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Workshop for Internal Complaints Committee (ICC) Members

Prevention, Prohibition & Redressal of Sexual Harassment at the Workplace

Organized by Bombay Chamber of Commerce and Industry

January 2018

What we will cover today?

1. What is Sexual Harassment at the Workplace?
2. Composition of the Internal Complaints Committee ("ICC")
3. Complaint Redressal Process
4. Powers and Duties of ICC Members
5. Appeal



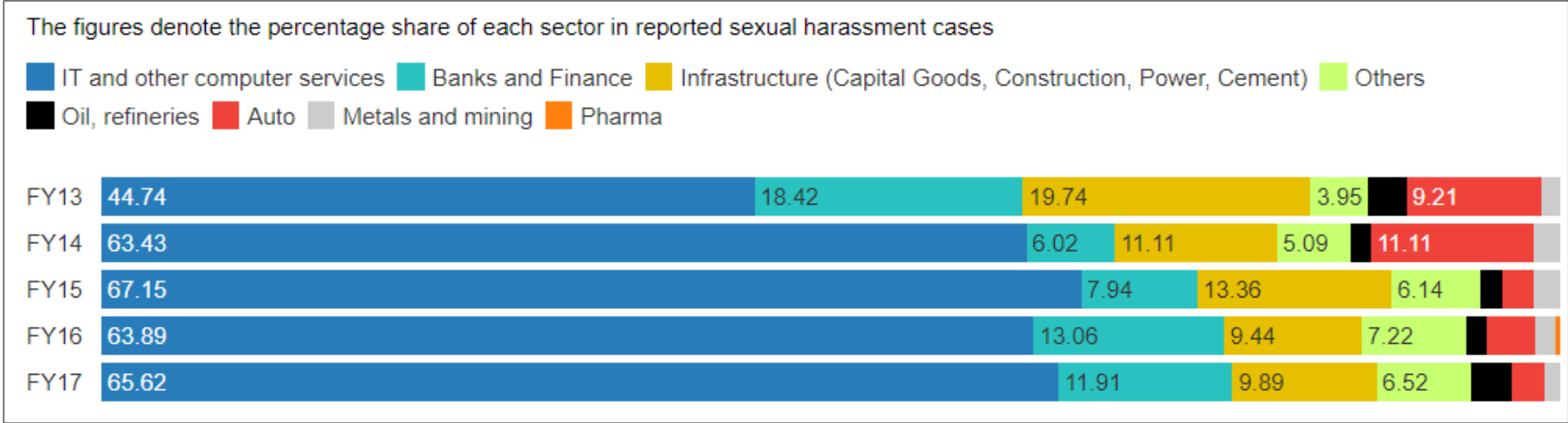
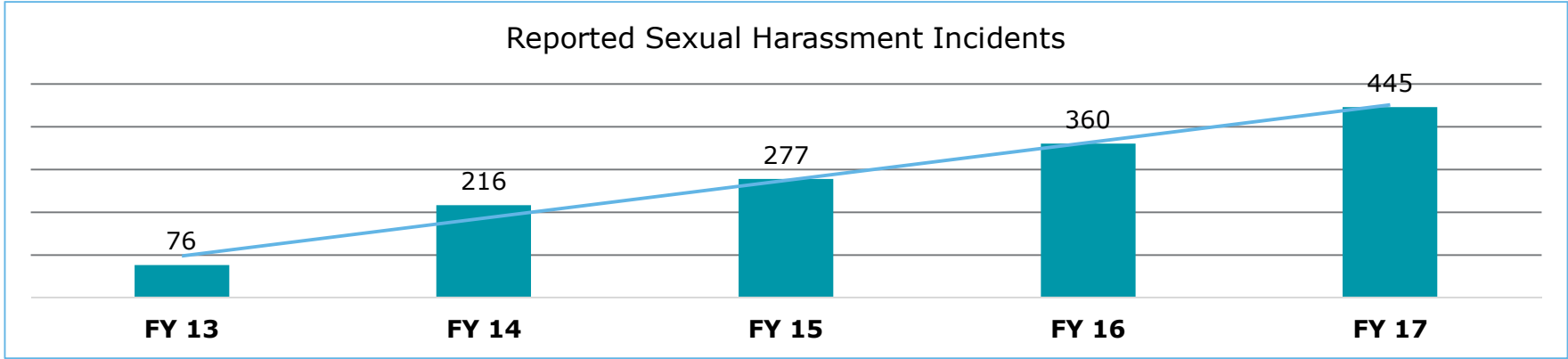
Sexual Harassment in an evolving work environment

