**
- i) Conduct interviews of aggrieved woman and respondent regarding alleged incident, including specific details such as time, place, and circumstances.
 - ii) Check whether any other SH case is under trial or filled by or against complainer, aggrieved woman or witnesses;
 - iii) Find the locations of respondent and complainer at the time of execution of act of SH (check their mobile locations, email logging etc.);
 - iv) Analyze conversation between aggrieved woman and respondent (verbal, text message, whatsapp etc.);
 - v) Offensive remarks, gestures, or actions of respondent towards aggrieved woman;
 - vi) Check CCTV recordings;
 - vii) Search for physical evidences of the incidence;
 - viii) Conduct inquiries with other co-employees to uncover the truth of the complaint and search for any witnesses to the incident. There may be witnesses who are not known to the aggrieved woman but observed the behavior before or after the alleged incident, which could be relevant.
 - ix) Look by psychological prospective for the body language of the respondent during hearing;
 - x) If needed take help of police for interrogation of respondent and complainer;
 - xi) If needed take consultation of professional psychologist;
 - xii) Seek the required legal advice;
 - xiii) During the process of redressal observe the movements of respondent, witness and complainer;
 - xiv) Check whether respondent approached to lead the witness or aggrieved woman;

- xv) Seek opinions regarding the SH case from the psychiatrist and physician treating the aggrieved women.
- xvi) Voluntarily conduct enquiries of other co-employees to find truth of the complaint;
- xvii) Analyze the circumstances of the incidence;
- xviii) Check the previous history of complainer and respondent, if required talk to family members and friends of both the parties;
- xix) ICC may reconstruct the scene of incidence of complaint given by complainer in order to find the truth of complaint.

33) On finding the truth and before awarding the punishment ICC will take cognizance of followings;

- i) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- ii) The loss in the career opportunity due to the incident of sexual harassment;
- iii) Medical expenses incurred by the victim for physical or psychiatric treatment;
- iv) The income and financial status of the respondent; Feasibility of such payment in lump sum or in instalments;

34) The ICC can recommend following punishment:

- i) Written apology; Warning; Reprimand, or censure; Withholding of Promotion; Withholding of pay rise or increment; Undergoing a counseling session; Carrying out of community services; (Denial of membership of statutory bodies);
- ii) Termination; transfer, demotion, suspension; Debarring from supervisory duties;
- iii) Any other punishment according to the service rule (Withdrawal of residential facilities and prohibition from entry in the campus etc.)

35) ICC's recommended punishment must be implemented by employer within a period of 60 days and ICC will monitor for the same.

36) ICC will complete their enquiry and redress the complaint of sexual harassment within time of 90 days from the date of registration of the complaint;

37) ICC will submit its report addressing the complaint to the employer within 10 days.

38) If not satisfied by the redressal or awarded punishment by the ICC, complainer or aggrieved women may appeal to the court or tribunal within period of 90 days from the decision of ICC.

Complainer or aggrieved women can appeal for following reasons:

- i) If the ICC orders that there has been no sexual harassment.
- ii) If you are not happy with the punishment given to the harasser.
- iii) If you are not satisfied with the amount of compensation.
- iv) The witness/es have given wrong information or fake documents.
- v) Someone has made the details of a sexual harassment complaint public.
- vi) The employer has not carried out recommendations given by the ICC on time.

39) Where the ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, ICC can also recommend action to employer.

40) Where the ICC arrives at a conclusion that allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person who has made the complaint, ICC can also recommend action to employer.

Chapter 6. Preparation of report of investigation (How to prepare report of Investigation?)

