

Guidelines For The Internal Complaints Committee Of S.S Institute Of medical Sciences and Research Centre, Davangere

OBJECTIVE OF THE POLICY

The objective of this policy is to ensure our employees that SSIMS&RC is determined to provide them excellent, comfortable, safe and healthy work environment, so that they can come out with their best in all facets.

I . INTRODUCTION

The sexual harassment of women at workplace (prevention, prohibition and redressal) act 2013 .The sexual harassment of women at workplace (prevention, prohibition and redressal) act 2013 act to provide protection against sexual harassment of women at work place. Sexual harassment results in the violation of basic fundamental rights of women such as Right to equality under article 14,15 and her right to life and live with dignity under article 12 of the constitution of India.

II. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment includes any one or more of the following unwelcome acts or behaviour

1. Physical contact and advances
2. A demand or request for sexual favours
3. Making sexual remarks
4. Showing obscene images /pornography
5. Any unwelcome messages through telephone or internet

III. Objective

To prevent the occurrence of sexual harassment in the workplace, any reference to sexism, gender stereotyping or gender-based discrimination and need for healthy, safe environment for all workers including men.

The Hon'ble Supreme Court has laid down guidelines for its prevention and deterrence in the year 1997.

- Whereas the sexual harassment results in violation of fundamental rights of a woman to equality under Article 14 and 15 of the Constitution of India ("Constitution" and right to life and live with dignity under Article 21 of the Constitution and her right to practice any profession or to carry on any occupation, trade or business which includes right to safe working environment.
- The protection against sexual harassment and right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women ("Convention", which has been ratified on 25th June, 193 by the Government of India.
- Based on the guidelines framed by the Hon'ble Supreme court of India in Vishaka versus State of Rajasthan and the statute ratified vide Convention, the Government

of India, Ministry of Law and Justice has constituted the "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("the Act" and made it effective from December 09, 2013.

IV. FUNCTIONS

The Internal Complaints Committee has two major functions:

1. Preventive

- To work towards creating a conducive atmosphere promoting equality, non-discrimination and gender sensitivity.
- To promote and facilitate measures to create a work environment that is free of sexual harassment

2. Remedial

- To receive and take cognizance of complaints made about sexual harassment at the institution and give every complaint serious consideration.
- Crisis Management, Mediation and Counselling.
- To conduct enquiries into the complaints, place findings and recommendations regarding penalties against the harasser.

V. RULES AND PROCEDURES

- All meetings of the Committee will be called by the Chairperson and a notice of at least 5 working days must be given for the meeting while in exceptional cases, an emergency meeting may be convened as per the requirement.
- No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of the Committee.
- Any Committee member charged with sexual harassment in a written complaint must step down as member during the enquiry into that complaint.
- If the ICC decides not to conduct an enquiry into a complaint, it shall record the reasons for the same in the minutes of the Committee meeting.
- The Committee shall make the same available to the complainant in writing.
- Within not more than five working days on the receipt of the first intimation of the enquiry, the complainant and the defendant shall submit, to the Convenor of the Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Committee to examine
- The Committee shall have the power to summon any official papers or documents pertaining to the complaint under enquiry.
- The Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- The defendant, the complainant, and witnesses shall be intimated at least seventy-two hours in advance in writing of the date, time and venue of the enquiry proceedings. The responsibility of communicating with the witnesses lies with the complainant/defendant regarding the date, time and venue of the meeting.
- All proceedings of the Committee shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned in token of authenticity thereof.