Today's evolving work environment



Preventing sexual harassment at the workplace **should involve all levels of employees and stakeholders** to understand what constitutes sexual harassment. Most importantly it **requires the employer to proactively** prevent, prohibit and redress such incidents. Organizations need to understand that **preventing sexual harassment should not be about merely complying with regulations, but also about managing the social and reputational damage to the organization** that follows when such incidents occur.

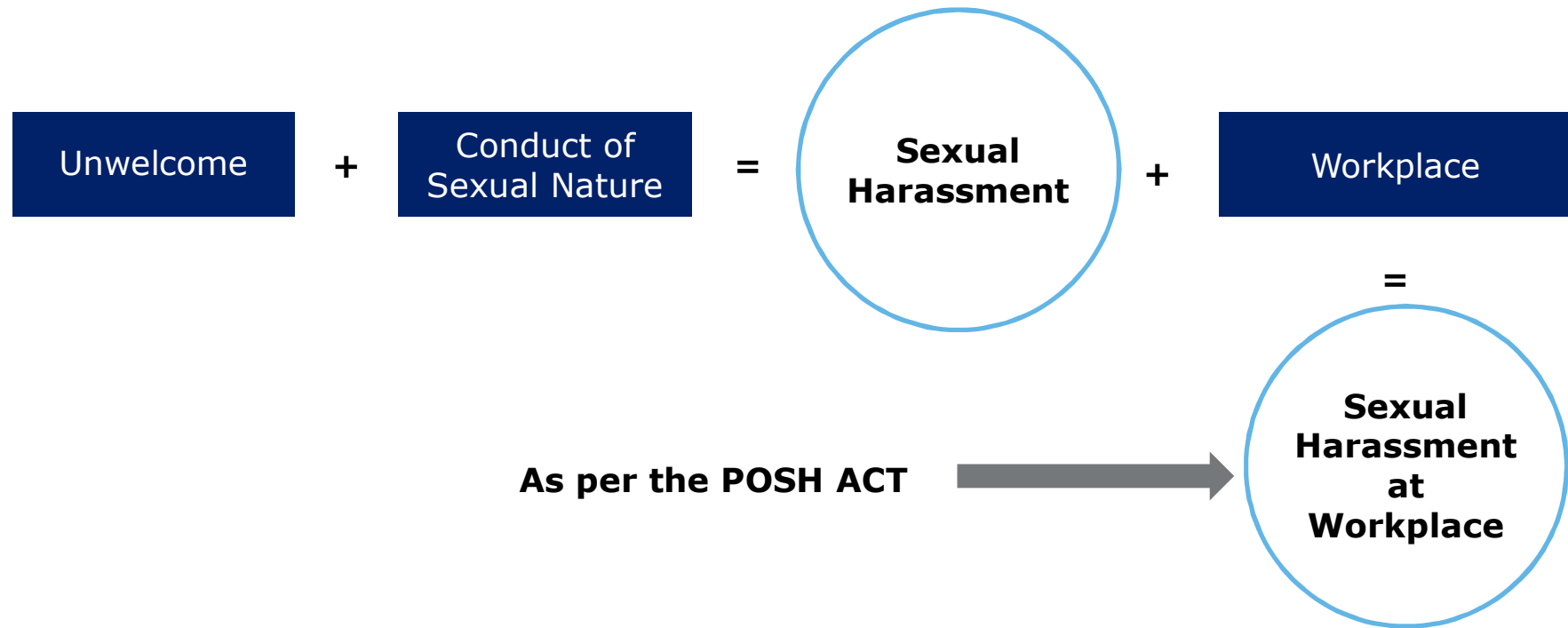
Industry Trends for 52 BSE-100 companies



The data above shows the trend in reportage of sexual harassment cases for 52 BSE-100 companies for which consistent data was available since the FY 2013.

