ANTI-SEXUAL HARASSMENT COMMITTEE

**Purpose**: To promote a productive work environment by creating a culture of respect for all, irrespective of their gender, colour, caste, location or any physical deformity. Also not to tolerate verbal or physical conduct of a sexual nature by any employee that harasses, disrupts or interferes with another’s work performance or that creates an intimidating, offensive or hostile environment. Harassment that goes unchecked has the potential to hurt the employer’s operations, through decreased productivity and increased employee turnover. An Act to provide Protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

**Scope**: Every Employer of a workplace shall, by an order in writing, constitute a committee to be known as the “Internal Complaints Committee”. This Act is applicable to all allegations made against an employee and students, irrespective of whether sexual harassment or discrimination with respect to caste / gender / region / physical deformity is alleged to have taken place within or outside Company premises. The Act defines sexual harassment at the workplace and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.

**Roles and Responsibilities**:

Employers’ Duties - Employer, as defined in the Act, is any person responsible for management supervision and control of the workplace. The Act imposes a number of duties on employers. All employers must ensure that they provide a safe working environment for their employees. Rules of the institute must include provisions relating to sexual harassment and state that sexual harassment will be treated as misconduct, and employers should take appropriate action if a sexual harassment incident is reported.

Employers are required to set up an internal complaints committee (ICC). The ICC, which must have a minimum of four members, at least half of whom are women, will hear the sexual harassment complaints. Employer also has a duty to help the employee file a police complaint if she wants to press criminal charges against the harasser.

Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- Physical contact and advances: or
- A demand or request for sexual favors; or

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• Making sexually colored remarks; or
• Showing pornography; or
• any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Internal Complaint Committee - The ICC has the same powers as a civil court, including gathering evidence and requiring witness to attend and give evidence on oath, as well as making recommendations to the employer, granting the employee up to three months’ leave and awarding compensation to be paid by the harasser in the form of deductions from their salary. There is no cap on the compensation that can be awarded, and the factors that will be taken into account include mental trauma, suffering and emotional distress, the loss of career opportunities and any medical expenses the employee incurs for physical and/or psychiatric treatment. The income and financial status of the harasser may also be taken into account.

The complaint to the ICC must normally be made within three months of the date of the alleged incident, or if there has been a series of incidents, within a period of three months from the date of the last incident. The ICC inquiry into the allegation of sexual harassment should be concluded within 90 days, and the employer must assist them by providing documents etc.

**Formation of Internal Complaint committee :**

Presiding Officer – a Woman holding senior position from amongst employees.
Two or more members from amongst employees preferably committed to cause of women or have experience in social work or have legal knowledge.

The committee should consist at least 50% women members. The presiding officer and every member of the internal committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

**Inquiry Procedure :**

As per the Sexual Harassment Act 2013, Complaint shall submit to the complaint committee 6 copies of the complaint along with supporting documents and list of witness along with addresses.

Within seven working days a copy of complaint is to be sent to the Respondents/s.
Respondent shall reply within 10 day along with list of witness and their addresses.

Inquiry shall be held in accordance with the principles of natural Justice.

In case of default proceeding may be terminated or be decided ex-parte.

No legal practitioner allowed in the inquiry.

Quorum: Presiding and any two members.

**The Investigation Process:**

The process should provide a fair method for both sides to be heard and to receive information. Neither employer nor investigator should prejudge the alleged harasser’s guilt. Witnesses should be interviewed as soon as possible. All responses should be documented and, if possible, statements should be written and signed by the person providing the information. In addition, all participants in the investigation should be reminded that their cooperation and confidentiality are required.

A timely investigation of allegations of sexual harassment is important. Both a complaining employee and an unjustly accused individual may suffer increasing emotional distress the more a resolution is delayed.

**Action may be taken on sexual Harassment complaints:**

In case of proven sexual harassment it may recommend to the employer to take any action against respondents i.e.

- Written apology,
- warning,
- reprimand or censure,
- withholding of promotion or pay rise or increment,
- Terminating the respondent from service or undergoing counseling sessions or carrying out community service.

**Punishment for false or malicious complaint and false evidence:**

Where the ICC, arrives at a conclusion that the 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 misleading document, It may
be recommend to the employer, as the case may be, to take action against the women or the person who has made the complaint.

**Other relief to the complainant during pendency of inquiry :**

The complaints committee at the written request of the aggrieved woman may recommend to the employer to:

Restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and assign the same to another officer.

restrain the respondent in case of an educational institution from supervising any academic activity of the aggrieved woman.

**Penalty for disclosing identity of aggrieved women and any information :**

Section 16 of the Act prohibits disclosure of identity of aggrieved woman, her address, witness proceeding of Inquiry, any recommendations of ICC and action taken by the employer. Any person entrusted with the duty to handle or deal with the complaint, inquiry recommendation or action taken shall be liable for penalty of Rs. 5000/- on contravention of section 16 of the Act. The employer shall recover penalty.

**Inquiry Report :**

On the completion of an inquiry under this Act, the internal committee, as the case may be, shall provide a report of its findings to the employer within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

**Responsibilities :**

1) Dr. Geeta Bhatt (PT)
2) Dr. Rupali Salvi (PT)
3) Dr Mayur Revadkar (PT)
Principal: Dr. Shweta Manwadkar (PT)

**Meetings:** Quarterly and when required

Effective Date: 1st August 2018