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Topiwala National Medical College and B.Y.L. Nair Ch. Hospital, Mumbai

## Prevention of Sexual Harassment, Internal Complain Committee

लैंगिक अत्याचार प्रतिबंधक स्थानिक अंतर्गत तक्रार समिती

### सदस्य

अ.	नाव	समितीवरील पद	हुद्दा	भेटण्याचे ठिकाण	दूरध्वनी / Email:
१	डॉ. जान्हवी केदारे	अध्यक्षा	प्राध्यापक	मानसोपचार शास्त्र विभाग दूसरा मजला, ओ, बिल्डिंग	Email: icc.tnmcnair@gmail.com  <b>022-23027631</b> मानसोपचार शास्त्र विभाग
२	डॉ. संजय स्वामी	सचिव	सह. प्राध्यापक	जीवस्सायनशास्त्र विभाग चौथा मजला , कॉलेज बिल्डिंग	
३	डॉ. सोनाली पांडे	सहसचिव	सह. प्राध्यापक	शरीरक्रिया विभाग चौथा मजला , कॉलेज बिल्डिंग	
४	डॉ. गायत्री हड्डंगडी	सहसचिव	सह. प्राध्यापक	ऑडिओ-स्पीच थेरपी विभाग पहिला मजला , कॉलेज बिल्डिंग	
५	डॉ. पुष्पा पझारे	सदस्य	प्राध्यापक व वि. प्रमुख	शरीरक्रिया विभाग चौथा मजला , कॉलेज बिल्डिंग	
६	श्रीमती स्नेहा पेडणेकर	सदस्य	अधिसेविका	आधिसेविका कार्यालय, G बिल्डिंग	

In addition to this the external NGO is appointed during the inquiry by MIC

## SOPs

A complaint received in ICC is processed if it is a matter of sexual harassment of women at work place and comes under the preview of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.



Action should be initiated within 7 days of receipt of complaint



Complainant is called to present her case in front of committee



A letter is sent to respondent give written clarification within 7days



After receiving clarification, A respondent is requested to appear before the committee



Depending on seriousness of the case, interim relief can be given by transfer of respondent or sent on leave until enquiry completed



Both parties are asked to appear before committee with/without witnesses and documents if any in support.



The report is sent to SPGRC (Local Complaint Committee at MCGM level)



SPGRC if approves the recommendation of ICC or recalls enquiry if needed



The entire process should be completed within 90 days.



SPGRC sends recommendation to Dean to implement. Administration is bound to implement orders from SPGRC.

All documents related to enquiry procedure such as statements of witnesses etc. are confidential and cannot be revealed even to administration or head of the institute.

बृहन्मुंबई महानगरपालिका

**Policy for Prevention of Sexual Harassment at the Workplace**

MUNICIPAL CORPORATION OF GREATER MUMBAI



**Based On**

**THE SEXUAL HARASSMENT OF WOMEN  
AT WORKPLACE (PREVENTION PROHIBITION  
AND RESRESSAL) ACT, 2013\*  
(14 OF 2013)**



## **I PURPOSE**

**i) History:** The Supreme Court of India passed a landmark judgment on **13th August, 1997**, recognizing sexual harassment at the workplace as systemic and gender-based discrimination, violating fundamental rights of Gender Equality and the right to Life and Liberty. The **Supreme Court** in its verdict passed **Mandatory Guidelines** for prevention and resolution of sexual harassment incidences at the workplace, putting the responsibility on the employers to provide systems for prevention and redress on the issue. The aim was to focus attention towards finding suitable methods for realization of the true concept of gender equality and to prevent sexual harassment of working women in all work places.

These guidelines were legally binding and enforceable. Thus, all government and private sectors organisations, hospitals, universities and unorganised sectors came under the purview of these guidelines.

To prevent and deter the commission of acts of sexual harassment at the workplace and to provide procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all the steps required, **The Municipal Corporation of Greater Mumbai took very progressive step and got the MCGM policy made in 2004.** The purpose of this policy was to **facilitate the implementation of the Supreme Court guidelines** on sexual harassment, address formal and informal resolution of such complaints, and ensure that the institution takes preventive steps and create women friendly work places/ service places. The policy emphasized the importance of treating all complaints promptly and seriously, in confidence and with sympathy.

