



NITRD



एक कदम स्वच्छता की ओर

Swachh Bharat  
Swachh Soch

# राष्ट्रीय क्षय एवं श्वसन रोग संस्थान

## Workshop on Prevention of Sexual Harassment at Workplace



**Organised By:**

**Internal Complaint Committee, NITRD**

National Institute of Tuberculosis and Respiratory Diseases,

Sri Aurobindo Marg, New Delhi- 110030

(An autonomous institute under Ministry of Health & Family Welfare, Govt. of India )

**B&A**

**Bhandari & Associates**

*Mediators & Legal Consultants*



## FOREWORD

It gives me immense pleasure and a sense of satisfaction that the Internal Complaints Committee of our institute has taken an important initiative of conducting a workshop for generating awareness about “The Sexual Harassment of Women at Workplace (Prevention, prohibition and redressal) Act 2013” amongst all its employees.

This program will go a long way in creating a safe, secure and enabling work environment for every women irrespective of her age or employment status.

I wish the program a huge success

Regards

**Dr. Sangeeta Sharma**

Chairperson ICC, NITRD

## Internal Complaint Committee Members

- |                        |                                |
|------------------------|--------------------------------|
| - Dr. Kapil Mathuria   | - Dr. Pratibha Mishra          |
| - Dr. Prabhpreet Sethi | - Mrs. Anita Rani Kansal       |
| - Dr. Ananya Prabhu    | - Mrs. Varuna Bhandari Gugnani |

# SEXUAL HARASSMENT

## Unwelcome Conduct of Sexual Nature

### VERBAL

- Comments about:
- Clothing
  - Person's Body
- Gender based jokes/remarks
- Requesting sexual favors
- Spreading rumors about person's sexual life
- Fowl and obscene language

### VISUAL

- Showing the person:
- Posters
  - Drawings
  - Pictures
  - Emails
  - Screensavers
  - Cartoons
- Or Texts of Sexual nature

### PHYSICAL

- Impeding/blocking movement
- Assault
- Inappropriate touching
- Kissing
- Hugging
- Patting
- Stroking
- Rubbing
- Sexual Gestures
- Staring and Leasing

## Categories of Sexual Harassment

### QUID PRO QUO

(This for that)

Gives an employee Rewards, Promotion, appraisal, or Punishment, Demotion  
In return of the Sexual Favor or Act

### Hostile Work Environment

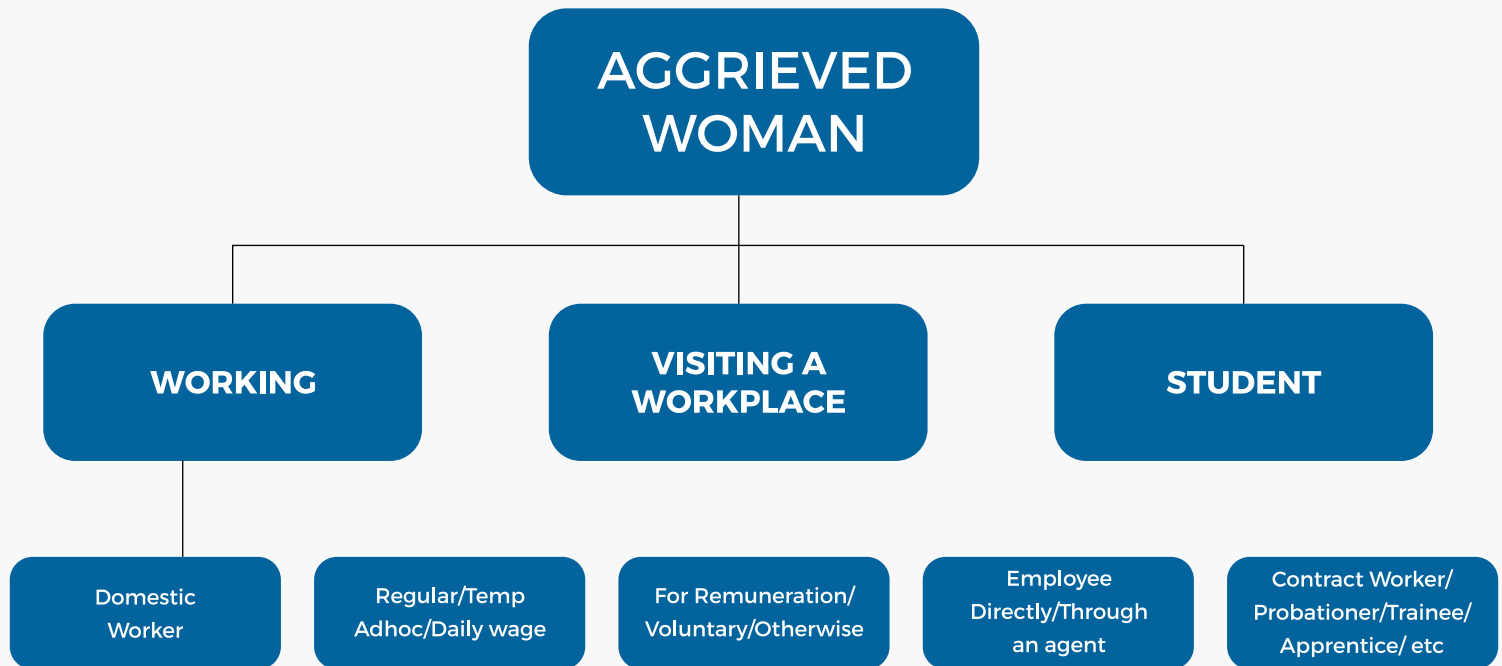
(unreasonable interference with work performance)

