



Prevention of Sexual Harassment at the Workplace

To be distributed at a Workshop organized by the Bombay Chamber of
Commerce and Industry

19 January 2018

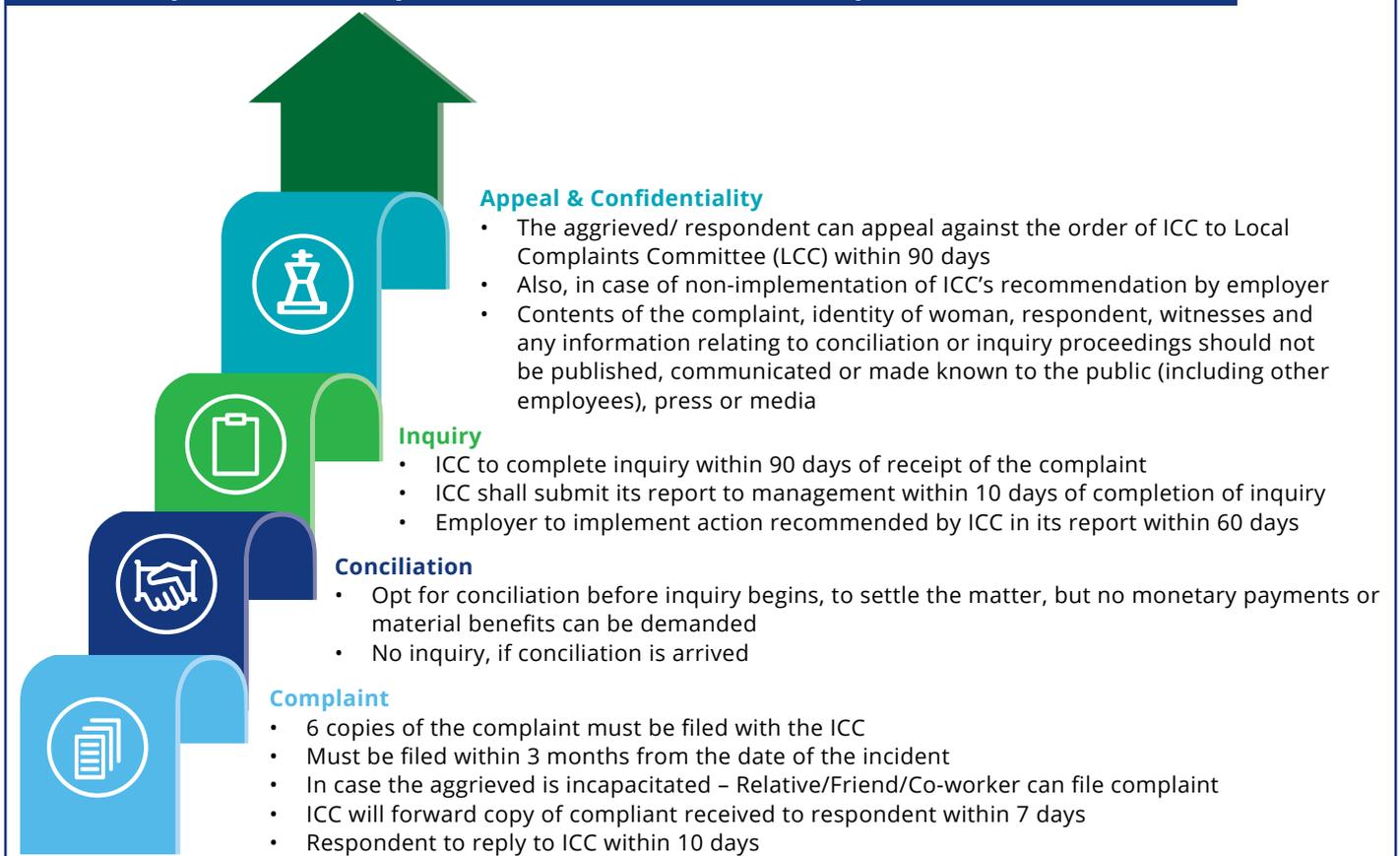
Gender equality in all dimensions is a basic human right and the Constitution of India guarantees all its citizens equality of status and opportunity. Sexual harassment is considered as a violation of a woman's fundamental right to equality.