**ii) The Present Revised Policy**, i.e. the Policy on Prevention of Sexual Harassment at MCGM ("**Policy**") takes complete cognizance of the recently laid down statute the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** ("**the Act**") and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Rules, 2013 ("**the Rules**") laid down thereunder. ( will be called the LAW and RULES)

The Municipal Corporation of Greater Mumbai (hereafter referred as **MCGM**) is committed to a workplace free of sexual harassment for women and girls and has adopted the following policy for prevention of sexual harassment at workplace.

MCGM is committed to **Zero Tolerance** to sexual harassment and hostile workplace ensuring that every employee/patient/ women relatives of the patients/service receivers/ student have the "right to work and be treated in dignity," and a "right to a safe working/educational/ service environment for women and children"

## **II. COMMENCEMENT DATE:**

**The policy becomes effective as of---**

This policy extends to all departments/offices/wards/work relations of MCGM. The provisions of the policy will apply to all employees by whatever name called, students,

patients, and third parties to the extent specified in the policy, whether full time, part-time, consultant, contract, or casual, may be every person in the context of the work space.

### **III. POLICY SCOPE:**

All allegations of sexual harassment of women / children occurring in relation to employment and/or enrollment/admittance at the MCGM or is committed by or to any person affiliated with MCGM including but not limited to all students, patients, employees, contract staff or representatives of the administration. It does not matter whether the sexual harassment is alleged to have taken place within or outside the establishment premises or at a notional extended location of the workplace so long as it has bearing on the employment/study/treatment/consultation/ services etc at MCGM. Acts of sexual harassment occurring within the premises or otherwise, in person or virtual or with the help of electronic media are relevant.

Any conduct as described in this policy committed by a third party (As someone not employed by BMC in any form i.e. temporary/ contract/ honorary worker or some other man, relative of some patient /doctor/other staff ) on the institutional premises in relation to a student/employee/patient/ Patients's relatives or vice-versa will be subject to action. The management will put up posters, distribute leaflets, use other forms of media to make known to all persons entering the premises or in any way having an employment relationship with MCGM that there is **Zero Tolerance** towards this behavior. All employees/patients/ women relatives of the patients /students should report any incident of sexual harassment to people designated in this policy that is Internal Committee (Local). This policy imposes a duty on these persons to take appropriate speedy action in accordance with its provisions.

### **IV. DEFINITIONS:**

:

(a) "Aggrieved woman "means---

- (i) In relation to a workplace, a woman, of any age whether employed by MCGM or not, or receiving services of MCGM, who alleges to have been subjected to any act of sexual harassment by the respondent working for MCGM (On regular bases, part time, on contract)
- (ii) All women working or visiting any workplace/ service places whether in the capacity of regular, temporary, ad hoc, or daily wages basis is protected under the Act.
- (iii) It includes all women whether engaged directly or through an agent including a contractor, with or without the knowledge of the principal employer. They may be working for remuneration, on a voluntary basis or otherwise. Their terms of employment can be express or implied.
- (iv) Further, she could be a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name.

- (v) If the aggrieved person is Minor, patient/ relative of the patient /student in MCGM service places or MCGM schools or any other school out sourced by MCGM/ or community, the process in this case will be dealt **in an annexure considering POCSO act.**

(b) **“Employer:** Means – MCGM directly or through contract

(c) **“Employee:”**

Any person on staff of MCGM whether the person is drawing a salary, honorarium, voluntary, temporary, teaching, non-teaching, part-time, consultant, employee by whatever name called and would include employees hired on a casual or project basis or employed through a contractor.

Students full time, part time, any person using institutional facilities/services run by MCGM or enrolled for undergraduate, graduate, post-graduate studies, research student, repeater, interns, or student by whatever name called.

(d) **Internal Committees**

**“Internal Committee:” constituted in MCGM as Main Internal Committee (MIC), and Local Internal Committee (LIC)** as per the LAW, where the aggrieved woman could complain against sexual Harassment ( Details of composition of and working of the MIC and LIC is given Letter )

(e) **“Work Place”:**

Includes all offices, administrative units or Departments, Hospitals also premises of MCGM or the notional extensions of the same.