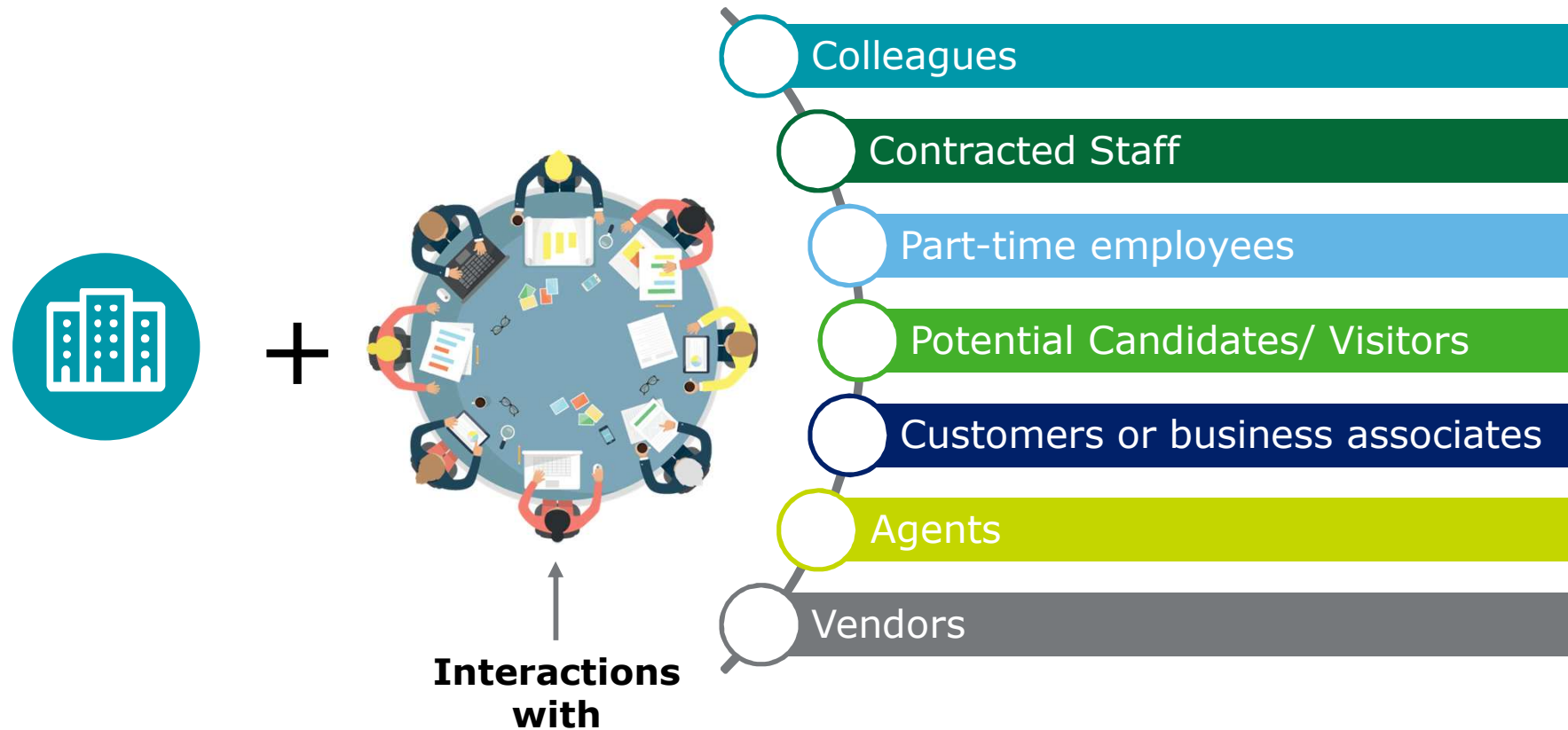
Source: Annual Reports, Business Responsibility Reports of companies, Mint Research

What is Sexual harassment at the workplace?



