



PREVENTION OF SEXUAL HARASSMENT POLICY
OF
RCSM GMC KOLHAPUR & CPR HOSPITAL KOLHAPUR
MAHARASHTRA
August 2023

RCSM GMC KOLHAPUR & CPR HOSPITAL KOLHAPUR MAHARASHTRA

SEXUAL HARASSMENT AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) POLICY

1. INTRODUCTION:

1.1 RCSM GMC Kolhapur & CPR Hospital Kolhapur (the "Institutes") is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Institutes also believe that all employees have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving employees is a grave offence and is, therefore, punishable.

1.2 The judgement of the Hon'ble Supreme Court of India in *Vishakha Case* provides meaning of sexual harassment at the workplace and guidelines to deal with it. The Institutes through this Policy put in place a process to address any cases of gender harassment, in the interest of ensuring gender equality and the right to work with dignity, which are both recognised as basic human rights and are also in compliance with the above legal requirements.

1.3 In case of any inconsistency between this Policy of the Institutes and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the "Act") with respect to sexual harassment of women at workplace, the provisions of the Act shall prevail.

1.4 If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable.

1.5 This Policy extends to all employees of both the Institutes and comes into force with immediate effect.

2. DEFINITIONS:

2.1 "**Aggrieved Employee**" an employee who alleges to have been subjected to any sexual harassment by the Respondent.

2.2 "**Employee**" means a person employed at the Institutes for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor 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.

2.3 "**Internal Complaints Committee**" (Henceforth known as 'committee') means a committee constituted under this Policy to consider and redress complaints of Sexual Harassment.

2.4 "**Respondent**" means a person against whom the Aggrieved Employee has made a complaint of Sexual Harassment.

2.5 "**Sexual Harassment**" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:

- (i) physical contact and advances;
- (ii) a demand or request for sexual favours;
- (iii) making sexually coloured remarks;
- (iv) showing pornography; or

- (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation: The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- implied or explicit promise of preferential treatment in employment;
- implied or explicit threat of detrimental treatment in employment;
- implied or explicit threat about present or future employment status;
- interference with his/her work or creating an intimidating or offensive or hostile work environment for him/her; or
- humiliating treatment likely to affect his/ her health or safety.

3. INTERNAL COMPLAINTS COMMITTEE:

3.1 The Dean of the Institutes shall by order in writing constitute separate Internal Complaints Committee, to consider and redress complaints of Sexual Harassment, consisting of following members:

- a) a Presiding Officer who shall be a woman at senior level amongst the employee;
- b) not less than three Members from amongst employees preferably having experience in social work or have legal knowledge;
- c) one Member from amongst non-government organizations or associations or a person familiar with the issues relating to sexual harassment.

3.2 At least one-half of the total Members of the Internal Complaints Committee shall be women.

3.3 The Presiding Officer and every Member of the Internal Complaints Committee shall hold office for such period not exceeding three years, from the date of their nomination as may be specified by the Institutes.

3.4 In conducting the Inquiry under this Policy, minimum of three Members of the Internal Complaints Committee including the Presiding Officer shall be present.

3.5 At least three members of the Committee in person should be present to complete the Quorum of the meeting.

4 COMPLAINT OF SEXUAL HARASSMENT:

4.1 Any Aggrieved Employee who feels and is being sexually harassed directly or indirectly may submit a complaint in writing of the alleged incident to the Internal Complaints Committee within a period of three months of occurrence of incident and in case of a series of incidents, within a period of three months from the date of last incident.

4.2 The Internal Complaints Committee may for the reasons to be recorded in writing, extend the time limited not exceeding three months, if it is satisfied that the circumstances were such which prevented the Aggrieved Employee from filing a complaint within the period of said three months.

4.3 If the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

4.4 The written complaint can be submitted to the Dean or any IC member or by sending e-mail to icsh-rckmkop@gmail.com

4.5 The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.

5 REDRESSAL PROCESS AND CONCILIATION:

5.1 The Internal Complaints Committee shall hold a meeting with the Aggrieved Employee within seven working days of the receipt of the complaint wherein the Aggrieved Employee can also submit any corroborative material with a documentary proof, oral or written material to substantiate his/her complaint. If the Aggrieved Employee does not wish to depose personally due to embarrassment of narration of event, a woman officer for woman employees involved and a male officer for male employees involved shall meet and record the statement.

5.2 A copy of complaint shall be sent to the Respondent within seven working days of the receipt and the Respondent may be called for a deposition before the Internal Complaints Committee and an opportunity will be given to him/her to give an explanation, where after, an Inquiry may be conducted and concluded.

