

***“POLICY ON SEXUAL HARASSMENT”***

The idea of respect is more than just being  
polite.....



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**Commitment:** IIHMR is committed to follow the guidelines stipulated by Hon'ble Supreme Court of India with regard to Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and to providing work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment. IIHMR is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity. IIHMR will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

**Scope of this Policy:**

This policy applies to all individuals who are employed or associated in a permanent, contractual, temporary or fellowship capacity with IIHMR Group of Institutes. This policy pertains to sexual harassment in the workplace or during work related travel, meetings, and events.

**Definition of Issue:**

A broad definition of sexual harassment consists of any physical or verbal behavior and any form of communication that has unnecessary, improper or unwelcome sexual connotations. Sexual harassment may vary in form depending on circumstances. It may consist of, but not be limited to, any of the following:

- a. Unwelcome sexual advances, requests for sexual favors, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature,
- b. Transmitting any message, by mail, telephone, e-mail etc. which is obscene, lewd, suggestive or blatantly sexual in nature,
- c. Any explicit or implicit communication wherein a sexual favor or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment,
- d. Sexually charged jokes or remarks and behavior which have sexually oriented innuendoes,
- e. Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day-to-day dealings,
- f. Any pervasive pattern of behavior which makes others uncomfortable, insecure, feel humiliated or disadvantaged on the basis of gender differentiation,
- g. Actual sexual assault

As mentioned above, this is an indicative but not an exhaustive list of possible forms of sexual harassment.

Any person who becomes aware of possible harassment should promptly report to the Head of the campus or HR Head of the campus or General Manager –Corporate(Admin, HR and Planning) who will handle the matter in a timely and confidential manner.

**Policy:**

**1. Applicability**

This policy is known as Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Policy (hereinafter referred to as 'Policy') under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules (hereinafter referred to as the Act) and is applicable to all employees of IIHMR Society deployed at the workplace who are either;

- a. On the rolls of the establishment and/or
- b. Engaged through the Contractor(s) or as enumerated in clause (f) of section 2 of the Act.

## **2. Objective**

This Policy has been formulated keeping in view the provisions under the Act and rules thereunder. The said Policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto. For any doubt or further clarification, reference be made to the Act and its Rules.

## **3. Abbreviations**

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have following meanings:-

- i. **CE**- Complainant Employee: Refers to any woman employee (as per section 2(a) of the Act) who has lodged a complaint of sexual harassment by another employee (hereinafter referred to as 'respondent employee').
- ii. **ICC**- Internal Complaint Committee constituted as per the Act.
- iii. **Management**- Management means Trustee Secretary/ Chairman/ President/ Director/ Dean/ Registrar/ GM-Corporate (Admin, HR and Planning) or such other Officer or Officers/ nominee or nominees as may be authorized in this behalf by the Trustee Secretary/ Chairman/ President/ Director and notified in the Notice Board of the establishment.
- iv. **RE**- Respondent Employee: Refers to any employee against whom the complaint for sexual harassment has been lodged.
- v. **Workplace**- as per clause O of the Act which includes all offices, branches and state/project offices located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey.

## **4. Preamble**

Sexual harassment is not only a serious misconduct but a criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well-being of all women employees at the workplace, this Policy envisages as under:-

- a. The Management of the establishment will try to prevent or deter the commission of any act of sexual harassment at the workplace.
- b. Sexual Harassment will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.
- c. The definition of sexual harassment as defined in Section 2(n) of the Act is represented below:  
"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implications) namely:
  - i. Physical contact and advance; or
  - ii. A demand or request for sexual favours; or
  - iii. Making sexually coloured remarks; or
  - iv. Showing pornography; or
  - v. Any other unwelcome physical, verbal or non verbal conduct of sexual nature.
- d. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment: -
  - i. Implied or explicit promise of preferential treatment in her employment; or
  - ii. Implied or explicit threat of detrimental treatment in her employment; or
  - iii. Implied or explicit threat about her present or future employment status; or
  - iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - v. Humiliating treatment likely to affect her health or safety.

## **5. Internal Complaints Committee (hereinafter referred to as ICC)**

This is a committee which is being constituted as per section 4 of the Act and rules thereunder. The ICC will be constituted at each Campus by the respective Campus Heads.

Every member of the ICC shall hold office for a period not exceeding three years, from the date of their nomination as may be specified by the Management. The Management reserves its right to add/remove member/s from ICC from time to time.

ICC would be strictly governed by Section 4 of the Act.