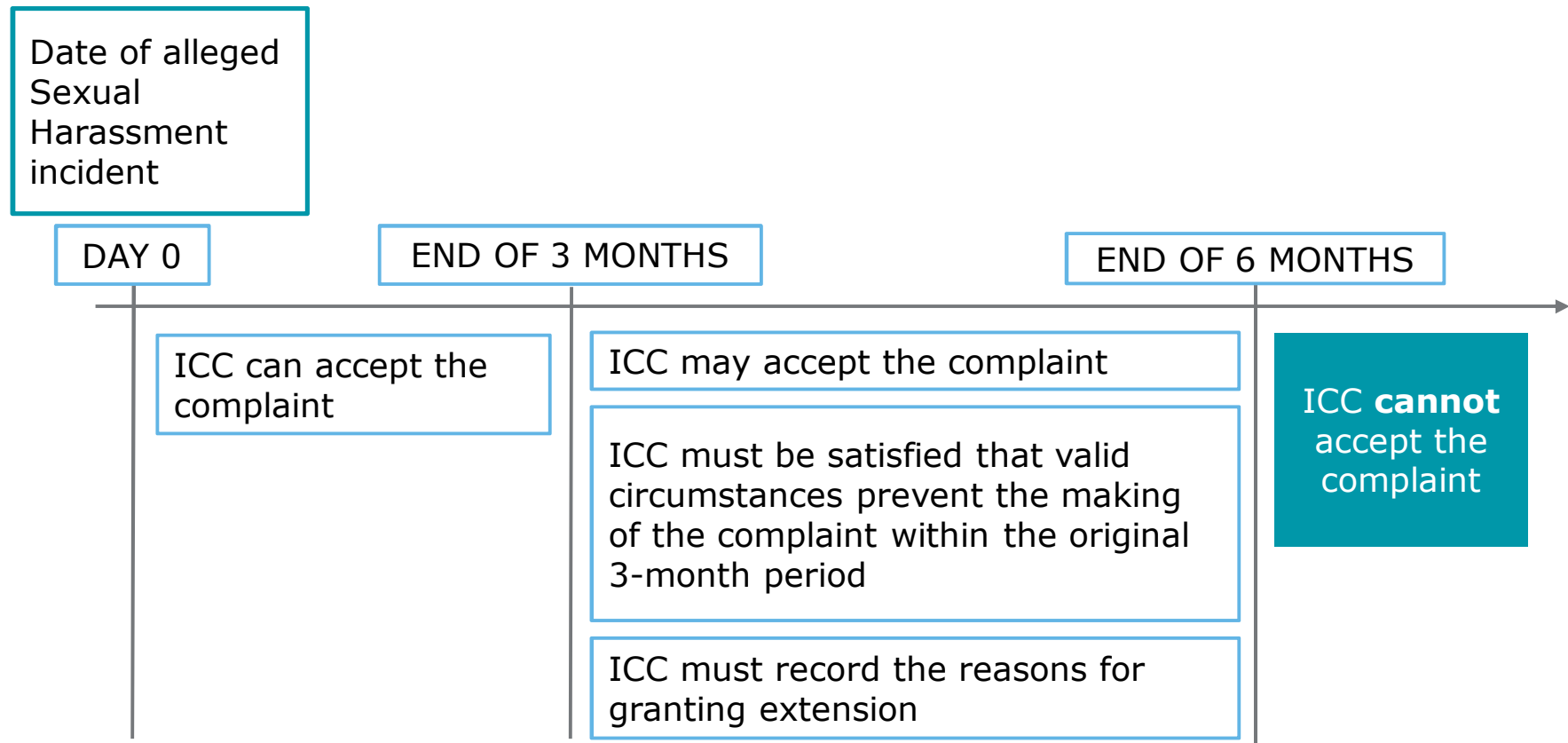
Aggrieved Person's Perception	🔑	Primary (Relevant)
Repetition of conduct	🔑	Inconsequential (Usually Irrelevant)
Respondent or Harasser's Intention	🔑	Secondary (Not relevant)

What constitutes workplace?



By when can a complaint be accepted?