(f) **“Respondent”**

The person against whom the complaint of Sexual Harassment has been made by the Aggrieved Woman

(g) **“Sexual Harassment”**

It includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication ) namely:--

- i. physical contact and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks or
- iv. showing pornography or SMS, WhatsApp messages, pictures
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

(h) **“Hostile Work Environment:”**

- i. There is submission to unwelcome sexual advances, requests for sexual favours, verbal or physical conduct of a sexual nature are made either explicitly or implicitly, a term or condition of employment, participation or evaluation of a person’s work/education/treatment.

- ii. A demand for sexual favours is made as a condition of getting or keeping a job benefit/treatment/marks/other benefit.
- iii. Co-worker/supervisor/any other person or persons covered by this policy engages in unwelcome and inappropriate behavior sexual in nature of the type described above, rendering the workplace atmosphere intimidating, hostile, or offensive.
- iv. Any form of sexual assault where a person uses the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against the person's will.
- v. Loaded comments, remarks or jokes, letters, phone calls , e-mail, gestures, showing or display of pornography, lurid stares, physical contact or molestation, sounds or display of a derogatory nature.

“SEXUAL HARASSMENT” SHALL INCLUDE (BUT NOT BE CONFINED TO) ALL THE ABOVE

**Illustrations :**

- i. Staring at someone's body rather than looking at her in the eyes while talking.
- ii. Passing remarks about someone's physical appearance (either the person being spoken to or a third person's) during a conversation.
- iii. Staff touching/brushing against/massaging private parts of patients while shifting, moving or while being involved in their treatment.
- iv. Standing behind a seated woman, co-worker and touching.
- v. Holding a handshake little longer than needed.
- vi. Brushing against a woman co-worker (while walking down the stairs, in a lift etc.)
- vii. Placing comments with sexual overtones on worktables, display boards etc.
- viii. Patients/their visitors making sexually colored remarks/innuendos about female staff, such as pointing out to female staff, sniggering, and asking each other “Whom do you want”?
- ix. Scribbling graffiti and comments with sexual overtones (on the walls of staircases, lifts, toilets etc.
- x. Requesting for accompaniment (dinners, movies, lifts).
- xi. Faculty using sexually explicit language/or other non-verbal communication.
- xii. To explain medical procedures, such as telling students “Don't you know how to hold a ----- while explaining about the ----- procedure/Sexually suggestive language used during Viva Voce.
- xiii. Administrative staff making lewd jokes in the presence of female students/ staff with the intention to harass and intimidate.
- xiv. showing or sending /video clips/pictures / text messages through mobile or computers.
- xv. Touching inappropriately in the pretext of helping, doing dressings, giving injections, taking ECG .



**V. COMPOSITION OF MIC AND LIC OF MCGM (Internal Committees as per the LAW):**

MIC is a Main Internal Committee having 12 to 14 members from various offices and departments 50% or more being women. Presiding Officer or Chairperson of MIC shall be a woman employed at a senior level preferably DMC level within MCGM. This committee has been appointed by the administration of the MCGM / Presiding officer of MIC.

The other members of MIC will be men and women from different departments. Members from the enquiry and legal departments of MCGM shall be mandatory. A Woman Member Secretary shall be appointed by the Chairperson of MIC. Member Secretary will have experience of working on MIC/LIC, has understanding of gender issues and willingness to work for the implementation of the LAW.

NGO member will be appointed on MIC by Chairperson of MIC, the one who has ten or more years of experience on handling cases under the LAW and is well versed with MCGM system.

**All MIC members shall undergo Capacity building training at Savitribai Phule Gender Resource Center of MCGM (SPGRC) by experts in the field, MIC will be having its administrative office located at Savitribai Phule Gender Resource Centre.**

**Constitution of LIC - LIC** shall be constituted at all administrative units or offices by concerned administration as per law whose Presiding officer or the chairperson will be one of the senior most/ senior woman in that workplace and LIC will have 5 to 12 members, 50% or more members are women. The list of LIC members will be informed to the MIC by the administration.

NGO member as per the LAW who is mandatory on the LIC for conducting enquiry, will be provided by MIC while there is a case, NGO person will be preferably a woman. She will guide LIC/MIC, help and see that the enquiry is fair and as per the LAW

In case any office or administrative unit do not have a senior level woman employee, the Chair Person (Presiding Officer as per LAW) shall be nominated from any other LIC of MCGM by MIC

The Presiding Officer and every Member of the MIC/ LIC shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the institution/department.