After investigation and redressal of the complaint of sexual harassment, ICC has to prepare the report and submit to employer and Local Complaint Committee (LCC) if required. The ICC has to prepare the report in following format:

1. Details of Complaint

- 1) Date of receipt of complaint:
- 2) Date of registration of complaint:
- 3) Name of Complainer:
- 4) Mobile number of complainer:
- 5) Name of Respondent:
- 6) Mobile number of Respondent:
- 7) Name of witness:
- 8) Mobile number of witness:
- 9) Detail of evidences:
- 10) FIR is filled simultaneously:
- 11) FIR No.:
- 12) Number of hearings conducted:
- 13) Date of redressal of the complaint:
- 14) Date of forwarding of recommendations to employer:
- 15) Appeal filled by complainer:

2. Details of complainer

- 1) Full name of complainer:
- 2) Contact Details of complainer (Mobile No.):
- 3) Email of complainer:
- 4) Date of birth of complainer:
- 5) Residential Address of complainer (Present):
- 6) Residential Address of complainer (Permanent):
- 7) Name of Employer with address where complainer is working:
- 8) Designation of complainer:
- 9) Duration of employment with present employer:
- 10) Work ID of the complainer:
- 11) Relation of complainer with aggrieved women (Co-worker, employer, reporting manager etc.)
(Mention self if filing herself):

3. Details of aggrieved women

- 1) Full name of aggrieved women:
- 2) Contact Details of aggrieved women (Mobile No.):
- 3) Email of aggrieved women:
- 4) Date of birth of aggrieved women:
- 5) Residential Address of aggrieved women (Present):
- 6) Residential Address of aggrieved women (Permanent):
- 7) Name of Employer with address where aggrieved women is working:
- 8) Designation of aggrieved women:
- 9) Duration of employment with present employer:
- 10) Work ID of the aggrieved women:

4. Details of Respondent

- 1) Full name of respondent:
- 2) Contact Details of respondent (Mobile Number.):
- 3) Email of respondent:
- 4) Date of birth of respondent:
- 5) Residential Address of respondent (Present):
- 6) Residential Address of respondent (Permanent):
- 7) Name of Employer with address where respondent is working:
- 8) Designation of respondent:
- 9) Duration of employment with present employer:
- 10) Work ID of the respondent:
- 11) Relation of respondent with aggrieved women (Co-worker, employer, reporting manager etc.):

5. Details of witness

- 1) Full name of witness:
- 2) Contact Details of witness (Mobile Number.):
- 3) Email of witness:
- 4) Relation of witness with aggrieved women (Co-worker, employer, reporting manager etc.):
- 5) Relation of witness with respondent (Co-worker, employer, reporting manager etc.):

- 1) **Details of evidence** (What evidence was given?)

6. Brief of Sexual harassment mentioned in the complaint: (Mention the details as per given in the complaint)

7. Other details

- 1) Whether complaint was filled by aggrieved women or other person
- 2) What is the relation between complainer and aggrieved women (if the complaint is filled by other person):
- 3) Is concern letter of aggrieved women is submitted in case of complaint is filled by any other person:
- 4) Number of witnesses of the complaint:
- 5) Whether allegations were accepted by responded
- 6) Whether the complaint is redressed by conciliation:
- 7) Date of redressal of the complaint by conciliation
- 8) Date of recommendations forwarded to employer:
- 9) What was the condition of aggrieved women at the time of filling complaint:
- 10) Is aggrieved women undergoing any treatment of psychiatrist or physician caused by sexual harassment:
- 11) How long it took the treatment of aggrieved women (whether treatment is undergoing):
- 12) Name of psychiatrist or physician:
- 13) Is there any relief granted to aggrieved women during the redressal of complaint:
- 14) Any action taken against respondent during the redressal of complaint:

8. Details of hearings conducted

- 1) Number of summons issued:

Summon No.	Date of Issue	Outward No.	Issued to	Subject of summon

2) Number of hearing required for redressal of the case:

Date wise hearing details:

Hearing No.	Date of hearing	Duration of hearing	Name of ICC member attendee of hearing	Attendees of hearing	Details of hearing

3) Date of final hearing:

4) Total number of ICC members involved in redressal of complaint: _____

5) Details of remark of ICC members

Name of ICC member	Designation in ICC	Conclusionary Remark	Date of Remark	Signature of member

6) What was the final verdict of all members:

7) Whether the sexual harassment complaint filed by the complainant is proven true or malicious:

8) What punishment was recommended by the ICC to the respondent?

9) What are the considerations in imposing punishment?

10) Date of recommended punishment to respondent:

11) Date of forwarding the recommendation of punishment to the respondent's employer:

12) What punishment was imposed by the ICC on the complainant for filing a false or malicious complaint?