Pre-Inquiry Actions – Run preliminary check on period of limitation



Composition of the ICC

Internal Complaints Committee ("ICC") to be established at every office/ unit having more than 10 employees

The employer shall appoint minimum four (4) Members* in the ICC



Presiding Officer

Woman employed at a senior level



Minimum two (2) employees

Preferably committed to the cause of women or who have experience in social work or have legal knowledge



One (1) External Member

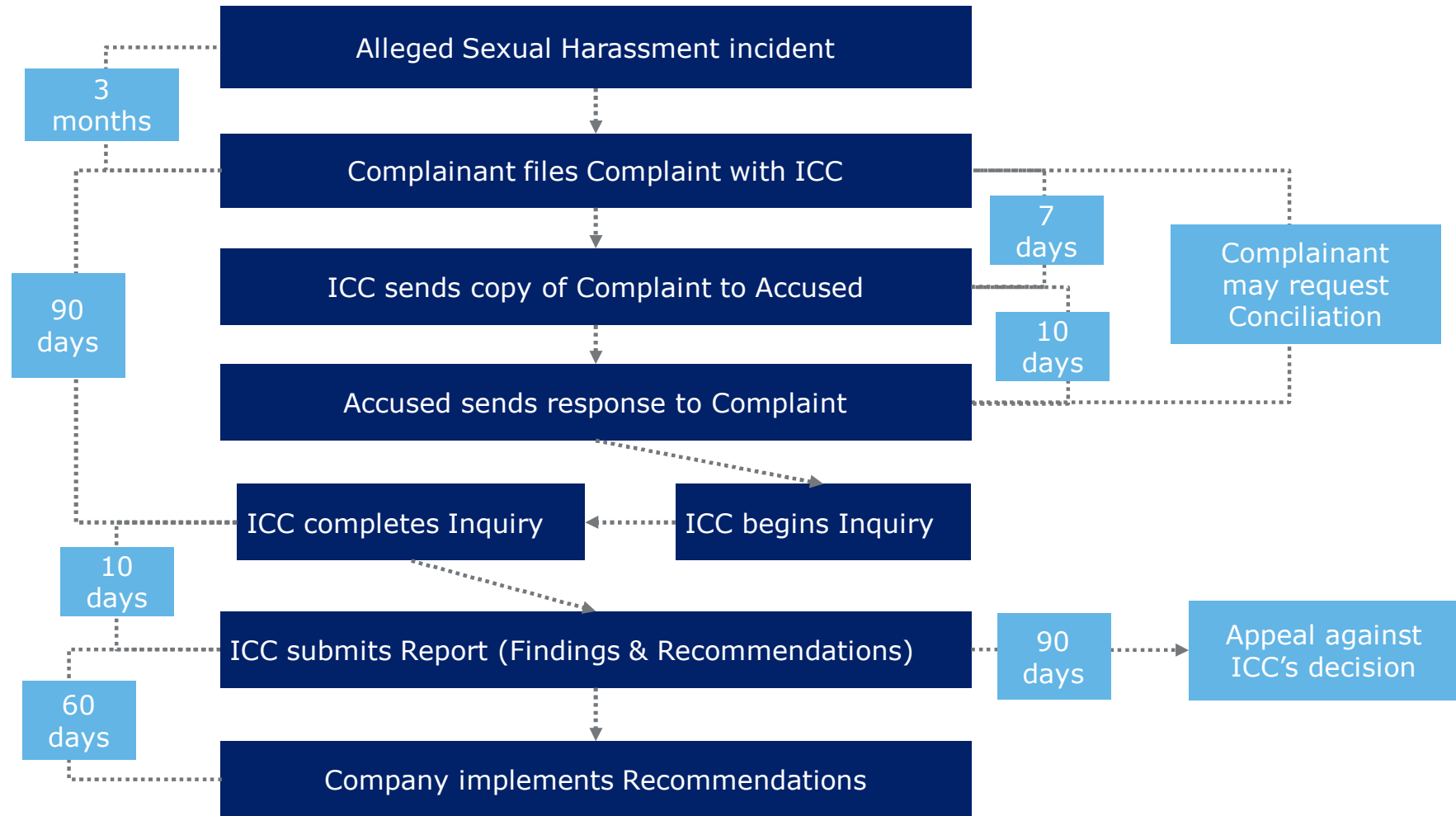
From non-governmental organizations/associations committed to the cause of women or any person familiar with issues relating to sexual harassment

*At least one-half (or 50%) of the total members nominated shall be women.

