

Internal Compliance Committee (ICC)

GOVERNMENT COLLEGE FOR WOMEN (AUTONOMOUS) GUNTUR

Objectives of Internal Compliance Committee (ICC)

1. Gender Issues
2. Gender Discrimination
3. Sexual Harassment
4. Workplace
5. Provisions of the Act
6. Third Party Harassment
7. Preventive Policies (organization)
8. Conduct and Service Rules
9. Steps to Conduct Inquiry

SEXUAL HARASSMENT AT WORKPLACE

Forms of Sexual Harassment at Workplace

Sexual Harassment has traditionally been divided into two well-known forms: -

- Quid pro Quo;
 - Hostile work environment
- i. **Quid Pro Quo** literally means ‘this for that’. Applying this to sexual harassment, it means seeking sexual favors or advances in exchange for work benefits such as promises of promotion, higher pay, academic advancements etc. This type of sexual harassment mostly holds a woman to ransom as her refusal to comply with a request can be met with retaliatory action such as dismissal, demotion, memos, tarnished work record and difficult work conditions.
- ii. **Hostile work environment** is a less clear yet more pervasive form of sexual harassment. It commonly involves conditions of work or behavior towards a female worker, which make it unbearable for her to be there. While the worker is never promised or denied anything in this context, unwelcome sexual harassment occurs simply because she is a woman.

Sections regarding sexual harassment considered in Internal Compliance Committee (ICC)

Sections 107-109	Abetment
Sections 120A and 120B	Criminal conspiracy
Section 166A	Public servant disobeying direction under law
Sections 292-294	Obscenity
Section 306	Abetment of suicide
Sections 319-331	Relating to hurt and grievous hurt
Sections 326A and 326B	Causing grievous hurt by use of acid, etc.
Sections 339-348	Wrongful restraint and wrongful confinement
Section 354	Assault or use of criminal force to woman with intent to outrage her modesty
Section 354A	Sexual harassment
Section 354B	Assault or use of criminal force with intent to disrobe
Section 354C	Voyeurism
Section 354D	Stalking
Section 375 and related provisions	Rape
Section 376C	Sexual intercourse by a person in authority
Sections 415-417	Cheating
Sections 499-500	Defamation
Sections 503, 506 and 507	Criminal intimidation
Section 508	Act caused by inducing the person to believe that he will be rendered the object of divine displeasure.
Section 509	Word, gesture or act intended to insult the modesty of a woman
Section 511	Attempt to commit an offence.

Conduct of inquiry as per RULE 14 of the Central Civil Services (Classification, Control & Appeal) (CCS CCA) Rules 1965

- ❖ **Definition of sexual harassment-** The amended Rule 3C of the CCS (Conduct) Rules, 1964 prohibits sexual harassment of women at the workplace by any Government servant, and makes every Government servant who is in-charge of a work place duty bound to take appropriate steps to prevent sexual harassment to any woman at such work place. For the purpose of this rule, sexual harassment is defined as-
 - Sexual harassment includes physical contact and advances; demand or request for sexual favors; or sexually colored remarks; showing any pornography; or any other welcome physical, verbal, non- verbal conduct of a sexual nature.
- ❖ The definition is expanded to include certain circumstances that may amount to sexual harassment- promise of preferential treatment or threat of detrimental treatment in employment; threat about her present or future employment status; interference with her work or creating an intimidating or offensive or hostile work environment for her; or humiliating treatment likely to affect her health or safety.
- ❖ **Inquiring Authority-** The proviso to Rule 14(2) of the CCS CCA Rules 1965 provides that the complaints committee established in each Ministry or Department or office enquiring into such complaints shall be deemed to be the inquiring authority appointed by the disciplinary authority, and the committee shall hold the inquiry so far as practicable in accordance with the procedure laid down in those rules. The Committee constituted in each Ministry/ Department/ office under the CCS (Conduct) Rules, 1964 shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the complaints committee for holding the inquiry into the complaints of sexual harassments, the inquiry as far as practicable in accordance with the procedure laid down in these rules.
- ❖ **Powers of committee-** The Committee has the powers to recommend to the employer, transfer of the aggrieved woman or the charged officer; grant leave to the aggrieved woman up to a period of three months, which is in addition to the leave she would be otherwise entitled to; deduct from the salary or wages of the charged officer such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs.

- ❖ ***Relief to aggrieved woman during pendency of inquiry-*** During the pendency of the inquiry, the aggrieved woman being vulnerable, may need to be protected from the respondent. In view of the same the Section 12 of the Sexual Harassment Act of 2013 makes provisions for the committee to exercise its powers on the written request of the woman for her transfer or that of the respondent to any other workplace. Thus in consonance with Section 12, in a fresh set of instructions, the Centre has stated that the Complaint Committee examining a sexual harassment complaint will have the power to recommend- as initial relief- a three-month paid leave for the aggrieved woman, which will not be deducted from her leave account. The Committee will also have the authority to recommend the transfer of the complainant or the accused to another workplace.
- ❖ ***Minutes-*** It is important to prepare minutes of the proceedings of every meeting of the complaints committee. The minutes should contain the date of meeting and serial number so that it is possible to gauge the number of meetings held during the inquiry. The minutes should also contain names of members present along with their signature. The Complaints Committee has the power to issue interim directions, at any stage if the need arises.
- ❖ ***Confidentiality-*** As per Section 16 of the Sexual Harassment Act of 2013 the identity and addresses of the aggrieved woman, respondent and the witness, information relating to conciliation and inquiry proceedings, recommendations of the committee, and action taken by the employer are confidential and not to be published.
- ❖ All information received in the course of the examination and inquiry into a complaint of sexual harassment shall be held in trust by the committee and the same are not 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 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 can be in the circumstances when the complainant herself applies for information under the Right to Information Act, 2005.