



**POLICY
INTERNAL COMMITTEE**

**Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act
2013.**

Apropos the order No.627 of 15/3/2021 and in continuation to the order no.178/372 of 4th September 2019, of the office of the Principal Williamnagar Government College, the following committee members were formed for “**Sexual Harassment of women at workplace (prevention, Prohibition and Redressal) Act 2013.**”

Committee Members

1. Smt. Nokmera K Sangma-Presidenting Officer Lecturer , Williamnagar Govt. College
2. Smt. Chonje Ch Marak-Member Lecturer, Williamnagar Govt. College
3. Smt. Bandakerlin Lyngdoh-Member Asst. Prof. Williamnagar Govt. College
4. Smt. Beltish G Momin-Member Kusimkolgre-B
Williamnagar, East Garo Hills, Meghalaya

Objectives:

- i. Sexual harassment at a workplace is considered violation of women’s right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women’s participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.
- ii. With more and more women joining the workforce, both in organized and unorganized sectors, ensuring an enabling working environment for women through legislation is felt imperative by the Government. The proposed legislation contains provisions to protect every woman from any act of sexual harassment irrespective of whether such woman is employed or not.
- iii. To comply with the directives of Hon’ble Supreme Court of India requiring all employers to develop and implement a policy for prevention of sexual harassment at the workplace
- iv. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the workplace.
- v. To follow and implement the Act enjoining all employers to constitute an “Internal

Complaints Committee” and lay down guidelines for redressal of complaint related to sexual harassment of Women at the workplace.


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Introduction

Sexual harassment at workplace is a violation of women's human rights, which adversely affects safety, dignity, mental health, physical well-being of women and their livelihood opportunities among others.

Sexual harassment is a manifestation of sex based discrimination and violence against women at the workplace. It needs to be acknowledged and understood in the context of relations of power and gendered nature of spaces. It upholds unequal economic and social structures thriving atmosphere of threat, terror and reprisal.

The Supreme Court of India in its landmark Vishaka Judgement in 1997 provided a comprehensive definition of sexual harassment called it unlawful, a violation of human rights of women workers and constitutional rights and made employers responsible for prevention and redress of sexual harassment at workplaces.

16 years after Vishaka Judgement was issued, India passed The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in 2013

What is Sexual Harassment at Workplace?

Definition

Sexual harassment includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- ❖ Physical Contact and Advances, or
- ❖ Demand or Request for Sexual Favours, or
- ❖ Making sexually Coloured Remarks, or
- ❖ Display of pornography, or
- ❖ Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

The following circumstances, among other circumstances if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- ❖ Implied or explicit promise of preferential treatment in her employment Or
- ❖ Implied or explicit threat of detrimental treatment or
- ❖ Implied or explicit threat about her present or future employment status

Or

- ❖ Interference with her work or creating an intimidating or offensive or hostile work environment for her ; or
- ❖ Humiliating treatment likely to affect her health or safety

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Profile of Aggrieved Woman

- ❖ Whether employed or not
- ❖ All ages
- ❖ All kind of worker-regular, adhoc or daily wages basis
- ❖ Directly employed indirectly employed through an agent/contractor
- ❖ Paid or voluntarily basis
- ❖ Contractual worker, probationer, trainee, apprentice etc
- ❖ Domestic workers

What is work place?

Any departments, organisation, establishment, enterprise, institution, office branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or a local authority or a cooperative society.

Any private sector organisation or a private venture, undertaking, enterprise. Institution, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, industrial, health services or financial activities.

Hospital or Nursing Homes.

Any sports institute, stadium, sports complex or competition or games venue whether residential or not used for training, sports or other activities relating thereto. 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.

A dwelling place or a house

Unorganised sector in relation to a workplace means an enterprise owned by individual or self employment workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such worker less than ten.

Manifestations in Everyday Life

- ❖ Unwelcome comments on personal appearance
- ❖ Suggestive remarks bearing double meaning
- ❖ Unnecessary touching
- ❖ Staring women's body-'roving eyes'
- ❖ Addressing as 'sweetheart'. honey', 'babe' etc
- ❖ Obscene & inappropriate phone calls, messages, e-mails, comments on social networks
- ❖ Stalking or following
- ❖ Calling to the cabin unnecessarily on pretext work

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- ❖ Linking up sexually with boss & colleagues
- ❖ Gossiping about female employee's personal/sexual life
- ❖ Comments on women's body, sexually, pregnancy, fertility
- ❖ Sexist & misogynist humour
- ❖ Watching pornography during work
- ❖ Narrating incidents of sexual harassment, abuse etc in a salacious manner and many more...