- All persons heard by the Committee, as well as observers/nominees, shall take and observe an oath of secrecy about the proceedings to protect the dignity of the complainant and the defendant. Any violation of the oath of secrecy may invite penalties.
- If the complainant desires to tender any documents by way of evidence, the Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the complainant.
- In the event that the Committee thinks that supplementary testimony is required, the Convenor of the Committee shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.
- All information received in the course of the examination and enquiry into a complaint of sexual harassment shall be held in trust by the concerned Committee against Sexual Harassment and the same shall not be made available pursuant to an application under the Right to Information Act, 2005. Such information shall constitute an exception under Section 8 (e) of the Right to Information Act, 2005, as the same is held by the Committee against Sexual Harassment in a fiduciary relationship and the non-disclosure of the same will not be against public interest. To the contrary, disclosure of such information may endanger the life or physical safety of the complainant or any of the witnesses. An exception to this Rule will be when the complainant herself applies for information under the Right to Information Act, 2005.

VI PROCEDURE FOR LODGING COMPLAINT

All complaints must be brought by the complainant in person.

The following exceptions will be admitted :

1. In cases of forced confinement of the person. In such a case, brought by another person on behalf of the complainant, the Committee will examine whether an enquiry, intervention or some other assistance is needed.
 - 2 In exceptional cases, third party/witness complaints may be entertained. In such cases, the Committee will ascertain whether the woman alleged to have been sexually harassed wishes to lodge a formal complaint. Once such a complaint is received the Committee shall proceed to inquire into it as per the procedure specified.
 3. Where the Committee takes Suo-moto notice.
- Complaints can be lodged directly with any member of the ICC, or through existing channels for lodging grievances, such as the SSIMS and RC administration, academic and non academic staff association etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of the Committee within two working days of its receipt by her/him.
 - The complaint may be oral or in writing. If the complaint is oral, it shall be documented in writing by the ICC member receiving the complaint and the same shall be authenticated by the complainant under her dated signature or thumb impression as the case may be. The members of the Committee shall maintain confidentiality about the proceedings conducted by them.
 - Suspension/ transfer of the alleged harasser from his official position can be considered during the pendency of the enquiry if his presence is likely to interfere with the enquiry.

- The victim of sexual harassment will have the option to seek transfer of the perpetrator or her own transfer where applicable.
- All complaints made to any Committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the Committee.
- The proceedings under these Rules and Procedures of ICC shall not, in any way, be affected by any other proceedings against the defendant taken up by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.

VII PENALTIES

The penalties listed below are indicative, and shall not constrain the SSIMS and RC administration from considering others, in accordance with the rules governing the conduct of all members of the SSIMS and RC

1. Written apology
2. Bond of good behaviour
3. Counselling
4. Adverse remarks in the Confidential Report
5. Debarring from supervisory duties
6. Suspension
7. Denial of re-employment
8. Stopping of increments/promotion
9. Reverting, demotion
10. Transfer
11. Dismissal
12. Withdrawal of residential facilities and prohibition from entry on the campus etc.
13. Any other relevant mechanism.

VIII MALA FIDE COMPLAINTS

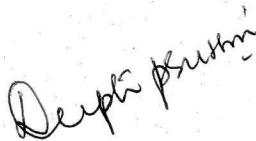
1. If the enquiry reveals that the Complaint is unjustified or Complainant had raised the concern with ulterior motives, Employer or any person duly authorized by the Employer will counsel the Complainant and recommend suitable action to prevent recurrence.
2. However, the Employer or any person duly authorized by the Employer will ensure that the Complainant is not victimized.
3. Requisite penal actions, may be invoked against Mala Fide Complainant
4. .

IX CONCLUSION

At SSIMS and RC, we endeavour to provide conducive and healthy work environment where the relationship amongst the employees as well as with the Employer are cordial and supporting in all aspects, so that each employee shall have an enriching experience.

References: 1. Government of India Ministry of Women and Child Development November 2015, HANDBOOK on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for Employers / Institutions / Organisations/ Internal Complaints Committee / Local Complaints Committee

2. <https://www.indiacode.nic.in/bitstream/123456789/2104/1/A2013-14.pdf>



Chairman

Anti- Sexual harassment committee

PROFESSOR
Department of Pathology
S.S. Institute of Medical Sciences &
Research Centre Davangere



Medical director

Medical Director
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Principal

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