The same members may get **reappointed** if required by the administration/ Chair Person of LIC/MIC. If NGO member has objection to the reappointment of any of the members can be addressed by MIC. LIC will inform the new list of members to MIC. All members shall take training or re-training as the case may be.

**LIC will work in close coordination with MIC.**

## **VI. RESPONSIBILITIES OF MIC AND LIC**

**MIC** - MIC will support /guide/monitor all Local Internal Committees (LICs) of all the administrative units of MCGM.

MIC will be responsible for conducting the regular capacity building trainings of all the LIC members in MCGM and the selected NGO Members about the concept of Gender, the law, the procedures of enquiries, available relevant documentation/ circulars of MCGM. MIC shall appoint case to case NGO members in respective LICs to avoid delay in the process of the enquiry. MIC may have to conduct enquiry in case the LIC presiding is not confident /if the complainant wishes so.

**LIC** – Will make the presence felt in the place of work / service by putting up Committee board at prominent places. LIC to concentrate on preventive activity. To identify the unsafe places in the institute/work place /hospital/service place at different hours of working times by safety audits and report to the administration for the corrections. Conduct regular trainings of all the staff members about the LIC and LAW. Get all the members trained. If there is a complaint and the complainant is wanting the complete enquiry the procedure given is to be followed by LIC.

**The disqualification of any MIC /LIC members** - will be as provided that the Presiding Officer or any Member of the Internal Committee shall be removed from the Committee, if he/she – (a) contravenes the provisions of LAW or (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or (c) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or (d) has so abused his/her position as to render his/her continuance in office prejudicial to the public interest, and the vacancy so created or any casual vacancy shall be filled by fresh nomination .

**Resignation:** A member of LIC/MIC can resign by tendering her/his resignation along with reasons to the Chairperson. And such a person shall be deemed to have vacated the position as soon as the chairperson on discussion with the committee members has accepted the resignation.

**The NGO member is to be paid such fees or allowances for holding proceedings of the Committee and actual travel, for each visit as per the LAW. Fees paid in such way will be revised time to time by MCGM.**

**Quorum: Meeting of the Main Internal Committee shall be once a month to discuss**

- i. Fifty percent membership constitutes a quorum; chairperson, one male member and NGO member is mandatory.

If the quorum is not present at any meeting it shall be adjourned for not more than seven working days and if at the subsequent meeting a quorum is still not present, the meeting shall proceed with those who are present and the proceedings of such a meeting will not be challenged on the ground of absence of quorum.

- ii. LIC Members must meet at least once a month to review the safety situations of their institutions for women at any hour of Day and Night, specially in case of Hospitals or staff on special duties. Monthly report about the awareness activities is to be reported to MIC. and if any case is of sexual harassment is reported, must inform MIC, MIC will suggest the NGO, case is investigated, reported to MIC.
- iii. If any of the committee members have got transferred, retired or given resignation, new member could be recruited by the administration and inform the MIC, MIC will conduct the two days training of the LIC members. (Details procedure given in VI)

## **VII. BRIEF SUMMARY OF THE GRIEVANCE PROCEDURE OF THE COMPLAINT**

**(A) Complaint of sexual harassment** (1) Any aggrieved woman may make in writing, a complaint of sexual harassment at workplace to LIC/MIC within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident as per the LAW

Provided that where such complaint cannot be made in writing, the Presiding Officer (Chairperson) or any Member of the LIC/MIC as the case may be shall render all reasonable assistance to the woman for making the complaint in writing as per LAW

Provided further that the LIC/MIC 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 woman from filing a complaint within the said period as per LAW.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section as per the LAW.

**(B) Conciliation.**

(1) LIC/MIC may, before initiating an inquiry as per LAW and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation.

Provided that no monetary settlement, no coercion from the administration/respondent/LIC shall be made as a basis of conciliation (ensure there has been no coercion or pressure involved)

(2) Where a settlement has been arrived, LIC/MIC shall record the settlement so arrived and forward the same to MIC as recommendation.

(3) Where a settlement has been arrived at, no further inquiry shall be conducted by LIC/MIC unless revoked by the complainant.