## **6. Procedure of filing a Complaint**

a. The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to ICC in writing and be sent either by post or given in person to the ICC of the establishment or any officer authorized by ICC in writing.

b. The ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the employee from filing a complaint within the said period. Where the employee is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may make a complaint under the Act.

It is, however pertinent to state that where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –

- a. Her relative or friend; or
- b. Her co-worker; or
- c. An officer of the National Commission for Women or State Women's Commission; or
- d. Any person who has knowledge of the incident, with the written consent of the aggrieved woman;

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by –

- a. Her relative or friend; or
- b. A special educator; or
- c. A qualified psychiatrist or psychologist; or
- d. The guardian or authority under whose care she is receiving treatment or care; or
- e. Any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

Notes: (i) Where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

(ii) Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

## **7. Procedure to be followed post receipt of Complaint**

a. The ICC would go through the details of the complaint and evaluate if there is a prima facie case or not. While doing that, ICC will keep in mind that the CE is not subjected to enquiry more than once. However, if the complaint's complexity requires that the CE is to be called for more than once for enquiry, then utmost sensitivity should be displayed and adequate precaution would be taken to ensure that there is no loss of dignity to the CE.

b. The ICC will initiate a detailed enquiry as deemed fit.

c. The ICC may, before initiating an enquiry and at the request of the CE, take steps to settle the matter between her and the RE through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the ICC shall record the settlement and forward to the Management to take action. The copies of the settlement as recorded during conciliation shall be provided to both the parties. However, if the terms arrived during conciliation have not been complied with by the RE, the ICC shall proceed further to make an enquiry into the complaint.

d. In case no settlement is arrived at, the ICC, shall, where the RE is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the Act, however the ICC will be free to adopt the suitable procedure to get the details of complaint.

- e. Where the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- f. On completion of the inquiry, ICC shall provide a report of its findings with the recommendations of the action to be taken to the Management, within a period of 10 days from the date of the completion of the inquiry as per the provision of act.
- g. The submission of the recommendations by the ICC to the Management shall be completed within a period of ninety days (90) from the date of the receipt of the complaint by the ICC.
- h. The HR/Personnel/Administration Department will extend full cooperation in facilitating the proceedings by the ICC.

Important: For the purpose of making an inquiry as mentioned above, the Internal Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose namely:

- i. Summoning and enforcing the attendance of any person and examining him/her on oath;
- ii. Requiring the discovery and production of documents; and
- iii. any other matter which may be prescribed.

## **8. Guidelines to be followed by ICC while conducting enquiry/recommending action/s**

- a. To conduct the enquiry as per the principles of Natural Justice and in a confidential manner.
- b. In cases where the ICC has recommended to Management for compensation to be made to the CE, then the said amount shall be deducted from the salary of the RE and paid to the CE or her legal heir/s.
- c. In case the RE fails to pay the sum referred as above, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- d. Where the ICC arrives at a conclusion that the allegation against the RE is malicious or the CE has made the complaint knowing it to be false as stipulated by section 14 of the Act, it may recommend to the Management to take appropriate action against CE.
- e. Where the ICC arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take appropriate action against that person/s.

## **9. Management of the establishment will ensure**

- a. That in case there is complaint against any of the ICC members, Management will reconstitute the ICC as per the Act. In all such cases the guidelines as defined in the above clauses would be inclusive of the time taken to reconstitute the said committee.
  - b. That no employee who brings forward a harassment concern is subjected to any form of reprisal. Any reprisal will be subjected to disciplinary action. The Management will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
  - c. The ICC will submit an annual report to the Management outlined in the Act.
  - d. The HR/Personnel/Administration Department will ensure that the guidelines enumerated in the Act are displayed at conspicuous places.
  - e. The HR/Personnel/Administration Department will create awareness amongst employee on sexual harassment through:
    - i. Training cum Awareness sessions for employees (men and women).
    - ii. Training cum Awareness sessions for ICC members.
    - iii. Training cum Awareness sessions for HR/Admin teams and Senior Management.
- The Management will assist in all such programme/s initiated by HR/Personnel/Administration Department as mentioned herein above.
- f. The Management will monitor timely submission of reports. For this, the Management will conduct periodic update meeting with the ICC and HR /Personnel / Administration Department to ensure that the said Policy is being implemented in letter and spirit of the law.

Although the present policy on sexual harassment has been made keeping in view the guidelines issued by Hon'ble Supreme Court of India as well as per the guidelines contained in Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Rules, however, the Management reserves its rights to modify/alter any of the provision/s of this Policy with the development of time as well as per the guidelines issued by Competent Authority.