Repeated sexual comments that the person gets uncomfortable and declines promotion opportunity to avoid harassment

## WHO CAN FILE A COMPLAINT?

### Aggrieved Woman

In relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment;



### Time Frame For Filing a Complaint?

Any aggrieved woman within 3 months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident, can file a written complaint with the Internal Complaints Committee.

### Internal Complaint Committee

- Presiding officer, to be headed by a woman, employed at a senior level at work place from amongst the employees.
- Two representatives from employees committed to the cause of women or have experience in social work or having legal knowledge.
- One member amongst NGO or Associations committed to the cause of women, or a person familiar with the issues relating to sexual harassment.
- At least one half of the total members so nominated shall be women.

# PROCEDURE FOR ENQUIRING INTO A COMPLAINT OF SEXUAL HARASSMENT

## Conciliation

- The ICC 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.
- No monetary settlement in conciliation.
- If settlement is arrived in Conciliation, the Internal Committee shall record the settlement and forward the same to the employer to take action as specified in the recommendation.
- Copies of settlement to be provided to aggrieved woman and respondent.
- No further inquiry needs to be conducted.

## Inquiry

- The complainant shall submit to ICC, six copies of the written complaint along with supporting documents, names and addresses of the witnesses.
- The ICC shall send one copy of the complaint, to the respondent, within a period of seven working days.
- The respondent shall file his reply to the complaint along with his list of documents, names and addresses of witnesses, within ten working days from the date of receipt of the copy of complaint.
- The Internal Committee shall, make inquiry into the complaint. Examine the incident reported and form a prima facie opinion as to whether it amounts to misconduct – sort of a preliminary inquiry.
- ICC shall decide the date, time and venue of the enquiry and Intimate the Complainant, Respondent and witnesses about the same.
- Record the minutes of the meeting and ensure that all the concerned have signed the minutes.
- Inquiry Committee is vested with the powers of Civil Court under CPC to enforce the attendance of the witnesses.
- The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- Enquiry shall be completed within a period of 90 days.
- On completion of an inquiry, 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.
- Report to be made available to the concerned parties.

## OUTCOME

### GUILTY

**Recommend**  
punishment as  
per service rules

### NOT GUILTY

**Recommend**  
no action  
against the  
accused

### MALICIOUS COMPLAINT

**Recommend**  
Action against  
aggrieved employee

## APPEAL

A person aggrieved by the orders of the ICC or in the case of non-implementation of the orders may file an Appeal with appropriate authority within a period of 90 days. Either party can choose to seek justice through the regular court of justice.

## TIMELINES

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

## LIABILITY OF AN EMPLOYER

Employer knew or should have known about the harassment

Employer failed to take appropriate steps to corrective actions

## Some Examples of behavior that constitute sexual harassment at the workplace:

- Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
- Unwelcome social invitations, with sexual overtones commonly understood as flirting.
- Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit.
- Physical contact such as touching or pinching.
- Caressing, kissing or fondling someone against her will (could be considered assault).
- Invasion of personal space (getting too close for no reason, brushing against or cornering someone).
- Stalking an individual.
- Abuse of authority or power to threaten a person's job or undermine her performance against sexual favours.
- Controlling a person's reputation by rumour-mongering about her private life.

## Some examples of behaviour that may indicate underlying workplace sexual harassment and merit inquiry:

- Criticizing, insulting, blaming, reprimanding or condemning an employee in public.
- Exclusion from group activities or assignments without a valid reason.
- Statements damaging a person's reputation or career.
- Removing areas of responsibility, unjustifiably.
- Inappropriately giving too little or too much work.
- Blaming an individual constantly for errors without just cause.
- Repeatedly singling out an employee by assigning her with demeaning and belittling jobs that are not part of her regular duties.
- Controlling the person by withholding resources (time, budget, autonomy, and training) necessary to succeed.

