

## **POSH (Prevention of Sexual Harassment of Women at Work Place)**

### **1. ICC (Internal Complaint Committee (ICC)**

An Internal Complaints Committee (ICC) against Sexual Harassment of Women at Workplace (Act and rules 2013) constituted is as below:

<b>S. No.</b>	<b>ICC Member</b>	<b>Designation</b>	<b>Contact Details</b>
01	Smt. Niharika Khattar, DGM/BD (Co-ordination)	Presiding Officer	<a href="mailto:niharika.khattar@irfc.co.in">niharika.khattar@irfc.co.in</a>
02	Smt. Varsha Jain, Manager (CS)	Member	<a href="mailto:varsha.jain@irfc.nic.in">varsha.jain@irfc.nic.in</a>
03	Shri. Ramesh Kumar, Dy. Manager (Admin)	Member	<a href="mailto:ramesh.kumar@irfc.co.in">ramesh.kumar@irfc.co.in</a>
04	Smt. Jaya Tomar, Advocate Supreme Court	Non-Official/ External Member	<a href="mailto:Tomarjaya@gmail.com">Tomarjaya@gmail.com</a>

This composition of the above-said Committee is in terms of the provisions of POSH Act.

The members of the Committee meets at least four times (Quarterly basis) in a year, even if there is no live case to review alignment of service rules with regards to prevention, prohibition and redressal of complaints on sexual harassment of women at workplace. The Presiding Officer shall preside over the meeting.

### **2. Roles & Responsibilities of ICC:**

The objective of ICC would be to look into complaints filed against sexual harassment. According to Supreme Court Guidelines, "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: -

- Physical Contact and Advances
- Demand or Request for sexual favours
- Making sexually coloured remarks
- Any other unwelcome verbal or non- verbal conduct of sexual nature
- The following shall also amount to sexual harassment:
  - Implied or explicit promise of preferential treatment in her employment,
  - Implied or explicit threat of detriment in her employment,
  - Implied or explicit threat about her present or future employment,
  - Interference with her work or creating an intimidating or offensive or hostile work environment e.g., through sexist remarks, display of pornography, sexist or obscene graffiti, brushing etc.
  - Humiliating treatment likely to affect her health or safety e.g., refusal to accede to request.

### **3. Procedure of Filing complaint**

- i. An aggrieved woman employee may file a complaint (7 copies) with the Internal Complaints Committee (ICC) within 3 months of the incident or the last incident in case of series of incidents which period may be extended by not more than three months by the ICC if satisfied of the circumstances which prevented filing of complaint. The Presiding Officer/Member shall render assistance in making of the complaint in writing. In the event of inability of the employee due to physical/mental incapacity or death, her legal heir or such other person as may be prescribed, may make a complaint.
- ii. A copy of the complaint shall be sent to the respondent within 7 days of receipt of complaint who shall file his reply within 10 days. The letter shall be sent to the local and permanent address of the respondent. The envelope should be marked confidential and that it to be opened by the addressee only.
- iii. Conciliation by the ICC before conducting Inquiry
- iv. The ICC shall endeavour to settle the matter through conciliation, if so requested by the aggrieved woman employee. But no monetary settlement can be done by means of conciliation. The ICC shall record the settlement and forward a copy to the 32 employers, the woman employee and the respondent. There shall be no inquiry on arrival of settlement. However, the ICC shall proceed with the inquiry if no settlement could be reached.
- v. Inquiry by the Internal Complaints Committee
- vi. The inquiry shall be conducted in accordance with service rules. In the absence of service rules, the inquiry shall be done as per the prescribed rules. The inquiry shall be completed within 10 days and the inquiry report submitted with the employer within 10 days of completion of the inquiry. It may be noted that if the respondent fails to comply the terms of settlement, the ICC shall proceed with the inquiry or forward the complaint with police. The ICC shall give opportunity of hearing to both the parties. A copy of the findings shall be provided to both the parties to enable them to make representation against the findings. The employer shall take action on the inquiry report within 60 days of its submission unless ICC has recommended that no action needs to be taken.
- vii. In case of an adverse finding, the ICC may recommend the employer to take following actions against the errant employee:
- viii. Action in accordance with the service rules and students' handbook and in their absence an action as per the prescribed rules such as written apology, warning, reprimand, withholding promotion/pay rise/increment, termination, counseling or liability to render community service.
- ix. The matter may be referred by aggrieved woman or ICC to the Metropolitan Magistrate/Judicial Magistrate Class I. No subsequent inquiry shall be held after that.
- x. **PUNISHMENT FOR FALSE/MALICIOUS COMPLAINT/ FALSE EVIDENCE**
- xi. The malicious intent shall be established through inquiry. Action against such offence by the complainant shall be in accordance with the service rules. However, the inability to substantiate or to provide adequate proof shall not be construed against the complainant.
- xii. **Awareness about Women Helpline (181) and One Step Centre (OSC) to assist women in distress.**