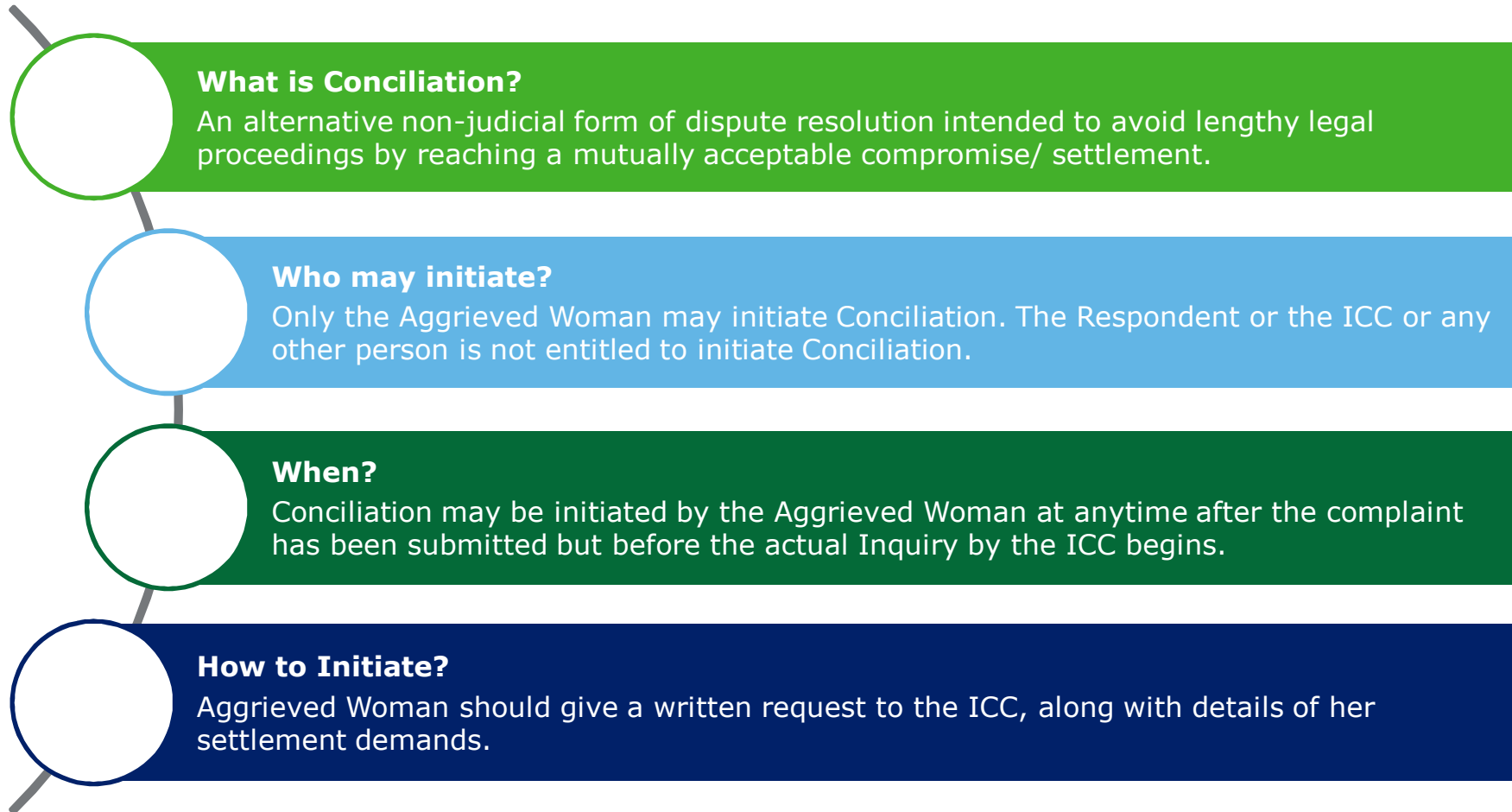
Term of members in ICC: Not more than 3 years from date of appointment

Members having a conflict of interest on the matter being decided, must not be allowed to be part of the committee until the matter is resolved.