13) Whether the ICC's recommend punishment is implemented by employer:

14) Date of submission of final report of the case to the employer:

9. Signatures of ICC members (minimum 3 members including presiding officer)

Name of ICC member:

Designation in ICC:

Signature:

Date:

Place:

Chapter 7. Legal compliances on employer (Duties of Employer)

As per the POSH act clause No. 19, it is the duty of all employers to fulfill followings legal / statutory compliances at their workplace for all employees in order to make workplace sexual harassment free.

- 1) Provide safe working environment for all its employees free from discrimination on any ground like caste, category, religion, gender, place of birth, nationality or ethnicity and from harassment at work place including sexual harassment.
- 2) Prepare zero tolerance policy and incorporate in employee service rules.
- 3) Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct recommended by ICC.
- 4) Constitute a committee to be known as the "Internal Complaints Committee (ICC)".
- 5) Display information about ICC and the penal consequences of sexual harassment at any conspicuous place in the workplace.
- 6) Provide necessary facilities to the ICC or LCC (Local Complaint Committee) for dealing with the complaint and conducting an inquiry.
- 7) Make availability of required information to the ICC or LCC about complaint of sexual harassment.
- 8) Assist in securing the attendance of respondent and witnesses before the ICC or LCC.
- 9) Implement the recommendations made by the ICC or LCC within time of 60 days.
- 10) Render all reasonable assistance to the woman for making the complaint in writing.
- 11) Provide assistance to the woman if she so chooses to file a complaint under Bhartiya Nayaya Sanhita (BNS).
- 12) Initiate action, under Bhartiya Nayaya Sanhita (BNS) against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
- 13) Organize workshops and awareness programs at regular intervals for sensitizing the employees and orientation programs for the members of the ICC.
- 14) Monitor the timely submission of reports by the ICC to LCC.
- 15) Monitor the redressal of sexual harassment complaints handled by the ICC within the given time.
- 16) In case of non-compliance of above duties by the employers, there is provision of penalty of rupees fifty thousand to one lakh, even license, permissions, approvals and registrations of the employers can be cancelled by the government departments. The penalty can be imposed by district officer or nodal officer of ministry of women and child development department.

Chapter 8. Preparation of Zero Tolerance Policy (ZTP) against sexual harassment of women at workplace

- 1) The main objective of ZTP is to provide its women employees, a workplace, free from harassment or discrimination and to treat them with dignity and respect. Further it also emphasizes on prevention, prohibition and redressal of complaints of sexual harassment and matters related to it.
- 2) ZTP shall encourage employees to come forward to report any sexual misconduct, without any fear of retribution and with an assurance that the complaint will be taken seriously and an un-bias inquiry conducted against the respondent irrespective of his status and designation in the organization.
- 3) ZTP applies to all of employees working at organization irrespective of their status and designation, role and responsibility, including permanent and temporary employees, contractual, outsourced employee, person employed on adhoc for daily wages basis, either directly or through an agent or individuals coming to the workplace for any purposes.
- 4) ZTP also applies to visitors, vendors, contractual resources and applies to any alleged act of sexual harassment against person at workplace. Whether incident has occurred during or beyond office hours in the workplace.
- 5) Sexual harassment at workplace will not be tolerated if engaged in by clients or by suppliers or any other business associates.
- 6) The workplace includes all offices and premises of this organization. All office related activities performed at any other site away from office premises, any social, business, or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations. It also includes any place visited by the employee arising out of or during the course of employment, including transportation provided by the employer for undertaking the journey.
- 7) It is the responsibility of all employees, employers and other stakeholders to respect the rights of others and to never encourage harassment at workplace.
- 8) It can be done by refusing to participate in any activity which constitutes harassment, supporting the person to reject unwelcome behavior, acting as a witness if the person being harassed decides to lodge a complaint.
- 9) All employees are encouraged to advise and report others behaviors that is unwelcome.
- 10) Often some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.
- 11) Remember, in sexual harassment, it is the impact that matters most, not the intent.
- 12) All officers in the organizations must ensure that nobody is subject to harassment and there is equal treatment for all. They must also ensure that all employees understand that harassment in the organization will not be tolerated, that the complaint will be taken seriously and the complainant, or witness are not victimized in anyway by employees or employers.
- 13) **Define Policy Objectives**
 - This organization committed to provide a safe, respectful, and harassment-free workplace. We have adopted zero tolerance policy (ZTP) against any sort of discrimination and harassment.
 - This policy applies to all stakeholders of the organization including employees, contractors, vendors, and visitors to the workplace.
- 14) **Definition of Sexual Harassment (Include definition of sexual harassment of women at workplace in ZTP)**
 - Unwanted physical contact or advances;
 - Inappropriate comments, jokes, or gestures.
 - Display of offensive material (e.g., images, emails).

