

Internal Complaints Committee
as per the
Sexual Harassment of Women at Workplace (Prevention, Prohibition &
Redressal) Act, 2013

Sree Chitra Tirunal Institute for Medical Sciences and Technology,
Thiruvananthapuram 695011



Brochure for Employees

(to be read by all staff and students of SCTIMST)

December 2015

1. What is sexual harassment?

The Merriam-Webster Dictionary defines it as uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate (as an employee or student).

Sexual harassment, in India has been defined as making any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

- (i) physical contact or 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 a sexual nature

Physical contact and advances or demand or request for sexual favours:

When submission to unwelcome sexually determined behaviour such as sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, are explicitly or implicitly made a term or condition of teaching/guidance, education, employment, participation or evaluation of a woman's engagement in any activity as part of the education or employment, it shall also be deemed to be sexual harassment.

Any other unwelcome physical, verbal conduct of a sexual nature:

When unwelcome sexually determined behaviour, including but not limited to, sexual advances, physical and /or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, postings in social networking sites, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and /or effect of interfering with a woman's work or academic performance or of creating an intimidating, hostile or offensive employment, educational or living environment, it shall be deemed to constitute sexual harassment.

Unwelcome physical conduct of a sexual nature:

When a man uses with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to a woman without her consent or against her will, such conduct will amount to sexual assault.

Unwelcome physical, verbal conduct of a sexual nature:

It is clarified that it is the **reasonable perception of the woman that would be relevant** in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her

education or employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working, educational or living environment.

“Hostile Work Environment”:

A hostile work environment is said to be created when any act of Sexual Harassment has the purpose or effect of interfering with an individuals’ work performance or creating an intimidating, hostile or offensive employment, educational or living environment.

2. What is the law regarding SH in India?

The law that governs sexual harassment of women in workplace in India is called the Sexual Harassment of women in workplace (Prevention, Prohibition & Redressal) Act, 2013. This law calls for the appointment of a committee called the Internal Complaints Committee in every worksite to ensure the prevention and redressal for women who experienced SH.

3. Why has sexual harassment become such an issue now? These sorts of things are just part of everyday life and will happen if women and men are brought together – it is just something fashionable to malign men.

Sexual harassment is more about an exercise of power than an expression of sexual attraction. It tends to target women and if women have to be equal partners in the work place and have a right to work in an occupation of their choice, then they need to have an environment that is free from sexual harassment. In order to create an equitable environment for both men and women to thrive and achieve their full potential, we need worksites that have zero tolerance for sexual harassment. Societal recognition of this has resulted in the enactment of the law against sexual harassment.

4. What has SCTIMST done about SH?

The SCTIMST has a zero tolerance policy towards SH of women in the workplace. It has amended its service and conduct rules to prohibit sexual harassment of women. (see section 6B of Chapter VII of Service and Personnel Conduct Rules of SCTIMST of Dec 31, 2009) It has also appointed an Internal Complaints Committee (ICC) that has the mandate to conduct inquiries into complaints of sexual harassment in SCTIMST.

5. Whom should I contact for more information?

To know the committee members details, please visit

<http://intranet.sctimst.ac.in/ICC/Members>

6. What should I do if I think I am being sexually harassed?

You should talk to your immediate supervisor about what is happening and how it affects you. You should mention specifically the acts/behavior that are bothering you and ask your supervisor to take remedial measures.

7. The ICC and its Powers

The ICC has the same powers as that of a civil court under the Code of Civil Procedure, 1908, with respect to:

- (a) summoning or enforcing the attendance of any person and examining him on oath
- (b) requiring the discovery and production of documents, and
- (c) any other matter prescribed (for the conduct of the inquiry into the complaint)

All employees who receive a letter requiring their presence in the matter of an inquiry before the ICC are required to respond to the letter as a summons before a district Magistrate.

8. Requirements for a complaint

A complaint should include the following:

- a. Name and designation of the complainant
- b. The nature of the complaint including
 - i. The names and designation of the person(s) against whom the complaint is being made
 - ii. The description of the event along with specifics of the alleged perpetrator and actions and timing in chronological order
 - iii. The consequence of the action/event on their functioning
 - iv. The names and designation(s) of witnesses (if any) describing what aspect of the event was witnessed.
 - v. The steps (if any) taken by the Complainant to bring the unsavoury action to the attention of the authorities /perpetrator
 - vi. The responses of the supervisory authority/perpetrator
 - vii. A request to inquire into the case and provide relief

9. Responsibilities of Employees who are asked to appear before an inquiry by the ICC

The ICC has the same powers as that of a civil court under the Code of Civil Procedure 1908. This means you have to respond to it like it was a summons from the District Magistrate. In case you have a valid reason as to why you cannot be present, do provide your response to the Chairperson, ICC, providing the reasons for your inability and attaching copies of the justification for the absence (such as wedding/medical certificate indicating ill health of the person summoned/etc).

10. Additional Information regarding complaints of sexual harassment.

For additional information regarding how to complain or the potential procedure that will be followed during an inquiry into a complaint of sexual harassment, read the Standard Operating Procedures of the ICC, SCTIMST.