



THE INTERNATIONAL CENTRE GOA

# **Policy against Sexual Harassment at Workplace**

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# Policy against Sexual Harassment at Workplace

## **I. OBJECTIVE:**

THE INTERNATIONAL CENTRE GOA ("ICG") is committed to creating and maintaining a secure work environment where its Employees, Customers, Agents, Visitors and Vendors can work together in an atmosphere free of harassment, exploitation and intimidation caused by acts of sexual harassment within but not limited to the office premises and other locations directly related to the ICG's activities.

The objective of this policy is to provide protection against sexual harassment of women at workplace and for the prevention and Redressal of complaints of sexual harassment and for matters connected therewith. All concerned should take cognizance of the fact that ICG strongly opposes sexual harassment, and that such behaviour against women is prohibited by the law as set down in The sexual harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder (hereinafter referred to as "Act") as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this policy shall result in strict disciplinary action.

At ICG, we have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self-respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity.

We at ICG are committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment. ICG will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

## **II. SCOPE:**

ICG's Policy with regard to **prevention, prohibition and Redressal of** sexual harassment covers every "employee" across the ICG. ICG encourages every employee who believes they are sexually harassed to use the Redressal mechanism as provided in this policy. The Policy is with respect to prevention, prohibition & Redressal of sexual harassment which may arise within premises of ICG or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the ICG for undertaking such visit.

It includes sexual harassment by fellow employees, as well as, customers, vendors, partners and, visitors. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

Sexual harassment is judged by the impact on the complainant and not the intent of the respondent. This Policy comes into force with immediate effect.

## **III. DEFINITION:**

- a) "Aggrieved person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b) "ICG" means The International Centre Goa.

- c) “employee” means a person employed at a workplace for any work on regular, on contract, on service contract temporary, *ad hoc* or daily wages basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name, also includes customers, members, vendors, visitors, agents and guest.
- d) “Internal Complaints Committee” means a committee constituted by ICG under the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act, 2013.
- e) “Respondent” means a person against whom the aggrieved person has made a complaint.
- f) “Sexual harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) but not limited to such as:
  - 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 other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings;
  - v. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or

Following circumstances amongst other circumstances mentioned above but not limited to may constitute sexual harassment if it occurs or is present in relation or connected with any act or behaviour of sexual harassment:

- i. implied or explicit promise of preferential treatment in their employment;
- ii. implied or explicit threat of detrimental treatment in their employment;
- iii. implied or explicit threat about their present or future employment status;
- iv. interfering with their work or creating an intimidating or offensive or hostile work environment.
- v. humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.

- g) “workplace” includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

#### **IV. INTERNAL COMPLAINTS COMMITTEE:**

Every complaint received shall be forwarded to Internal Complaint Committee (ICC) formed under the policy for Redressal through the Member Secretary within 24 hours. The Member Secretary will then bring the complaint to the notice of the Presiding Officer within 24 hours. The investigation shall be carried out by Internal Complaints Committee constituted for this purpose. Internal Complaints Committee has been constituted of the following members as nominated by the ICG:

- a) A woman employee employed at a senior level amongst the employees/Trustees shall act as presiding officer of the committee.
- b) Not less than two members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.

- c) One member shall be from amongst non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The name of the members of the Internal Complaints Committee will be displayed at prominent locations and any change in such composition shall be effected in the policy.

At least half the total members of the Committee have to be women. The presiding officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

## **V. PROCEDURE FOR MAKING A COMPLAINT**

Any aggrieved person may make, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident, which may be extended for a further period of three months, if circumstances warrant such extension in the opinion of the Internal Complaints Committee.

1. The presiding officer or any member of the Internal Complaints Committee
  - a) can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so or
  - b) shall record the statement of the complainant.
2. On receipt of complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the complainant and respondent. The Internal Complaints Committee shall follow principle of natural justice while handling such complaints.
3. **(i)** Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by- a relative or friend; or a co-worker; or any person who has knowledge of the incident, with the consent of the aggrieved person.  
**(ii)** Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by-
  - a) a relative or friend; or
  - b) a special educator' or
  - c) a qualified psychiatrist or psychologist; or
  - d) the guardian or authority under whose care they are receiving treatment or care; or
  - e) any person who has knowledge of the incident jointly with any of the above.**(iii)** Where the aggrieved person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident.
4. Internal Complaints Committee on receipt of such complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.
5. Inquiry will be done as per the said Act
6. The Internal Complaint Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:
  - a) Monetary settlement will not be made as a basis of conciliation.
  - b) Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

7. During such enquiry, upon request by the aggrieved person, the committee may at its discretion recommend granting leave to the aggrieved person of up to three months which is in addition to leave to which she is otherwise entitled.

#### **VI. ACTION:**

1. The Committee shall on completion of the enquiry provide a report of its findings within ten days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Internal Complaint Committee may recommend that no action needs to be taken in the matter.
3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
  - a. Take action for sexual harassment as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
  - b. To tender written apology to the complainant, issue warning, withholding of promotions/increments of the respondent, terminating the respondent.
  - c. To deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
4. Such action will be taken within 60 days of the receipt of report,

#### **VII. AWARENESS:**

1. All the employees, agents, customers, vendors, and visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the admin department.
2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in ICG during their initial Induction.
3. The ICG shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
4. ICG shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

#### **VIII. FALSE ACCUSATIONS:**

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by ICG. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint, including termination of service. In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to

substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. ICG recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute sexual harassment. These types of complaints will not be considered to be false accusations.

#### **IX. MISCELLANEOUS:**

1. ICG may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.
3. The Internal Complaint Committee shall prepare an annual report with the following details and shall submit the same to the ICG to include in its Annual Report:
  - a. Number of complaints of sexual harassment received during the year;
  - b. Number of complaints disposed of during the year;
  - c. Number of cases pending for more than ninety days;
  - d. Number of workshops or awareness program against sexual harassment carried out;
  - e. Nature of action taken by the employer.

#### **X. CONCLUSION:**

Complaints relating to sexual harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour.

Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of ICG shall be final and binding on all. However, the same is without prejudice to any recourse that ICG or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or ICG to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

## **Members of Internal Complaints Committee at ICG**

Adv. Subhalaxmi Nayak	Presiding Officer
Mr. Rakesh Nayak	Member
Dr. Shaila De Souza	External Member
Ms. Rianna Rodrigues	Member Secretary

**E-Mail ID of Member Secretary:      [res2@inentgoa.com](mailto:res2@inentgoa.com)**