5.3 In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

5.4 The Internal Complaints Committee, before initiating an inquiry, may and at the request of the Aggrieved Employee take steps to settle the matter between Aggrieved Employee and the Respondent through conciliation. No monetary settlement shall be made as a basis of conciliation.

5.5 Where a settlement has been arrived, the Internal Complaints Committee shall record the settlement so arrived and provide copies of the same to the Aggrieved Employee and the Respondent and also forward the settlement as recorded to the Dean or in his absence Acting Dean to take action specified in the recommendation.

5.6 Where a settlement is arrived, no further inquiry shall be conducted by Internal Complaints Committee except in non-compliance by the Respondent of any terms or conditions of the settlement so arrived.

6 INQUIRY PROCESS AND REPORT THEREOF

6.1 Subject to Clause 5 of this Policy, the Respondent shall file his reply to the complaint along with his/her list of documents, and name and address of witness/es within a period of ten working days from the date of receipt of the copy of complaint from Internal Complaints Committee.

6.2 The Internal Complaints Committee shall make Inquiry into the complaint in accordance with the principle of natural justice.

6.3 During the course of Inquiry, the parties shall be given an opportunity of being heard and the copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Internal Complaints Committee.

6.4 The Internal Complaints Committee shall have the right to terminate the Inquiry proceedings or to give an *ex-parte* decision on the complaint, if the Aggrieved Employee or the Respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding Officer, Provided that such termination or

ex-parte order may not be passed without giving a notice in writing fifteen days in advance, to the party concerned.

6.5 The parties shall not be allowed to bring in any legal practitioner or represent them in their case at any stage of the Inquiry proceeding before the Internal Complaints Committee.

6.6 The Inquiry shall be completed within a period of ninety days.

6.7 On completion of Inquiry, the Internal Complaints Committee shall provide a report of its findings to the Dean or in his absence Acting Dean within a period of ten days from the date of the completion of Inquiry and such report shall be available to the concerned parties.

6.8 Where the Internal Complaints Committee arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend the Dean or in his absence Acting Dean that no action is required to be taken in the matter.

6.9 Where the Internal Complaints Committee arrives at the conclusion that the allegation has been proved, it shall recommend to the Dean or in his absence Acting Dean:

- a) to take any action including a written apology, warning, reprimand or censure, withholding promotion, withholding of pay or increments, terminating the Respondent from the service or undergoing a counseling session or carrying out community service.
- b) to deduct from salary or wages of the Respondent such amount as it may consider appropriate to be paid to the Aggrieved Employee.

6.10 The Dean or in his absence Acting Dean shall act upon the recommendation of Internal Complaints Committee within sixty days of its receipts.

6.11 Where the Internal Complaints Committee arrives at a conclusion that the allegation against the Respondent is malicious or the Aggrieved Employee has made the complaint knowing it to be false or the Aggrieved Employee or any other person making complaint has made the complaint knowing it to be false or has produced any forged or misleading documents, it may recommend to the Dean or in his absence Acting Dean to take appropriate disciplinary action against complainant including a written apology, warning, reprimand or censure, withholding promotion, withholding of pay or increments, termination from the service or undergoing a counseling session or carrying out community service.

6.12 Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract the action against the complainant under this Clause and the malicious intent or falsehood on part of the complainant shall be established after an inquiry.

6.13 With respect to Sexual Harassment of women at workplace, the Internal Complaints Committee shall in each calendar year prepare an annual report containing such particulars as provided under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made thereunder and submit it to the Dean or in his absence
Acting Dean

7 MISCELLANEOUS

7.1 The Institutes shall display at any conspicuous place in every workplace the composition of Internal Complaints Committee along with their contact details.

7.2 Chairperson in consultation with the Dean shall organize Sensitization and Training of employees and ICC members at regular intervals.

7.3 The Institutes shall provide necessary facilities to the Internal Complaints Committee for dealing with the Complaint and conducting Inquiry.


7.4 The Institutes may modify this Policy, if necessary, among other reasons, to maintain compliance with central, state or local regulations and / or to accommodate organizational changes.

7.5 This Policy is in addition to and not in derogation of the provisions of any law for time being in force.

7.6 The member from Non-government organizations/association/person familiar with the issues relating to sexual harassment shall be provided with an honorarium of Rs. 200/- along with Travelling Allowance.

(Further reading : THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013)




DEAN,
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