

Prevention, Prohibition and Redressal of Sexual Harassment of Women at Workplace – Policy

1. Preamble

Sexual harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to provide safe and secure environment and to promote the well-being of all women employees at the workplace, this policy envisages as under: -

- (a) It shall be the duty of the Management of the establishment to prevent or deter the commission of any act of sexual harassment at the workplace.
- (b) Sexual Harassment will be considered as misconduct and action will be taken based on the Service Rules.
- (c) The definition of sexual harassment will be as defined in Section 2 (n) of SHWW Act as represented below: -
“*Sexual Harassment*” includes any one or more of the following unwelcome acts or behavior (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
 - (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- (d) Any one or more of the following circumstances will be considered as sexual harassment: -
 - (i) Implied or explicit promise of preferential treatment in her employment; or
 - (ii) Implied or explicit threat of detrimental treatment in her employment; or
 - (iii) Implied or explicit threat about her present or future employment status; or
 - (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - (v) Humiliating treatment likely to affect her health or safety.

2. Definitions

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings: -

- (a) **Aggrieved Woman:** Refers to any woman employee (as per Section 2(a) of SHWW Act) who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by another employee (hereinafter referred to as “Respondent”).

- (b) Internal Complaint Committee (ICC)
- (c) Management - Management means Company's Managing Director / Director / Manager or such other officer or Officers/nominee or nominees as may be authorized in this behalf by the Managing Director / Director and notified in the Notice Board of the establishment.
- (d) Complainant Employee (CE): Refers to any employee who gives complaint regarding sexual harassment.
- (e) Respondent Employee (RE): Refers to any employee against whom the complaint for sexual harassment has been lodged.
- (f) Workplace – Refers to clause O of the SHWW Act and also includes all offices, branches and workshops located in the campus of National Insurance Academy. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking the journey.
- (g) Students and participants of Management Development Programmes

“Student” means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short term training programmes in the Academy.

Provided that a student who is in the process of taking admission in campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of the HEI(Higher Education Institute), where any incident of sexual harassment takes place against such student.

Provided that a student who is a participant in any of the activities in a HEI (Higher Education Institute) other than the HEI(Higher Education Institute) where such student is enrolled shall be treated, for the purposes of these regulations, as a student of the HEI where any incident of sexual harassment takes place against such student.

3. Applicability

This policy is known as Anti Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 & the Rules (hereinafter referred to as “Policy”) and is applicable to all employees, of National Insurance Academy, 25 Balewadi, Baner Road, Pune - 411045 (hereinafter referred to as “Academy”) deployed at the workplace, who are either

- (a) On the rolls of the establishment or
- (b) Engaged through the Contractor(s) having service agreement with the establishment.
- (c) Students (including research students) and Participants of Management Development Programmes

3. Objective

The objective of the Policy is to provide safe and secure work environment to the women employees and students, free from sexual harassment.

This policy has been formulated keeping in view the provisions under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as SHWW Act) and its Rules and UGC Guidelines for Higher Education Institute.

Our Organization NIA is committed to maintaining a workplace free from Sexual harassment. Any form of sexual harassment is strictly prohibited and will not be tolerated. Employees/ Trainees / Students are encouraged to report any instance of harassment and all complaints will be handled with the utmost confidentiality and seriousness.

The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment.

4. Internal Complaint Committee

(Hereinafter referred to as ICC) - This is a Committee which is being constituted as per Section 4 of the SHWW Act read with its Rules. The Committee is constituted as per the AICTE Handbook Rules.

(a) The ICC will comprise of the following:

- (i) *A Presiding Officer who shall be a woman employed at Associate Professor level.
Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (I):
Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization.*
- (ii) *Two faculty members and two non-teaching staff members preferably committed to the cause of women or who have had experience in social work or have legal knowledge.*
- (iii) *One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:*
- (iv) *Three students*

(b) At least one-half of the total members of the ICC shall be women

(c) Persons in senior administrative positions in the HEI(Higher Education Institute), such as Vice-Chancellor, Pro Vice-Chancellors, Director, Rectors, Registrar, Deans, Heads of Departments etc. shall not be members of ICC. The

person in senior administrative position of the Academy such as Principal and Chief Administrative Officer shall not be the Members of ICC.

- (d) The term of office of the members of the ICC shall be for a period of three years. HEIs may also employ a system whereby one-third of the members of the ICC may change every year.
- (e) The Member appointed from amongst the non-governmental organizations or associates shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the Executive Authority as may be prescribed.
- (f) Every Member of the ICC shall hold office for a period not exceeding three years, from the date of their nomination as may be specified by the Management.
- (g) ICC would be strictly governed by Section 4 of the SHWW Act.

5. Responsibilities of Management

- (a) Inform all those employees and students to whom this policy is applicable of the recourse available to them if they are victims of sexual harassment;
- (b) Organize regular orientation programmes for the members of the ICC.
- (c) Be responsible to bring those guilty of sexual harassment to book and initiate all proceedings as required by law and also put in place mechanisms and redressal systems
- (d) Inform the organizations of the participants of MDP(Management Development programme for initiating proceedings / redressal of grievance in case of MDP participants
- (e) Treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- (f) Treat sexual harassment as a violation of the disciplinary rules if the perpetrator is a student.
- (g) Ensure compliance with the provisions of these regulations.
- (h) Monitor the timely submission of reports by the ICC;
- (i) The Academy must conduct a regular review of their anti-sexual harassment policy.