Redressal Process Timeline

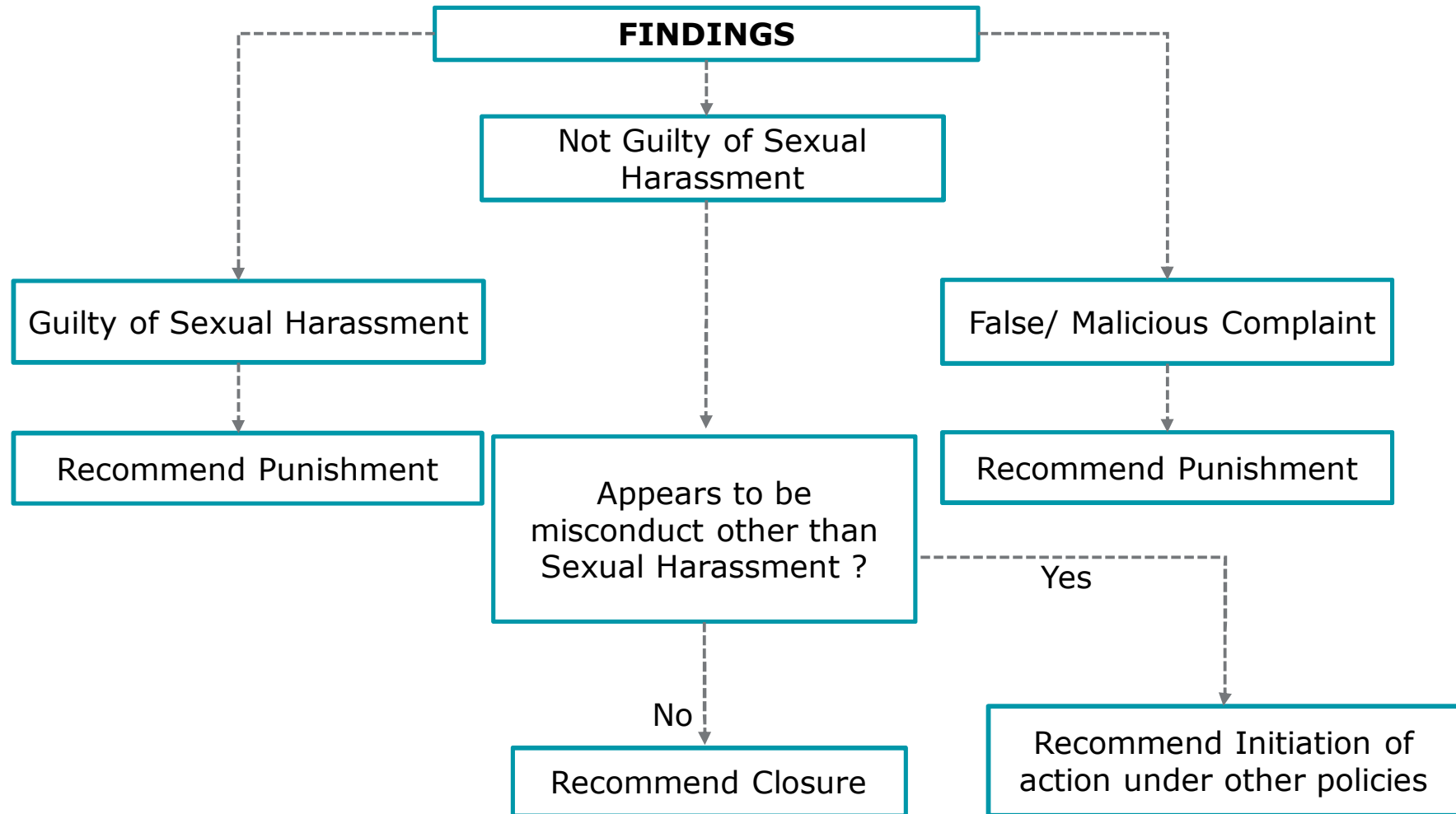


Conciliation



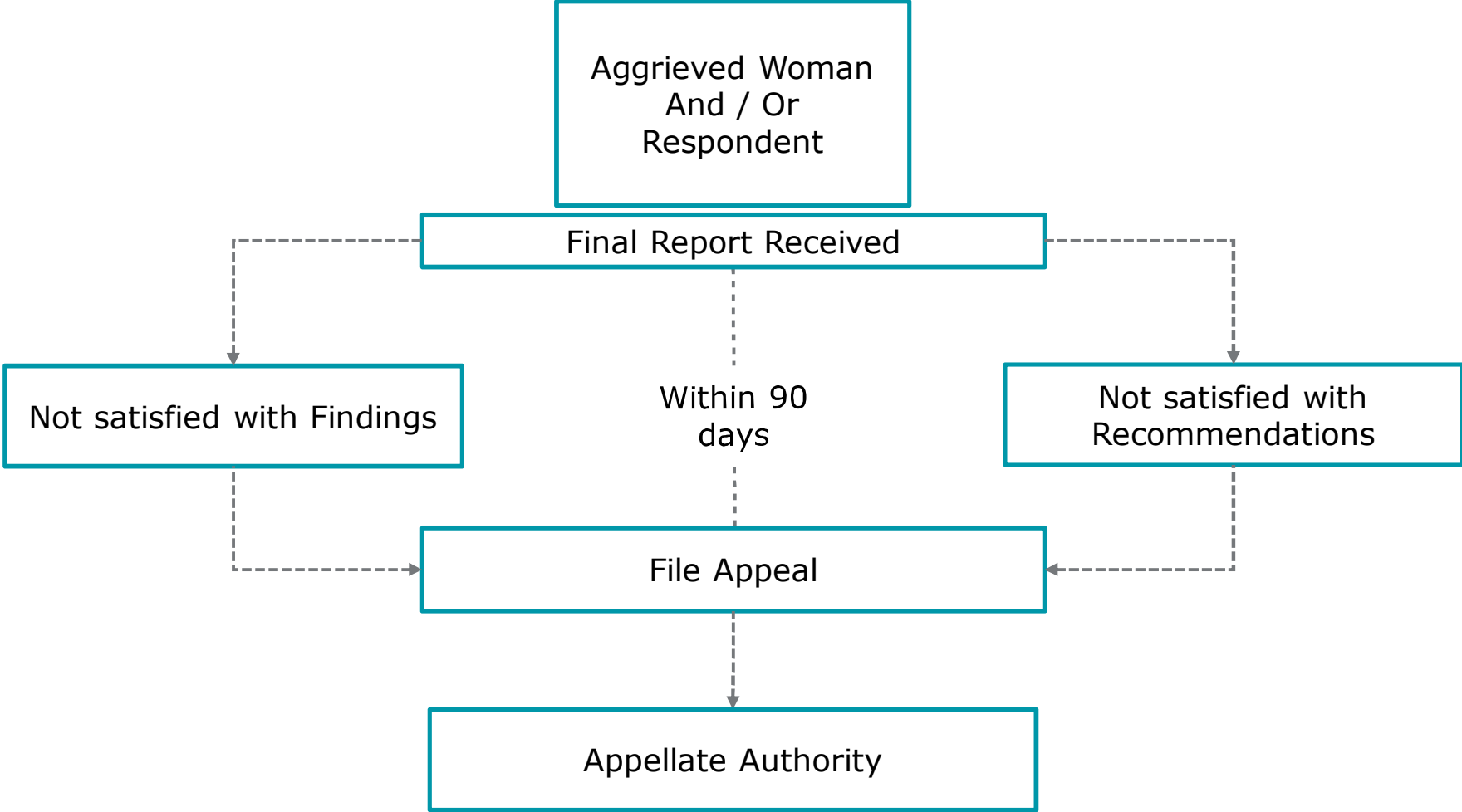
Decision and Appeal

Decision by ICC






Appeal by Aggrieved Woman to the Appellate Authority

Applicability – only when complainant is an aggrieved woman



Powers of the ICC

At the request of the Aggrieved Woman, ICC to provide suitable relief:

-  Transfer the Aggrieved Woman or Respondent to another location
-  Grant Aggrieved Woman leave not exceeding 3 months
-  Prohibition of Aggrieved Woman's performance appraisal by Respondent or any other relief



The ICC has the right to terminate the inquiry or to give an ex-parte decision, if complainant or respondent fails to attend 3 consecutive hearings without sufficient cause.



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