Employer's Responsibilities:

Providing safe working environment is the employer's responsibility. Incorporation in Service Rules/Organisation Policy Treat sexual harassment as misconduct under the service rules & initiate action Develop internal policy or charter or resolution or declaration for prohibition, prevention and redress of sexual harassment at workplace which is intended to promote gender sensitive and safe spaces for women.

The policy (or charter or resolution) is also intended to remove underlying factors that contribute towards hostile work environment for women.

Disseminate information:

Widely disseminate the internal policy/charter/resolution/declaration Display at any conspicuous place in the workplace. Penal consequences of sexual harassment

Office order constituting the internal complaints committee.

Name and contact of all members of the Internal Complaints Committee.

Awareness/Capacity Building Initiatives:

Organise skill building training for Complaints Committee members. Carryout awareness programmes for employees.

Redress & Other Activities:

❖ **Constitution of Internal Complaints Committees:** Employers shall constitute

Complaints Committee through office order and nominate appropriate persons to be part of it.

- ❖ **Constitution of Local Complaints Committee:** Every District Officer shall constitute in the District concerned. A Local Complaints Committee.
- ❖ **Support Inquiry Process:** Provide facilities to the Complaints Committee for dealing with complaints and conducting inquiry.
- Ensure attendance of respondents and witnesses during inquiry. ○ Make whatever information necessary for inquiry available.
- ❖ **Timely Submission Reports.:** Ensure and monitor timely submission of reports.


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- ❖ **Interim Relief:** Impliment Interim Relief during the inquiry.
- ❖ **Action of Inquiry Report:** Act on recommendation of the Committee within sixty days after receiving the report.
- ❖ **Maintain Records:** Maintain data of complaints and punishment
- ❖ **Annual Report:** Ensure submission of annual report to relevant authorities.

Complaint Mechanism

- ❖ **Written Complaint:** Written complaint along with supporting documents, names and address of the witness have to be submitted.
- ❖ **Time Limit for Complaints:** Complaints to be lodged within a period of three months from the date of the incident. In case of multiple incidents within a period of three months from the date of last incident.
- ❖ **Extension of Time Limit & Rationale:** Complaints Committee may extend the time limit, if it is satisfied that the circumstances were such that prevented the aggrieved woman from filling a complaint within the above period. Reasons however to be recorded.
- ❖ **Assistance in writing Complaint:** If the complaint is unable to write the complaint, the presiding officer/Chairperson or any member of the Complaints Committee shall render reasonable assistance.
- ❖ **Complaint on behalf of Aggrieved Woman:** Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death, the complaints Committee shall allow her legal heir or others as specified below to make a complaint on her behalf.

International Complaint Committee (ICC)

Constitution on through Office Order Every employer shall, by an order, constitute a Committee to be known as Internal Complaints Committee.

Nomination by the Employer

ICC Members to be nominated by the employer

Composition of the ICC

- ❖ A Presiding Officer, who shall be a woman employed at a senior level of the respective workplace
 - Provided that in case a senior woman employee is not available, the presiding officer shall be nominated form other offices or administrative units of the workplace.
 - Provide further that in case other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding officer shall be nominated form any other workplace of the same employer or other department or organization.


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- ❖ Not less than two members from amongst employees preferably committed to the cause of woman or who have had experience in social work or have legal knowledge.
- ❖ One member from amongst non-governmental organizations (NGOs) or associations committed to the cause of woman or a person familiar with issues relating to sexual harassment.
 - A social worker with at least five year' experience in the field of social work which leads to creation of social conditions favourable towards empowerment of woman and in particular addressing workplace sexual harassment.
 - A Persona who is familiar with labour, service, civil or criminal law

At least one half of the total members shall be women

Tenure

The Presiding Officer and every member of the ICC shall hold office for such period, not exceeding three years, form the date of their nomination

Expulsion of Members

Where the Presiding Officer or any member of the ICC

- ❖ Contravenes the provisions of confidentiality
- ❖ Has been convicted for an offence or an inquiry into an offence under any law

for the time being in force is pending against him/her

Offences under Indian Penal Code (IPC)

Where the perpetrator is not an employee, the employer can initiate action under IPC or any other law for the time being in force, if the aggrieved woman so desires, in the work place at which the incident took place.

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(Smt. Nokmera K Sangma)
Presiding Officer
Internal Committee
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