- Quid pro quo situations (e.g., asking for sexual favors in exchange for work-related benefits).
 - Mention that harassment can be verbal, non-verbal, or physical.
- 15) **Define Statement for Zero Tolerance**
- Clearly state that the organization has zero tolerance for any form of sexual harassment. Emphasize that all complaints will be taken seriously and investigated promptly.
 - Mention that retaliation against individuals who report harassment or participate in investigations is strictly prohibited and will result in disciplinary action.
- 16) **Define Reporting Procedures**
- Provide clear instructions on how employees can report incidents of sexual harassment at workplace. Clearly define names and contact details of ICC members.
 - Provide complaint form (printed or soft copy)
 - Encouragement for employees to report incidents as soon as possible.
- 17) **Define Investigation Process**
- Outline the process for investigating complaints, ensuring it is thorough, impartial, and timely.
- 18) **Define Disciplinary Actions**
- Detail the potential consequences for those found guilty of sexual harassment, including but not limited to:
 - Warnings, Suspension, Termination of employment, Clarify that disciplinary actions will be proportionate to the severity of the harassment.
- 19) **Describe support for Victims**
- Describe the support available to victims of sexual harassment, such as: Counseling services, Assistance in filing legal complaints if necessary; Temporary relocation or other accommodations as needed.
- 20) **Describe Training and Awareness**
- Specify that all employees, including management, will receive regular training on sexual harassment, the zero-tolerance policy, and their responsibilities. Mention that the organization will conduct awareness campaigns to promote a culture of respect and dignity.
- 21) **Review and Updates**
- State that the policy will be reviewed periodically to ensure it remains relevant and effective. Encourage feedback from employees to improve the policy.
- 22) **Acknowledgment and Agreement of all employees and stakeholders**
- Communicate the policy to all employees and ensure it is easily accessible, whether in an employee handbook or online portal.
 - This policy should be a living document that evolves as the workplace and societal norms change. Regular updates and training are essential to maintaining a safe and respectful work environment.
 - Require all employees to acknowledge that they have read, understood, and agree to comply with the policy.
 - Include a signature page or a digital acknowledgment system.
- 23) **Sample Policy Language:**
- [Name of organization] Zero Tolerance Policy for Sexual Harassment**
- “[Name of organization] is committed to maintaining a workplace free from sexual harassment. We do not tolerate any form of harassment, and all complaints will be taken seriously. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive working environment.
- Employees who experience or witness sexual harassment are encouraged to report the incident immediately. Reports can be made to ICC. All reports will be handled confidentially and investigated promptly.

Any employee found to have engaged in sexual harassment will face disciplinary action, up to and including termination of employment.”

24) Sample ZTP

Tech Trainers And Testers Pune

Govt. of Maharashtra Registration No. MAHA./1774/PUNE, & F-61131/PUNE



ZERO TOLERANCE POLICY (ZTP) AGAINST SEXUAL HARASSMENT

- 1) We committed to provide safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment.
- 2) We operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment.
- 3) Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. Further accused ca face legal actions like FIR.
- 4) All complaints of sexual harassment will be taken seriously and treated with respect and in confidence.
- 5) In this organization no one will be victimized for making complaint for sexual harassment.
- 6) In case of Physical, Verbal or any other Sexual Harassment, immediately complaint to following authorities,

