

Prevention of Sexual Harassment of Women at Workplace

Weekly Educational Series 7

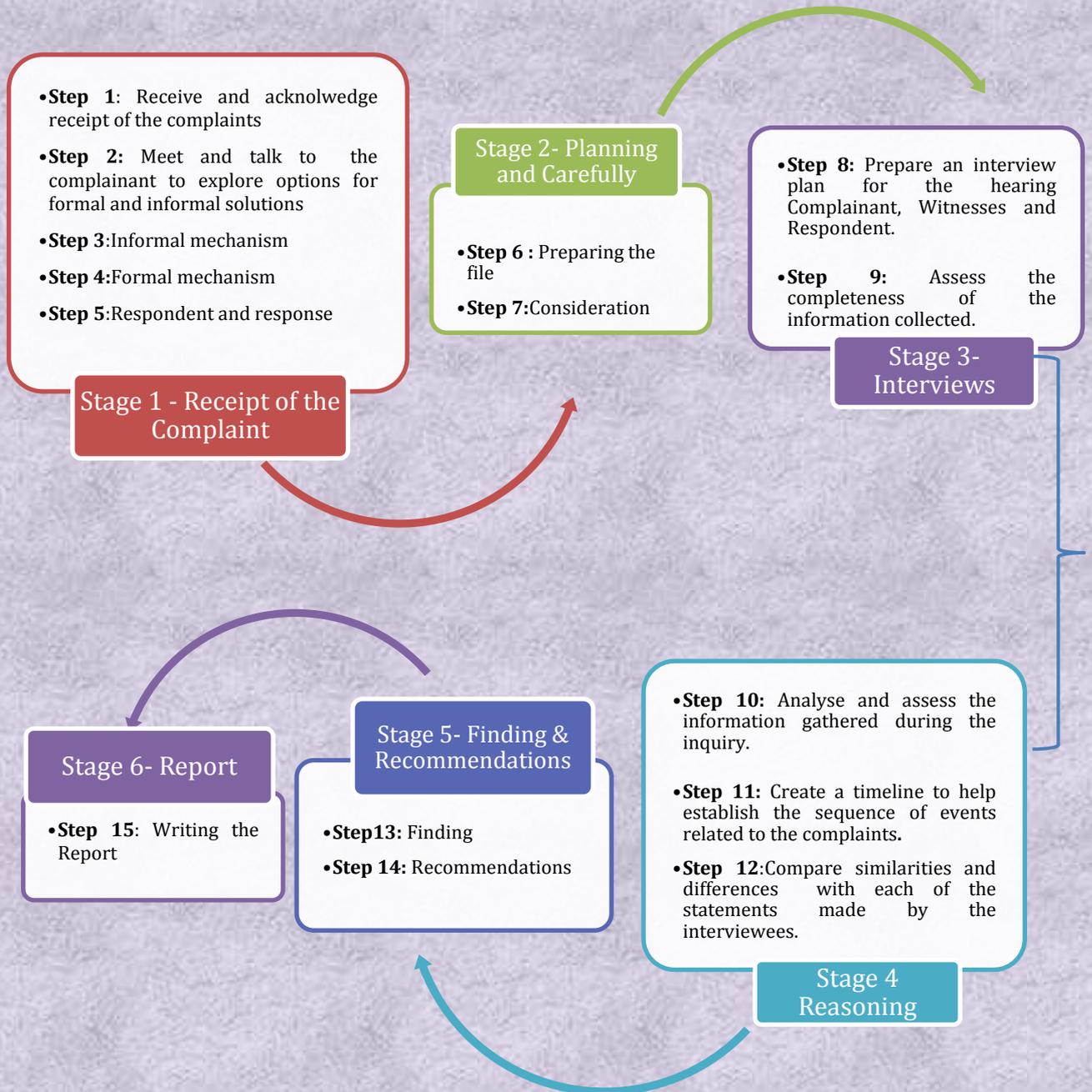
The Sexual Harassment Complaint Process

Steps involved for filing Complaint under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

- Step 1:** A complaint is to be made in writing by an aggrieved woman within 3 months of the date of the incident. The time limit may be extended for a further period of 3 months, if on account of certain circumstances, the woman was prevented from filing the complaint. If the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death, her legal heirs may do so.
- Step 2:** Upon receipt of the complaint, the Internal Complaints Committee (ICC) must proceed to make an inquiry in accordance with the service rules applicable to the respondent or in their absence, in accordance with the rules framed under the Act.
- Step 3:** Send one copy of complaint to respondent within a period of seven working days of receipt of complaint.
- Step 4:** The Respondent responds within 10 days of receipt of complaint.
- Step 5:** ICC should follow the principle of natural justice.
- Step 6:** Where the ICC finds that the allegations against the respondent are proven, it must submit a report to the employer to:
- (i) take action for sexual harassment as a misconduct in accordance with the provisions of the applicable service rules or where no service rules exist, in accordance with rules framed under the Act;
 - (ii) to deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs.
- Step 7:** The inquiry must be completed within a period of 90 days.
- Step 8:** The employer must act on these recommendation within 60 days.

Different Stages for addressing a Complaint by Complaints Committee*

The Complaints Committee/s needs to have information on the six stages (including fifteen steps), for addressing a complaint of sexual harassment at workplace which are discussed below.



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

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

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