(4) The MIC shall provide the copies of the settlement as recorded to the aggrieved woman / respondent / the administration/ LIC

**(C) Inquiry into complaint.** ---- (1) As per LAW LIC/MIC, shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent.

Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived in conciliation has not been complied with by the respondent, LIC/MIC shall proceed to make an inquiry into the complaint.

The inquiry under LAW shall be completed within a period of ninety days.

**(D) Enquiry:** For the purpose of making an inquiry LIC/MIC shall have the same powers as are vested in a civil Court under the Code of Civil Procedure,1908 (5 of 1908) when trying a suit in respect of the following matters,

namely: ---

- (a) summoning and enforcing the attendance of any person and examining him/her on oath;
- (b) requiring the discovery and production of documents; and

The LIC can launch a full inquiry in coordination with MIC. LIC to follow the guidelines given in print by MIC for enquiry to be as per the procedure of LAW.

(i) In a case while conducting enquiry the LIC feels that the enquiry can't be conducted free and fair in the particular work place, with the permission of the NGO member and in the consensus with MIC, the enquiry can be conducted in nearby work place of MCGM with concerned LIC or at SPGRC

(ii) MIC/LIC is not a criminal court, and therefore cannot function like one by conducting a trial. In absence of evidences and witnesses MIC/LIC will follow principle of preponderance of the probability.

(iii) Confidentiality: The entire proceedings of the LIC/MIC shall remain confidential. The complainant's /Respondent's/witnesses' identity shall remain confidential at all times, reports related to proceedings of MIC/LIC are confidential documents and are not for public circulation.

**(E) Action during pendency of inquiry.** -- (1) During the pendency of an inquiry, on a written request made by the aggrieved woman, MIC may recommend to the administration to-

(a) transfer the aggrieved if she so wishes or the respondent to any other workplace or

(b) grant leave to the aggrieved woman up to a period of three months; The leave granted to the aggrieved woman shall be in addition to the leave she would be otherwise entitled.

or

(c) grant such other relief to the aggrieved woman as per LAW.

On the recommendation of MIC, the Administration shall implement the recommendation and send the report of such implementation to the MIC within sixty days.

**(F) Inquiry Report** (1) On completion of an inquiry under this LAW, the LIC will send report in writing with due signatures to MIC. The LIC shall recommend appropriate action and send the report to the MIC.

LIC will present the case before MIC in the PSH meeting, shall present its findings and recommendations discussed. This enquiry procedure /documents/ recommendations will be discussed in the MIC monthly meeting at SPGRC. Concerned LIC Chairperson/ committee member / NGO member will present the case to MIC.

(2) Where the MIC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the administration,

(i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent recommended by MIC

(ii) The recommendations sent by MIC to administration are mandatory for implementations within sixty days of its receipt by him.

(iii) After the implementation of the recommendations the administration shall report back to the MIC. The Report is sent in writing by the Administration to the MIC of MCGM

- (iv) Malicious or False Complaints If the Complaints Committee is of the opinion based on the substantiated facts that the complaint of sexual harassment was made falsely and with malicious intent then MIC may recommend to the administrator to take action against the complainant who has made the complaint in accordance with the provisions of the service rules. Same action will be taken against the witness who has given false evidence or produced any forged or misleading documents during the enquiry.
- (v) Copies of findings and recommendations shall be made available to the complainant and the respondent & LIC
- (vi) All LICs must follow the MCGM Guidebook.
- (vii) All decisions by the Main Internal Committee are final and binding to the administration.

(3) Where the LIC/MIC arrives at the conclusion that the allegation against the respondent could not be proved, it shall recommend to the administration that no action is required to be taken in the matter. ( LIC/MIC not been able to prove, does not mean it is a false complaint as per LAW)