6. Responsibilities of Internal Complaints Committee (ICC) -

The Internal Complaints Committee shall

- (a) Provide assistance if an aggrieved person chooses to file a complaint with the police.
- (b) Protect the safety of the complainant by not divulging the person's identity and recommend to the management / employer the interim relief.
- (c) ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment and
- (d) ensure prohibition of retaliation or adverse action against a covered individual.

7. Interim redressal - The Academy may,

- (a) Transfer the complainant or the respondent to another section or department.
- (b) Grant leave to the aggrieved with full protection of status and benefits for a period up to three months.
- (c) Restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant.
- (d) Ensure that offenders are warned to keep a distance from the aggrieved and wherever necessary, if there is a definite threat, restrain their entry into the campus.
- (e) Take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimization

8. Punishment and compensation -

- (a) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the Academy, if the offender is an employee
- (b) Where the respondent is a student, depending upon the severity of the offence, the HEI may -
 - (i) withhold privileges of the student such as access to the library, auditoria, halls of residence, transportation, scholarships, allowances and identity card;
 - (ii) suspend or restrict entry into the campus for a specific period.
 - (iii) expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
 - (iv) award reformatory punishments like mandatory counselling and or performance of community services.

9. Procedure of filing a complaint

- (a) The complaint should be made by an aggrieved woman within a period of three months from the date of occurrence of incident and in case of a series of incidents, within a period three months from the date of last incident. The complaint by an aggrieved woman employee shall be made to ICC in writing and be sent either by post or given in person to the ICC of the establishment.
- (b) The ICC 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 employee from filing a complaint within the said period. Where the employee is unable to make a complaint on account of her death, her legal heir may make a complaint under this section.

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by -

- (i) Her relative or friend; or
- (ii) A special educator; or
- (iii) A qualified psychiatrist or psychologist; or

- (iv) The guardian or authority under whose care she is receiving treatment or care; or
- (v) Any person who has knowledge of the incident.

Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by -

- (i) Her relative or friend; or
- (ii) Her co-worker; or
- (iii) Any person who has knowledge of the incident, with the written consent of the aggrieved woman;

10. Procedure to be followed post receipt of Complaint

- (a) The ICC would go through the details of the complaint and evaluate if there is a prima facie case or not and initiate an enquiry, if it is warranted.
- (b) The ICC may, before initiating an enquiry and at the request of the CE, take steps to settle the matter between her and the RE through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived during conciliation, the ICC shall record the settlement and forward to the employer to take action. However, if the terms arrived during conciliation have not been complied with by the RE, the ICC shall proceed to make an enquiry into the complaint or as the case maybe forward the complaint to the police. The copies of the settlement as recorded during conciliation shall be provided to both the parties.
- (c) The ICC shall after completing the enquiry, within 90 days submits its recommendations to the Management.
- (d) Where the respondent is an employee, the ICC will proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering his behavior as a misconduct and where no such rules exist, in such manner as may be prescribed.
- (e) Where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
- (f) The ICC may when the respondent is convicted of the offence, order payment of such compensation as it may consider appropriate, to the aggrieved woman by the respondent.

For the purpose of making an inquiry, the ICC 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.

11. Guidelines to be kept in mind by ICC while recommending action

- (a) To conduct the enquiry as per the principles of natural justice and in a confidential manner.

- (b) In cases where the ICC has recommended to Management for compensation to be made to the CE, then the said amount shall be deducted from the salary of the RE and paid to the CE or her legal heir/s.
- (c) In case the RE fails to pay the sum referred as above, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- (d) Where the ICC arrives at a conclusion that the allegation against the RE is malicious or the CE has made the complaint knowing it to be false or the CE has produced forged or misleading document, it may recommend to the Management of the establishment to take action against the CE as per the Service Rules.
- (e) Where the ICC arrives at a conclusion that during the enquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management to take appropriate action as per the service rules.
- (f) When the person entrusted with handling or dealing with the complaint, the inquiry, the conciliation terms, the inquiry proceedings or the recommendations made by ICC breaks the confidentiality, may be penalized as per the provision of the SHWW Act.


12. Employer (Management of the establishment) to ensure:

- (a) That in case there is a complaint against any of the ICC members, Management will have to reconstitute the ICC.
- (b) The Management will provide assistance to the CE if she so chooses to file a police complaint.
- (c) The Management may also cause to initiate action under the Indian Penal Code or any other law for the time being in force against a perpetrator, where the perpetrator is not an employee of the establishment and there is complaint in the workplace where the harassment took place.
- (d) The ICC will submit an annual report to the Management outlined in the SHWW Act and it is the responsibility of the Management to ensure that the said annual report is also made available on the website of the Academy.
- (e) The Management will direct Administrative Department to ensure to display at conspicuous places the guidelines of the SHWW Act.
- (f) The ICC will direct and monitor the HR/Personnel/Administrative Department to create awareness amongst employees on sexual harassment in the following manner: -
 - (i) Training cum Awareness session for -
 - a. Employees (Men and Women)
 - b. ICC Members
 - c. Students

- (ii) The Management will assist in ensuring the attendance of the RE and witnesses before the ICC as the case may be

13. Appeal by the aggrieved person

Any person aggrieved from the recommendations made by the ICC enquiring with the allegations against the respondent may prefer to make an appeal to the court. The appeal should be made within 30 days of the recommendations being made to the Management by the ICC.


Jayashree Sridhar
Chief Administrator


Renjit Gangadharan
Chair Professor -Non Life &
Director in Charge


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NIA Pune