The prevalence of sexual harassment within an organization transcends industry, sector, age, occupation, and levels of education of those involved. Workplace sexual harassment has the potential to create an insecure and hostile work environment, thereby discouraging women's participation at work and adversely affecting the social and economic growth of the organization.

With the enactment of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013' significant measures for safeguarding the rights of a woman have been put in place by several organizations today.



Redressal process of complaints filed with Internal Complaints Committee (ICC)





Frequently Asked questions (FAQs)

1

What is an Internal Complaints Committee (ICC)?

Under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Prevention of Sexual Harassment Act" or "the POSH Act"), it is compulsory for any organization with 10 or more employees to set up an ICC for addressing complaints of sexual misconduct.

2

Where should the Internal Complaints Committee be located?

The Internal Complaints Committee should be located at all workplaces. Where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the internal Committee shall be located at all administrative units or offices.

3

What is the tenure of the members of the Internal Complaints Committee?

The Presiding Officer and every member of the Internal Complaints Committee shall hold office for a period not exceeding three years from the date of nomination as a member.

4

For filing a sexual harassment complaint, can the time limit of three (3) months be extended?

The Internal Complaints Committee and the Local Complaints Committee (LCC) can extend the time limit not exceeding another three months, if it is satisfied that the circumstances were such which prevented the woman from filing the complaint within the said period.

5

Can the respondent request for a conciliation?

No. It is only at the request of the aggrieved woman that the ICC or, as the case may be, the LCC, before initiating the inquiry take steps to settle the matter between the complainant and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

6

When can the Internal Complaints Committee or the Local Complaints Committee forward a complaint to the police?

The ICC or the LCC can forward a complaint to the Police for registering the case under the Indian Penal Code within seven days. In the event of non-compliance by the respondent of the terms and conditions of a settlement agreed upon and when the aggrieved woman informs the ICC or the LCC about it, the ICC or the LCC may make an inquiry or forward the complaint to the Police.

7

Can further inquiry be made after settlement?

Where a settlement is arrived at, no further inquiry shall be conducted by the ICC or the LCC. However, if the aggrieved woman informs the ICC or the LCC that any term or condition of the settlement has not been complied with by the respondent, the ICC or the LCC shall proceed to make an inquiry into the complaint or forward the complaint to the police.

8

What powers are vested with an Internal Complaints Committee or the Local Complaints Committee?

For the purpose of making an inquiry, the ICC or the LCC, as the case may be, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters:

- Summoning and enforcing the attendance of any person and examining them under oath;
- Requiring the discovery and production of documents; and
- Any other matter which may be prescribed.

Contacts

For further queries, reach out to:

Nikhil Bedi

Partner | Leader - Forensic
Financial Advisory
Deloitte India
Tel: +91 22 6185 5130
Email: nikhilbedi@deloitte.com

Veena Sharma

Director – Forensic
Financial Advisory
Deloitte India
Tel: +91 22 6185 5213
Email: vesharma@deloitte.com

Deloitte.

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”), its network of member firms, and their related entities. DTTL and each of its member firms are legally separate and independent entities. DTTL (also referred to as “Deloitte Global”) does not provide services to clients. Please see www.deloitte.com/about for a more detailed description of DTTL and its member firms.

This material is prepared by Deloitte Touche Tohmatsu India LLP (DTTILLP). This material (including any information contained in it) is intended to provide general information on a particular subject(s) and is not an exhaustive treatment of such subject(s) or a substitute to obtaining professional services or advice. This material may contain information sourced from publicly available information or other third party sources. DTTILLP does not independently verify any such sources and is not responsible for any loss whatsoever caused due to reliance placed on information sourced from such sources. None of DTTILLP, Deloitte Touche Tohmatsu Limited, its member firms, or their related entities (collectively, the “Deloitte Network”) is, by means of this material, rendering any kind of investment, legal or other professional advice or services. You should seek specific advice of the relevant professional(s) for these kind of services. This material or information is not intended to be relied upon as the sole basis for any decision which may affect you or your business. Before making any decision or taking any action that might affect your personal finances or business, you should consult a qualified professional adviser.

No entity in the Deloitte Network shall be responsible for any loss whatsoever sustained by any person or entity by reason of access to, use of or reliance on, this material. By using this material or any information contained in it, the user accepts this entire notice and terms of use.