#### **VIII. TRAINING PROGRAMS/AWARENESS**

- NGOs will help to establish training programs by holding training sessions, monitoring, crisis intervention, preparation and decimation of advocacy material. Thereafter it is the responsibility of the LIC along with the support of the administration to organize refresher-training courses and take all steps necessary for effective monitoring and implementation of this policy.
- There must be regular orientation sessions for new staff, students, patients etc by LIC. in order to create awareness of the policy and educate on sexual harassment.
- The names/addresses along with office contact nos. /extensions of the LIC Members will be prominently displayed on notice boards. (Marathi + English and any other language used by staff members).
- Flyers, postings, emails, media must be used by management to create proper awareness of the policy.
- Important factors that must be stressed in training the Complaints Committee as reiterated in the MCGM Guidebook:
  - **Subjectivity:** A sexual act when unwelcome is sexual harassment; the unwelcome is the women's subjective reality. The Complaints Committee's first job is to believe in this reality (unless something on record completely negates her complaint). The presumption should be in favour of the woman who complains of Sexual Harassment. It is important to remember that "proof" in the typical sense of the word should not be insisted upon. Delay on her part in complaint should not

be a reason to disbelieve her. There can be a long-time interval between the harassment and the actual complaint.

- **Empathy:** It is critical that the Complaints Committee empathizes with the complainant and does not judge her by their moral standards. As per the LAW, the LIC believes in the woman and starts the procedure, as the complainant has a career and personal life at stake.
- Listening to the most desired outcome sought by the complainant often will provide a reasonable resolution to the problem.
- Complainant 's past sexual history/personal life will not be probed into or enquired about during proceedings before any Committee.
- Consider the peculiar nature of the prohibited activity that is physically, psychologically, and emotionally impacting. Account for the various myths and facts in relation to sexual harassment so as to give a well-thought out resolution.
- Recognition that such behavior is unwelcome, that it is personally offensive and debilitates morale, affects the dignity of a person and affects and interferes with study, treatment, and work. That sexual harassment usually involves the use and abuse of power and desire to control. The entire complaints procedure both formal and informal must be sensitive to the social and cultural context of the complainant. It is important to remember that sexual harassment is generally an expression of power relations, most often against women by men. It is also a reflection of their relative positions in the hierarchy of the workplace and the inequalities of opportunity in the job market. The main reference point for the Complaints Committee must therefore be the word of the harassed person, i.e., the complainant.

## **IX. RIGHTS OF COMPLAINANT, RESPONDENT AND WITNESSES**

### **Rights of Complainant:**

#### **A. Addressing the Respondent**

- If complainant feels comfortable, she may speak directly to the person responsible for the alleged harassment. This may be sufficient to stop the unwanted conduct.

#### **B. Recording the Harassment**

- Documenting conversations with the harasser as well as incidents of harassment in a journal/file/diary is permitted. Complainant should enter dates, time, frequency, etc. Collect material given received, posted, emailed. Record timings of phone calls made and anything else that may constitute harassment.

#### **C. Reporting the Harassment**

- Make an informal or formal complaint to a member of the in-house LIC
- If the harasser holds a position higher than the Chairwoman of the LIC the complainant may report directly to the MIC

#### **D. Investigation**

- If a full investigation is necessary the complainant shall have the right to lead evidence and the right to cross-examine witnesses presented by the respondent.
- The complainant can take a co-worker, friend, and any other person with her during the interviewing process or for any other support during the investigation.

#### **E. Further Action**

- The complainant has the right to simultaneously pursue the matter through other legal means. The proceedings under this policy will not be stalled or postponed merely because the complainant is proceeding against the alleged harasser under any other provision of civil or criminal law.

### **Rights of The Respondent**

#### **A. Reply**

- Within 10 days after the respondent receives the copy of the charge sheet from LIC the respondent may tender any written explanation to the charges. He shall submit this to the Chairperson of the LIC.

#### **B. Submission of Documents**

- If a formal investigation is to take place the respondent may submit any documentation as evidence to the LIC
- Give his list of witnesses.

#### **C. Investigation**

- The respondent shall have the right to be heard in person and introduce evidence.
- The Respondent shall have the right to cross-examine witnesses, and the complainant introduced on behalf of the complainant.

### **Rights of The Witnesses**

- The witness (of the Complainant / Respondent ) can give it writing whatever he /she has known / seen / been told about the concerned case.
- The witnesses should not be victimised by the administration or the respondent for giving the witness.

### **X. PUNISHMENT FOR SEXUAL HARASSMENT:**

Any person found guilty of sexual harassment shall be liable for punishment. When imposing punishment on the respondent, the MCGM service rules is recommended by MIC.



