

## Obligations of Employer – under PoSH Act.....

### Constitution of Internal Committee

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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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