Internal Complaint Committee (ICC) Members

1) Mrs. Radha Desai – Chairman (Mob. 9379703218) 2) Dr. Jui Ranade – Member (Mob. 9836985624)
3) Mrs. Vanita Joshi – Member (Mob. 8977453321) 4) Mrs. Shbana Pathan – Member (Mob. 986632548)

email: shcomplaint@ttpune.com

Sexual harassment includes physical contact and advances; a demand or request for sexual favors; making sexually colored remarks; showing pornography; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

2

Chapter 9. Local Complaint committee

- 1) In order to prevent and redressal of sexual harassment of women at unorganized workplaces and domestic workers, the POSH act 2013 have provision of Local Complaint Committee (LCC) or Local Committee under the supervision of district officer. The LCC is responsible for receiving and addressing complaints of sexual harassment in situations where an Internal Committee (ICC) cannot be established.
- 2) The LCC is a body established by the district officer or the district magistrate to receive complaints of sexual harassment from establishments where the ICC has not been constituted due to the small number of employees or any other reason. The LCC receives complaints of sexual harassment from the employees of such establishments and takes necessary action.
- 3) LCC shall receive and redress the complaints of sexual harassment from household/domestic worker.
- 4) District Magistrate or Additional District Magistrate or the Collector or Deputy Collector are the District Officer for every District.
- 5) The District Officer shall designate one nodal officer in every block, taluka and tehsil in rural or tribal area and ward or municipality in the urban area, to receive complaints and forward the same to the concerned Local Committee within a period of seven days.
- 6) The jurisdiction of the Local Committee shall extend to the areas of the district where it is constituted.
- 7) The Local Committee shall consist of the following members to be nominated by the District Officer:
 - (1) Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;
 - (2) One Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;
 - (3) Two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment of women.
- 8) Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:
- 9) Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;
- 10) The concerned district officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.
- 11) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.
- 12) The termination and other requirements for the members of LC are same as members of ICC.
- 13) The LCC has similar powers and functions as an ICC.
- 14) The LCC is also responsible for monitoring the implementation of the POSH Act at the district level and submitting annual reports to the appropriate authorities.
- 15) The LCC also acts as an appellate body for the ICC in case of an appeal made by either the complainant or the respondent against the ICC's decision.
- 16) Time frame for all activity conducted by LCC is same as ICC (90 days for redressal).

Chapter 10. Precautionary measures to be taken to prevent sexual harassment of women at workplace

- 1) During duty hours, sexual harassment can occur to women working on any designation in the following places, which are considered to be the workplace:
 - (1) At the work location (within premises of organization);
 - (2) At other locations during working hours for the purpose of official work;
 - (3) While traveling to and from the office and home;
 - (4) During work from home.
- 2) In cases of sexual harassment of women, the respondent may be:
 - (1) Any male co-employee, regardless of designation;
 - (2) The employer;
 - (3) Any visitor, supplier, vendor, contractor, other service provider, or customer;
 - (4) Any anonymous person.
- 3) Sexual harassment of women at workplace not only create negative impact on aggrieved women but also it creates negative impact on organization's objectives and it destroy the reputation of the organization.
- 4) Take proactive approach and not reactive approach for prevention of sexual harassment of women at workplace.
- 5) Implement legal compliance as per sexual harassment of women act 2013 in order to provide safe, secure, discrimination free and sexual harassment free workplace.
- 6) Constitute ICC at workplace.
- 7) Prepare, implement and create awareness about zero tolerance policy (ZTP) at workplace.
- 8) Make sure that ZTP is understood by all the employees at workplace.
- 9) Display at all noticeable places in the workplace, the penal consequences of sexual harassments; and the order constituting, the internal complaint committee and ZTP. (Minimum size of board must be 3x4 feet)
- 10) Monitor and review the implementation of ZTP.
- 11) Organize workshop, training sessions and other activities to create awareness about sexual harassment of women act 2013 (POSH act 2013).
- 12) Explain the consequences to all the employees about sexual harassment of women at workplace.
- 13) Encourage all employees to file complaint of sexual harassment of women at workplace.
- 14) Develop gender sensitization among all employees at workplace.
- 15) Develop sense of mutual respect, human values respect for human rights among all employees at workplace.
- 16) Treat sexual harassment of women at workplace is misconduct and take action proactively.
- 17) Take necessary care that complainer shall not be discriminated by any other employee.
- 18) Train Employees to Serve as Bystanders and whistleblower for any sort of sexual harassment of women at workplace done by any person.