Touching or brushing against  
any part of the body and the like



Unwelcome sexual  
overtones in any manner



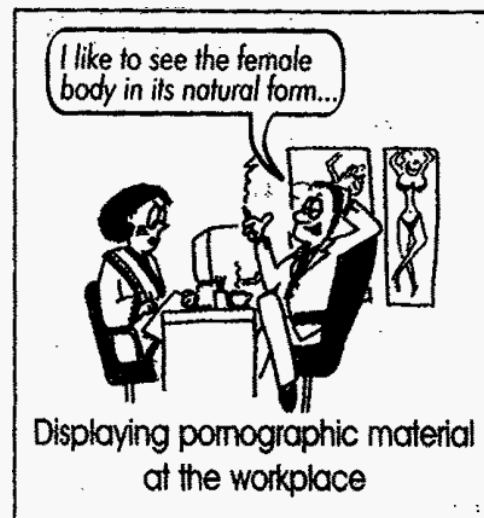
Physical confinement against one's  
will and any other act likely  
to violate one's privacy



Sexual Advances



Displaying pornographic or other  
offensive or derogatory pictures, cartoons,  
pamphlets or sayings

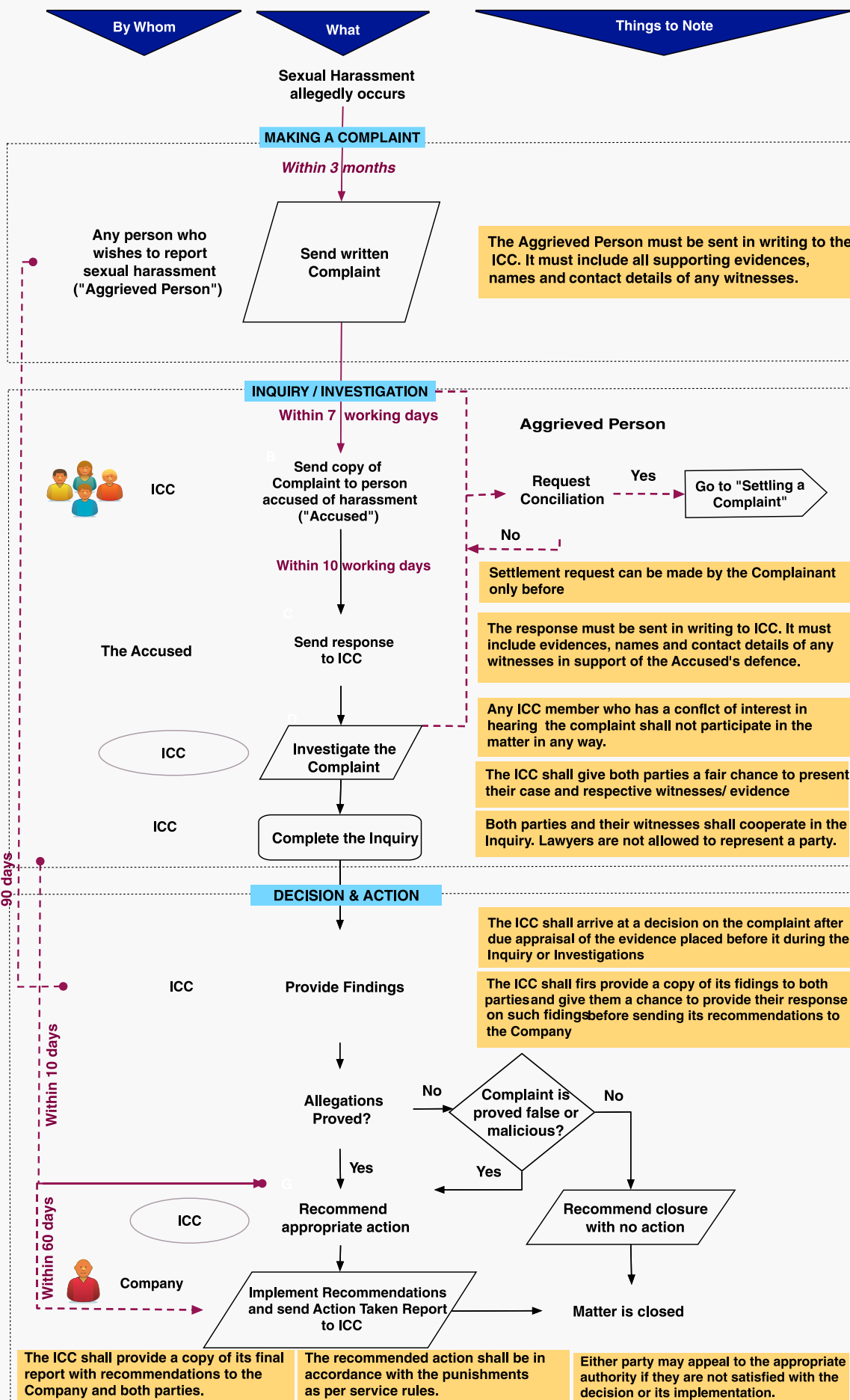




# NOTES

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# GRIEVANCE REDRESSAL PROCEDURES



**Compiled by  
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**Bhandari & Associates**

*Mediators & Legal Consultants*

B-37, SOAMI NAGAR, NEW DELHI-110017

Tel: (+91-11) 41748071

info@mediationservices.in | www.mediationservices.in