

Obligations of Employer – under PoSH Act....

Constitution of Internal Committee

Blog Series – 75 **September 8, 2020** **PoSH – Vol.38**

1. Check - Is my establishment's head count is less than 10?
 - a. If yes, any aggrieved women (for sexual harassment at your workplace) has to reach out to Local Committee
 - b. Display (in a conspicuous place) and disseminate (to employees) the details of Local Committee
2. Check - Is my establishment's head count is more than 10?
 - a. If yes, constitute Internal Committee
 - b. Display (in a conspicuous place) and disseminate (to employees) the details of Internal Committee
3. Check - Do I have branch office/s?
 - a. If no – nothing to be done
 - b. Yes, Internal committee is to be constituted separately or the committee formed at the Head/ Corporate office can be the Internal Committee for such branch office also
 - c. Display (in a conspicuous place of such branch office) and disseminate (to employees of such branch office) the details of Internal Committee
 - d. Suggestion – include atleast one local employee to facilitate enquiries
 - e. In case the branch office has less than 10 employee on the rolls, then Local committee details to be displayed and disseminated
4. Check - Do I have senior women, as an employee, who is familiar with issues?
 - a. Yes – she can be the Presiding Officer
 - b. No – Check whether someone (senior woman employee) from your group concern who can be made as Presiding officer
5. Check - Do I have a minimum of 50% women employees to represent Internal Committee

- a. Yes – form the committee and notify
 - b. No – check whether someone (women employees) from your group concern who can be members of your Internal Committee
- 6. My establishment is having head count more than 10 but no women employees, what shall I do?
 - a. In such case you cannot have Internal Committee, the complaints are to be made only to Local Committee
- 7. How to constitute Internal Committee, if mandated and there are employees, who can be made as Presiding Officer and Committee members?
 - a. The Management (usually through a Board Resolution), shall formulate, appoint members and notify in writing.
- 8. What is the tenure of Internal Committee members?
 - a. Three years from the date of appointment
- 9. What employer has to do when they wanted to change a Committee member?
 - a. The Management has the right to terminate a member and replace or nominate another in place of a member who resigns from the membership for any reason
- 10. What if the Presiding Officer is an Aggrieved women?
 - a. She cannot preside over / part of inquiry committee, for the particular inquest
 - b. Management has to nominate another person has Presiding Officer
- 11. What if the Committee member herself is an Aggrieved Women?
 - a. She cannot be part of inquiry committee for the particular inquest
 - b. If required, Management can appoint another person as committee member
- 12. What if the Committee member is an accused?
 - a. He cannot be part the inquiry committee for the particular inquest
 - b. If required, Management can appoint another person as committee member
- 13. What if any of the Committee member or Presiding Officer is a witness?
 - a. He (internal committee member) / She (in case of PO or internal committee member) cannot be part the inquiry committee for the particular inquest
 - b. If such witness is PO, then another person has to be appointed as PO for the particular inquest

- c. If such witness is IC member, if required, Management can appoint another person as committee member
- 14. What will happen to the enquiry if there is no quorum?
 - a. Committee has to postpone the inquiry for another date, which is convenient to all
- 15. What to do if the external member is not available for enquiry?
 - a. It is always better advised to have external committee member be available in all inquiries.
 - b. Else, if he/she is not able to attend, it may be postponed to another date, mutually convenient to all (or ask him/her to connect virtually, atleast)

In any case where the Employer, who is mandated but could not constitute an Internal Committee, the complaints are to be made only to the Local Committee.

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