"What hurts the victim the most is not the cruelty of the oppressor but the silence of the bystander".
- 19) Restrict the access of workplace to anonymous person.
- 20) If possible restrict the use of personal mobile phone at workplace during duty hours.
- 21) If possible provide organization's email and other communication medium like intercom or other to employees at workplace.

Chapter 11. What is not sexual harassment of women at workplace?

- 1) Remember in sexual harassment of women at workplace "it is the impact, not intent that matters".
- 2) Not every uncomfortable interaction or comment qualifies as sexual harassment at workplace.
- 3) Consensual Relationships: If two colleagues are engaged in a mutual and consensual romantic relationship that does not interfere with their professional duties, this is not considered harassment. However, it's important to follow any company policies on workplace relationships.
- 4) Friendly Chat: Light-hearted, friendly joking that is consensual and not based on sexual content is generally not considered harassment. However, context matters, and what one person finds friendly, another might find inappropriate.
- 5) Asking questions: Asking a co-worker a question like "Are you married?" or "How's your love life?" is not considered sexual harassment.
- 6) Professional Compliments: Compliments related to work performance or professional achievements, such as "Great job on that project," are not harassment as long as they are delivered respectfully and are not tied to appearance or gender.
- 7) Polite Greetings: Simple greetings like "Good morning" or "How are you?" are not harassment unless they are used as part of a pattern of behavior intended to make someone uncomfortable.
- 8) Giving a gift to an employee or co-worker is not considered sexual harassment
- 9) Work-Related Criticism: Providing constructive feedback or criticism about work performance, even if it's negative, is not harassment as long as it is delivered in a professional and respectful manner and is not based on gender or appearance.
- 10) Following up of absenteeism at workplace.
- 11) Performance Evaluations: Formal performance evaluations and feedback given in the context of job performance, which are impartial and non-discriminatory, do not constitute harassment.
- 12) Accidental Remarks: If a comment is made without malicious intent or sexual connotation, and it is not part of a pattern of behavior, it generally is not considered harassment. However, if someone expresses discomfort, it's important to apologize and avoid repeating the behavior.
- 13) Cultural Differences: Sometimes, cultural differences can lead to misunderstandings. If an interaction is rooted in a cultural norm and not intended to harass, it's not harassment.
- 14) Professional Collaboration: Working together on projects, sharing ideas, and other normal professional interactions are not harassment unless they are accompanied by inappropriate behavior or comments.
- 15) Social Invitations: Inviting a colleague to a work-related event, such as a meeting or conference, is not harassment as long as it's professional in nature and not persistent after a refusal.
- 16) Single Off-Hand Comment: An isolated, off-hand comment or joke that is not part of a larger pattern of behavior and does not have a sexual or discriminatory nature is generally not considered harassment. However, it's important to recognize when a comment crosses the line and to avoid repetition.
- 17) Minor Social Interactions: Small, non-sexual gestures of friendliness, such as offering to grab a coffee for a colleague, are not harassment unless they are accompanied by pressure or an inappropriate agenda.
- 18) Sometimes, actions or words might be misinterpreted as offensive without any intention of harassment. When such misunderstandings occur, clarifying the intent and communicating openly can resolve the situation without labeling it as harassment.

- 19) Important Considerations: If someone expresses discomfort or feels that an interaction is inappropriate, it's essential to take their concerns seriously, address the situation respectfully, and adjust behavior accordingly.
- 20) Respect, professionalism, and sensitivity to others' feelings are key in maintaining a workplace environment where everyone feels safe and valued.



"Sexual harassment of women at workplace creates a negative impact on the mental and physical health of women and decreases their productivity and efficiency. Additionally, sexual harassment of women at workplace negatively impacts an organization's objectives and reputation.

Therefore, it is the duty of all organizations and employers to implement the Sexual Harassment of Women at Workplace Act, 2013 (POSH Act) to prevent, protect against, and provide redressal for sexual harassment of women at workplace."

Dr. Manoj Wagh

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