



BLAZE WEB SERVICES PRIVATE LIMITED - WWW.BLAZE.WS

Notification Number : 2021/01

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

An act to provide protection against sexual harassment of women at workplace results in violation of fundamental rights of women to equality, right to live with dignity, right to practice any profession or to carry any occupation and right to a safe environment free from Sexual harassment.

“ Sexual harassment” includes any one or more of the following unwelcome acts or behaviour (Whether directly or by implication) namely :-

- ❖ Physical contact and advances
- ❖ A demand or request for sexual favours
- ❖ Making sexually coloured remarks
- ❖ Showing pronography
- ❖ Any other unwelcome physical, Verbal or Non - verbal behaviour contact of sexual nature

PREVENTION OF SEXUAL HARASSMENT

- (1) No women shall be subjected to sexual harassment at any workplace
- (2) The following circumstances , if it occurs or is present in relation or to connected with any act or behaviour of sexual harassment may amount to sexual harassment:
 - (a) Implied or explicit promise of preferential treatment in her employment
 - (b) Implied or explicit threat of detrimental treatment in her employment
 - (c) Implied or explicit about her present or future employment status

(d) Interference of her work or creating an intimidating or offensive or hostile work environment for her

(e) Humiliating treatment likely to affect her health or safety

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

(1) Every employer of a workplace shall, by an order in writing, constitute a committee to be known as "Internal Complaints Committee"

(2) The Internal complaints committee shall consist of the following members to be nominated by an employer, namely:-

(a) A presiding officer who shall be a woman employed at a senior level at workplace from amongst employees

Provided that in case a senior level woman employee is not available, the presiding officer shall be nominated from other offices or administrative units of workplace

(b) Not less than two employees 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 from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

(3) The Presiding officer and every member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of nomination as may be specified by the employer

CONSTITUTION OF LOCAL COMPLAINTS COMMITTEE

(1) Every District Officer shall constitute in the district concerned, a committee to be known as the "Local Complaints Committee" to receive complaints of sexual harassment from establishments where Internal Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer

- (2) The District Officer shall designate one nodal officer in every block and Taluka in rural or tribal areas and ward or municipal in urban area, to receive the complaints and forward the same to the Local Complaints Committee within a period of seven days.

COMPLAINT OF SEXUAL HARASSMENT

Any aggrieved women may make, in writing a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in a case of a series of incidents, within a period of three months from the date of last incident.

CONCILIATION

- (1) The Internal Committee or the Local Committee, before initiating an inquiry and at the request of the aggrieved women take steps to settle down the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation
- (2) Where a settlement has been arrived at, the Internal Committee or Local Committee shall record the settlement that arrived and forward the same to the employer or the District Officer to take actions as specified in the recommendation.
- (3) The Internal Committee or Local Committee shall provide the copies of the settlement as recorded to the aggrieved women and the respondent.
- (4) Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Committee or Local Committee.

INQUIRY INTO COMPLAINT

- (1) Subject to the provisions, the Internal Committee or Local Committee, as the case may be, where the respondent is an employee, proceed to make the inquiry into the complaint where no such rules exist, or in case of a domestic worker, the local committee shall forward the complaint to police, within a period of seven days for registering the case under section 509 of the Indian Penal Code
- (2) Notwithstanding anything contained in section 509 of the Indian Penal Code, the court may, when the respondent is convicted of the offence, order payment of such sums will be provided to the aggrieved women by the respondent.

- (3) The inquiry shall be completed within a period of ninety days.
- (4) During the pendency of an inquiry, on a written request made by the aggrieved women, the Internal Committee or the Local Committee may recommend to the employer to:-
 - (a) Transfer the aggrieved women or the respondent to any other workplace
 - (b) Grant leave to the aggrieved women to period of three months
 - (c) Grant such other relief as may be prescribed

INQUIRY REPORT

- (1) On the completion of inquiry under this Act, the Internal Committee or the Local Committee shall provide a report of its findings to the employer within a period of ten days from the date of completion of inquiry.
- (2) Where the Internal Committee or the Local Committee, arrives at the conclusion that the allegation against the respondent has not been proved, no action is required to be taken in the matter.
- (3) Where the Internal Committee or the Local Committee, arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer:-
 - (a) To take action for sexual harassment as a misconduct in accordance with the provisions of service rules applicable to the respondent
 - (b) To deduct, notwithstanding anything in the services rules applicable to the respondent, from the salary or wages of the respondent such sums to be paid to the aggrieved women
- (4) The employer or the district officer shall act upon the recommendation within sixty days of its receipt by him.

PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

Where the Internal Committee or the Local Committee, as the case may be, arrives, at the conclusion that during the inquiry any witness has given the false evidence or produced any forged or misleading document, it may recommend to the employer of the witness or the District Officer, to take actions in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed.

DETERMINATION OF COMPENSATION

For the purpose of determining the sums to be paid to the aggrieved women, the Internal Committee or the Local Committee, as the case may be, shall have regard to;

- (a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved women
- (b) The loss in the career opportunity due the incident of sexual harassment
- (c) Medical expenses incurred by the victim for physical or psychiatric treatment
- (d) The income and financial status of the respondent

DUTIES OF EMPLOYER

- (1) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace
- (2) Organize workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal committee in the manner as may be prescribed.
- (3) Provide necessary facilities to the Internal Committee or the Local Committee, for dealing with the complaint and conducting an inquiry
- (4) Provide assistance to the women if she chooses to file complaint in relation to the offence under Indian penal code or any other law for the time being in force
- (5) Treat sexual harassment as a misconduct under the service rules and initiate an action for such misconduct

(6) Monitor the timely submission of reports by the Internal Committee

COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE - icc@blaze.ws

S.NO	NAME	POSITION
1	Mrs. Vijayalakshmi	Chairperson
2	Mrs. Devishree	Member
3	Mrs. Preethi	Member
4	Mrs. Shamini	Member
5	Ms. Uma Maheswari	Member

Minutes of the first meeting of the Internal Complaints Committee (ICC) on Sexual Harassment of women at workplace

- (1) The first meeting of "Internal Complaints Committee" to review the cases of sexual harassment was held on 8th June, 2021 for 2 hours via Gmeet.
- (2) The Committee noted that no complaint of sexual harassment has been received from any women employee. It was emphasised that in order to create awareness and continuous sensitization among the employees, it is essential to place the banners/posters/notice defining sexual harassment at prominent places inside the campus
- (3) Finally the meeting ended with a note of thanks and the members agreed that the committee will meet every quarter on a regular basis.
- (4) **BLAZE always encourages the female employees to give voice over against their insecurities, complaints, allegations and all the recommendations via icc@blaze.ws**

Note from Management: To ensure transparency, accountability, autonomous independence of the ICC., top executives in C-Level rank (CEO, CTO, COO, CFO & etc) and Directors of the company will not be appointed in any position (Member and Chairperson) in ICC.