

Prevention of Sexual Harassment of Women at Workplace

Weekly Educational Series 9

The Sexual Harassment Complaint Process

STAGE TWO: PLANNING CAREFULLY*

Step 6: Prepare the File

A sound inquiry relies on sound preparation. This includes taking into account the following steps:

1. Documentation

Create an independent confidential file of the complaint and all subsequent related documentation.

2. Review Law & Policy

Have a clear knowledge and understanding of the Act/Rules as well as the relevant Service Rules, Workplace Policy, Vishaka Guidelines, existing practices and related laws.

3. Make a List

Make a list of all the dates and events relating to the written complaint as well as the names of witnesses, where applicable.

Relevant Witnesses

The complaint may include the names of people believed to have witnessed the alleged incidents or those who may have been aware of other information directly related to the complaint.

The respondent may also include the names of witnesses. In addition, the Complaints Committee also has the discretion to call any person as a witness, who it believes, has something to contribute to the inquiry process.

4. Supporting Documents

Obtain and review all supporting documents relevant to the complaint, including those presented by the complainant and the respondent.

*Source: <http://www.wcd.nic.in/>

5. Act Quickly

Create a plan. This can be used as an initial checklist to ensure that all of the critical elements are covered. It includes:

- a. The names of the parties and witnesses to be interviewed
- b. Any documentary support that needs to be examined
- c. Timeline

Preparing the Plan - Key Elements to Consider

1. Defining the Issues

- What is the complaint
- Questions or points that require clarification

2. Determining a violation of the Policy/Act

- What information is needed to determine that there has been a violation

3. Logistics

- Venue for conducting the interviews. Are special logistics required
- Creating timelines for each

4. Critical Information

- What documents need to be looked at
- Witnesses to be questioned and in what order

5. Areas of Questioning

- Questions for each specific incident and party/witness
- Questions for each particular issue
- Issues likely to require follow-up

Step 7: Consideration

1. Interim Measures

While a complaint is pending inquiry, a complainant can make a written request for her transfer or the transfer of the respondent, or for leave (upto 3 months). She can also request the Complaints Committee to restrain the respondent from reporting on her work performance or writing her confidential report or supervising her academic activities (in case she is in educational institution).

Even in the absence of such a request, the Complaints Committee must take corrective action. It is essential to take these actions in order to prevent potential *on-going sexual harassment*.

2. Support

Maintain clear, timely communication with the parties throughout the process. Provide complainants with any specific assistance they may require, such as counselling, addressing health related concerns or sanctioning of leave.

For details, visit <http://www.icsi.edu/posh.aspx>

Suggestions/Feedback, if any, may be sent to POSHDESK@icsi.edu