

Scope and process for Conciliation & Settlement under PoSH Inquiry

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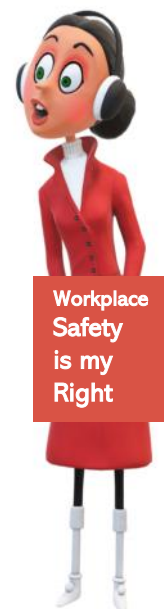
Conciliation can be regarded as a generic term for any non-adversarial dispute resolution process. As per the Section 10(3) of the Sexual Harassment of Women at workplace (Prohibition, Prevention and Redressal) Act, 2013, the Internal Committee or District Committee, before initiating an inquiry, may and at the request of the aggrieved woman, take steps to arrive at a settlement between the parties.

The Internal Committee shall consult with the aggrieved woman, upon receipt of the written complaint (if the same is in order & acceptable) and inform the option of Conciliation mechanism available, which can be chosen only by her. She may choose it if she doesn't want a lengthy process which will be stressful.

However, no monetary settlement can be made as the basis of such conciliation (Sec. 10(1) of the Act). Where such a settlement has been arrived at, the ICC or the LCC, record the settlement and forward the same to the employer or the District officer to take action as specified in the recommendation (Section 10(2) of the Act).

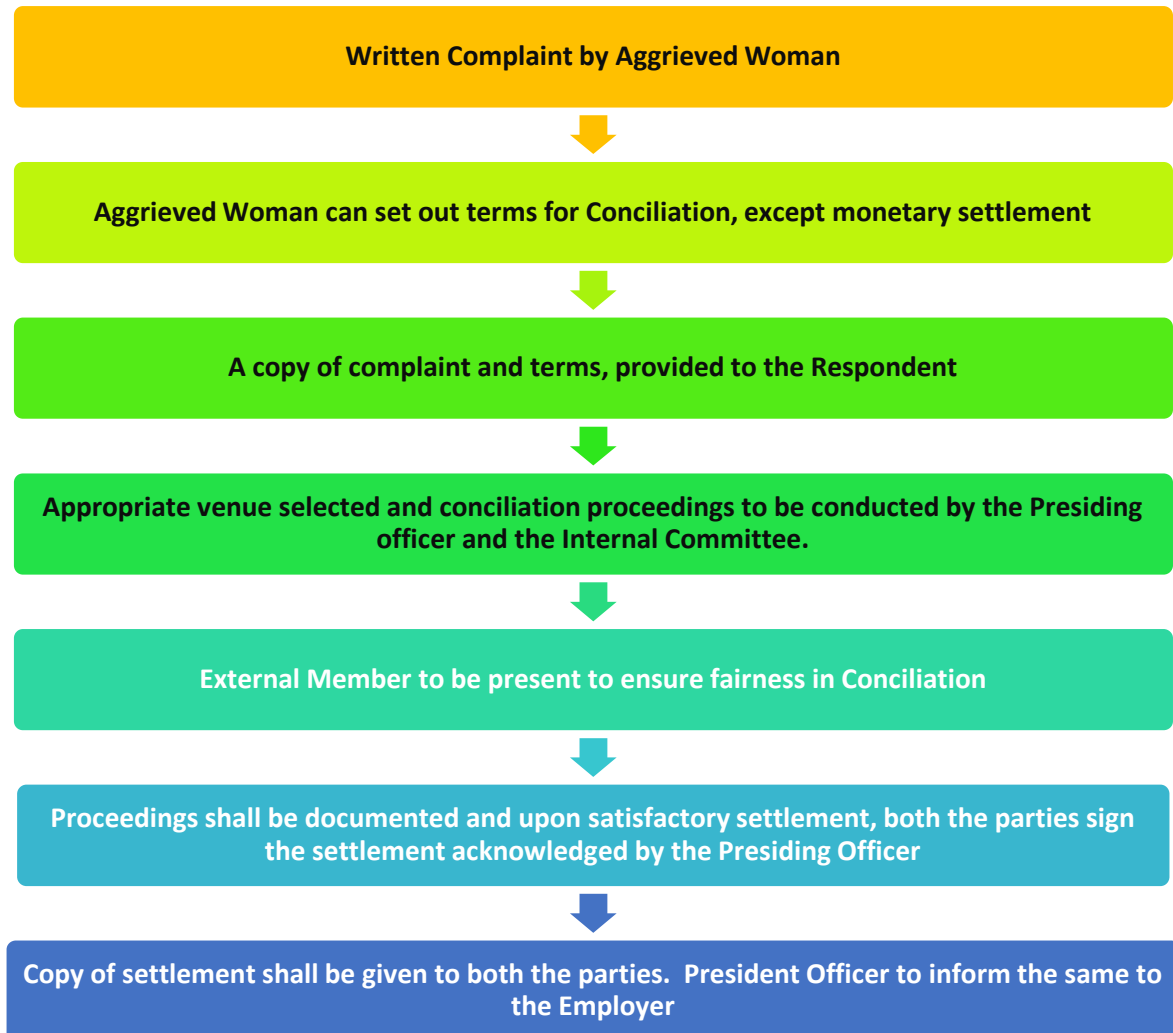
Procedure for Conciliation

1. Conciliation can be initiated upon request from the aggrieved woman and respondent cannot exercise this option
2. Internal Committee shall record the proceedings of such Conciliation and any settlement arrived during the process
3. Employer shall be informed of such settlement, which shall be duly acknowledged in writing by both aggrieved woman and the respondent
4. A copy of settlement agreed by both parties is shared to them, as per the Section 10(3)
5. Once a settlement is arrived, which is not a monetary settlement, both parties do not have right to appeal against
6. Internal committee will not proceed further to inquire in that specific case
7. Post Conciliation, in case of non-settlement of the complaint, Internal committee shall proceed to conduct the inquiry
8. The timeline of 90 days to complete the Inquiry includes Conciliation process
9. Hence the Internal Committee should be cautious in completing the Conciliation process at the earliest (possible, as there will not be any witness examination)



An aggrieved woman will agree for a settlement if there is an admission of guilt by the respondent followed by an oral or written apology.

Process



Similar to other information of (a) contents of the complaint (b) identity & address of the aggrieved women (d) respondent (e) witness (f) inquiry proceedings (g) recommendations of Internal Committee (h) action taken by the employer, the information related to Conciliation also shall not be published, communicated or made known to the public, press and media. However, information may be disseminated regarding the justice secured to the victim of sexual harassment without disclosing the name, address, identity or any other particulars. (as per Section 16 of the Act).

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