

## **Policy on Prevention of Sexual Harassment at Workplace**

[Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013]

### **Preamble:**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been implemented from the date of Gazette Notification i.e., w.e.f. 23.04.2013 and same has been published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 23rd April 2013 as Act No. 14 of 2013. The Act provides for 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. It is highly required that women are protected against sexual harassment at all the work places, be it in public or private. This essentially will contribute to the understanding of their right to gender equality, liberty and moreover, equality in their working conditions. The sense of security at the workplace/study place will improve women's participation in overall progress, resulting in their economic empowerment and inclusive growth as whole.

### **Scope:**

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at their workplace or at client sites. The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

- All offices or other premises where the Company's business is conducted.
- All company-related activities performed at any other site away from the Company's premises.
- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

### **Major Features:**

- The Act defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- The definition of "aggrieved woman", who will get protection under the Act is extremely wide to cover all women, irrespective of her age or employment status, whether in the organised or unorganised sectors, public or private and covers clients, customers and domestic workers as well.
- The Committee is required to complete the inquiry within a time period of 90 days. On completion of the inquiry, the report will be sent to the employer or the District Officer, as the case may be, they are mandated to take action on the report within 60 days.
- Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.
- The Complaints Committees have the powers of civil courts for gathering evidence.
- The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant.
- The inquiry process under the Act should be confidential and the Act lays down a penalty of Rs 5000 on the person who has breached confidentiality.
- The Act requires employers to conduct education and sensitisation programmes and develop policies against sexual harassment, among other obligations.
- Penalties have been prescribed for employers. Non-compliance with the provisions of the Act shall be punishable with a fine of up to Rs.50,000. Repeated violations may lead to higher penalties and cancellation of license or registration to conduct business

- Government can order an officer to inspect workplace and records related to sexual harassment in any organisation.

### **COMMITMENT:**

Our Company is committed to providing work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The Company 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.

### **Women's Grievances Redressal Committee (WGRC):**

India has recently passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act") and has made the law effective w.e.f. April 23, 2013. The law convincingly ardently states that "No women shall be subjected to sexual harassment at any workplace. The new sexual harassment act is exactly on the same terms as the Vishaka Judgment punishable up to five years rigorous imprisonment with/without fine or both.

Annasaheb Dange College of Engineering and Technology (ADCET) has adopted the guidelines in Compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Sexual Harassment Act") and guidelines laid down by the Supreme Court of India in its 13 August 1997 judgment on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan for prevention and deterrence of sexual harassment in the workplace.

### **Key Provisions:**

The Act defines 'sexual harassment' to include such unwelcome sexually determined behavior (whether directly or by implication) such as:

- i. Physical contact and advances;
- ii. Demand or request for sexual favors;
- iii. Sexually colored remarks;
- iv. Showing pornography; and
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

### **Harassment:**

Women's Grievances Redressal Committee or WGRC at Annasaheb Dange College of Engineering and Technology (ADCET) has been constituted in accordance of directives of the Ministry of Human Resources, Government of India, under the directive of Supreme Court of India. Annasaheb Dange College of Engineering and Technology (ADCET) is committed to ensure that a place of work / study to be free of sexual harassment, intimidation or any kind of exploitation. WGRC is meant for addressing issues/grievances/cases of sexual harassment and recommending their redressal. It is in keeping in view the Article 21 of the Constitution of India which assures every individual the right to live with human dignity, free from exploitation. It is therefore, obligatory to see that there is no violation of the fundamental right of any person. With this spirit that ADCET expects that its entire community – including students, faculty, staff and officers – will treat each other and visitors at ADCET with respect. All members of the ADCET family cover all women, irrespective of her age or employment status including those who are in temporary or short term positions are subject to this policy. Anyone violating this policy is subject to disciplinary action.

## **Objectives:**

The objectives of the Committee are:

- Prevent discrimination and sexual harassment against women, by promoting gender harmony among students and employees;
- Recommend appropriate disciplinary action against the guilty party to the Principal/ Management

The Committee seeks to achieve these goals through:

- Dissemination of Information: Through production, distribution and circulation of printed materials, posters and handouts.
- Awareness Workshops: About sexual harassment for faculty, non-teaching staff and students. The aim is to develop nonthreatening and non-intimidating atmosphere of mutual learning.
- Counseling: Confidential counseling service is an important service as it provides a safe space to speak about the incident and how it has affected the victim because sexual harassment cases are rarely reported and is a sensitive issue.

## **What is Sexual Harassment?**

After the Supreme Court judgment on the landmark case of Vishaka Vs. State of Rajasthan and others in 1997, sexual harassment was legally defined as an unwelcome sexual gesture or behavior whether directly or indirectly as

- Sexually colored remarks.
- Physical contact and advances showing pornography.
- A demand or request for sexual favors.
- Any other unwelcome physical, verbal/non-verbal conduct being sexual in nature.
- Unsolicited telephone calls / e-mails with the intention of sexual harassment.

If the following circumstances exist in relation to any behavior, that is, if any act is done under the following circumstances that would also count as sexual harassment:

- Implied or explicit promise of preferential treatment in employment / awarding marks
- Implied or explicit threat of detrimental treatment in employment / awarding marks
- Implied or explicit threat about her present or future employment status
- Interferes with work studies or creates an intimidating/hostile/offensive work/studies environment.
- Humiliating treatment likely to affect her health and safety
- Creating a hostile work environment

Basically it is any unwelcome words or actions of sexual nature. The critical factor in sexual harassment is the 'un-welcomeness' of the behavior, thereby making the impact of such actions on the recipient more relevant for consideration rather than the intent of the perpetrator. Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when: It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity.

## **Examples:**

- Denial of payment or official approval in the absence of sexual favors
- Pornographic pictures/messages displayed on desks or sent by email
- Remarks made about personal appearance and dress
- Colored jokes shared in the office that make others present feel uncomfortable.

## **Functioning of the Committee:**

1. The Complaint Mechanism Procedure to File/report a complaint:

- An aggrieved woman can file a complaint within one month of the incident (or later if allowed by the committee).
- At first instance, the committee shall recommend appropriate psychological and emotional support/assistance.
- The complainant will have to submit a written and signed complaint addressed to the Convener or any member of the Committee.
- The identity of the aggrieved woman, respondent, witnesses as well as other details of the complaint will be kept confidential, cannot be published or disclosed to the public/.media.

2. Follow up of the complaint:

- The convener will call the complainant for a personal meeting, usually within a week from the submission of the written complaint.
- The members of the committee will discuss the complaint.
- The committee shall look into the truth of the allegations contained in the complaint.
- If the case falls outside the purview of the committee, the complainant will be informed about the same by the appropriate authority.
- If the case comes under the purview of the committee, an enquiry committee will be set up
- A three member enquiry/fact finding committee will be set up comprising of two female members and one male member of the committee.
- The enquiry committee shall have the power to summon witnesses and call for required information from any person of ADCET.
- Documents / information to be retained by the committee.
- The enquiry has be completed within time period of 90 days.

3. Submission of report:

- The enquiry committee will submit a report to WGRC committee and recommend the nature of action/penalties to be taken against person found guilty at the earliest by the appropriate authority.
- As the case may be, they (Management) are mandated to take action on the report within 60 days.
- The Act provides the option of a settlement between the aggrieved woman and the responded through conciliation but only on the request of the woman. However, money compensation cannot be a basis for the settlement.
- In case of malicious complaints or false evidence, the committee may take action against the woman/person. However, simply not being able to prove an allegation will not mean that it is a false/malicious complaint.

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