

Are you in receipt of a compliant from an Aggrieved women? What is the immediate action to be taken by the Internal Committee?

Blog Series – 23 March 10 2020 PoSH – Vol.12

In this blog, we shall deliberate the Immediate actions (before referring it to Conciliation or to conduct the inquiry) to be taken by the Internal Committee upon receipt of a compliant from an aggrieved woman?

1. Complaint received from the aggrieved woman?

- Check whether the complaint is in order
 - Complainant details
 - In case of employee, complete employment details
 - In case of others, personal details like Name, Mobile number and email-ID (which may be required for future correspondences)
 - Details of the Complaint
 - Date of Incident
 - If it is series of incidents the last date of incident
 - Time of incident
 - If it is series of incidents, time @ the last date of incident
 - What has happened (description of the incident)?
 - What the aggrieved woman had felt during such incident?
 - Any witnesses?
 - Any supporting documents to claim sexual harassment?
 - Any physical attack, injury, involvement during incident, by the respondent?
 - Any details of absence or hospitalisation further to this alleged incident?
 - What actually the aggrieved woman requires through raising this complaint?

2. If the required details are incomplete, ask the aggrieved woman to complete it immediately
3. If the complaint is through email, ensure the same is signed by the aggrieved woman

4. If the aggrieved woman cannot give required number of copies, make such copies (06)
5. Date of complaint will be finalised once the complaint is in Order and Complete (90 days timeline starts from that day)

6. Check for the following:

- a. Whether the incident is Sexual Harassment?
- b. Whether the incident has happened with the consensus of the aggrieved woman?
- c. What time has the incident happened and whether it is within the working hours or extended working hours of aggrieved women?
- d. Whether the place of incident mentioned in the complaint is Workplace?
- e. Is the Respondent being an Internal Committee member?
- f. Is any witness of aggrieved woman being an Internal Committee member?

How to proceed if the answers to the above questions are yes or no?

Question	Yes is the Answer	No is the Answer
a. Whether the incident is Sexual Harassment?	Proceed to the next question	<ol style="list-style-type: none"> 1. Inform the aggrieved woman in writing and ask her to contact the HR/ Management for further action. 2. Inform HR/ Management
b. Whether the incident has happened with the consensus of the aggrieved woman?	Terminate the process of inquiry. Inform the aggrieved woman in writing. For further actions, she can contact HR / Management	Proceed to the next question
c. What time has the incident happened and whether it is within the working hours/ extended working hours of aggrieved women? If the aggrieved woman is not an employee, there is no need to check the timings.	If it is within the working hours/ extended working hours, continue to next question.	<ol style="list-style-type: none"> 1. If it is not within the working hours / extended working hours, terminate the inquiry. Inform the aggrieved woman to contact enforcement agencies. 2. Inform HR / Management

d. Whether the place of incident mentioned in the complaint is Workplace?	Proceed to the next question	1. If no, terminate the inquiry. Inform the aggrieved woman to contact enforcement agencies. 2. Inform HR / Management
e. Is the Respondent being an Internal Committee member?	Inform Management and a fresh nomination must be done immediately (in writing for the particular complaint only) to replace such Member	Proceed to the next question
f. Is any witness of aggrieved woman being an Internal Committee member?	Inform Management and a fresh nomination must be done immediately (in writing for the particular complaint only) to replace such Member (it may be the Presiding Officer and/or Member/s)	Proceed further

- IF THE COMPLAINT IS AGAINST NON-EMPLOYEE RESPONDENT, EMPLOYER NEEDS TO SUPPORT THE AGGRIEVED WOMAN TO FILE COMPLAINT BEFORE ENFORCING AGENCIES.
- IF BOTH AGGRIEVED WOMAN & RESPONDENT ARE NON-EMPLOYEES – WHERE THE INCIDENT HAPPENED IN THE EMPLOYERS' WORKPLACE - EMPLOYER NEEDS TO TAKE THE COMPLAINT TO THE ENFORCING AGENCIES.

7. If there is a need to terminate the process of inquiry due to the above, inform the same to the aggrieved woman in writing. Inform the HR and Management of the same. (HR only for the purpose of further action, if any, under HR Policy or Code on Ethics, etc)
8. If the complaint is in order after the above questions, share a copy to the Respondent Male and get acknowledgement. (within 7 days of receipt of complaint)
9. Ensure the respondent to give his reply by 10 days from date of receipt of copy of the complaint
10. Keep the Management informed (and not anyone else) of such complaint
11. Proceed to the next process – Conciliation or Inquiry..., upon receipt of reply from the Respondent.

Anandan S
Feature Writer, Skill Enhancer & Webinar Specialist