**Penalties for Sexual Harassment As Per Service Rules:**

As per the LAW the person guilty of sexual harassment, following penalties may be considered:

**A. Minor Penalties:**

- i. Written apology to the complainant clearly indicating that such behaviour will not be repeated and that no retaliatory steps will be taken by him/or others on his behalf.
- ii. Written reprimand, warning or censure.
- iii. Suspension for a period up to three days without suspension allowance
- iv. Withholding of increment for the year or more with temporary or permanent effect

**B. Major Penalties**

- i Reduction in rank.
- ii Reduction in pay
- iii. Removal and Dismissal
- iv. Debarred from appearing for final exams for a year.

**C. Committee Discretion**

- The MIC will issue a penalty for sexual harassment proportionate to the gravity of harassment.
- If administration does not adopt the proscribed penalty then it must state in writing its reasons to the MIC.
- Any person aggrieved from the recommendation made by the MIC within ninety days of receipt of recommendation may prefer to appeal to the court.
- If the administration does not implement the recommendations made by MIC, the LIC/ complainant can appeal to MIC/ and / or the court

**If no discipline action is imposed there must be documentation of such administrative reasons by administration and inform MIC, so that MIC can workout administratively correct recommendations**

**XI. PROTECTION AGAINST VICTIMIZATION:**

- When a student complainant/ gives witness accuses the person discharging the education then the MIC must also help with a transfer best suited for the situation.
- When the complainant/ witnesses and the respondent are both employees the respondent shall not write confidential reports of the complainant/ss, supervise the work of the complainant, compel the complainant to report to him if he is otherwise so authorised until the Complaints Committee has made a recommendation.
- If the respondent holds an equal/ higher position than the Chairwoman of the Complaints Committee then the complaint, the MIC can change the chair person to senior to the respondent.
- If the complainant is a patient, then the person against whom the complaint has been made will not be involved in discharge of treatment, following the complaint.

- If the alleged harasser is an outsider, then he will not be allowed to enter the premises following the complaint/ LIC will help the complainant to do the police complaint NC or FIR as the case may be.

## **XII. APEAL :**

(1) Any Person aggrieved from the recommendation made under sub clause (2) (i) of clause (F) of Rule VII or under sub clause (2) (iv) of clause (F) of rule VII or sub clause (3) of clause (F) of rule VII or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then; without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed .

(2) The appeal under the above sub-clause (1) shall be preferred within a period of ninety days of the recommendation.

## **XIII . OBLIGATION OF THE ADMINISTRATION:**

### **A. NOTICE**

- All employees must be on notice that this is policy may be affected in the case of any claims regarding sexual harassment.
- Administration must provide a clear statement that sexual harassment at the workplace is unlawful and will not be tolerated by the MCGM and that all allegations of sexual harassment will be taken seriously and responded promptly.
- The names and phone numbers of the LIC members shall be displayed on the notice board, sometimes in multiple areas.
- Employees must be trained in regards to what constitutes sexual harassment by LIC.
- Liability of any legal proceedings will be taken care by legal department of MCGM

### **B. IMPLEMENTATION**

- Institutions/ Administrations shall provide assistance for the purpose of ensuring full, effective, and speedy implementation of the policy. This means supporting the LIC/MIC in every capacity.
- Implementation of recommendation by MIC should be done within sixty days.

**IF THE RESPONDENT IS BOOKED UNDER POCSO: Mandatory reporting to Police by administration, LIC should inform the MIC immediately. If the respondent is MCGM employee he should be suspended with the immediate effect till the finalisation of the POCSO case and if the respondent is on contract with MCGM his contract should be terminated.**

## **XIV SAVINGS:**

- The provisions of this policy shall apply notwithstanding any contrary statute, law, directive or ordinance.

- The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the respondent under the provisions of the civil and criminal law.
- The provisions of this policy shall not restrict the powers of the management or the complainant to proceed against the alleged offender for any misconduct or pursue criminal or civil remedies.

1. There should be regular reviews and the NGO members should be part of the reviews.
2. The NGO members should be present at all stages of the inquiry, the report, the action taken and the review.

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Note--

Annexure will contain all the premises where LICs are functioning.  
There could be change in the LIC - Number /Place or premises /Departments / as the MCGM premises change due to renovations, demolitions, new premises added