

PROCEDURE TO BE FOLLOWED IN SEXUAL HARASSMENT CASES

1. PURPOSE

- 1.1 To establish that inappropriate behaviour of a sexual nature, and / or retaliation will not be tolerated at IPE and to set forth procedures for resolving such allegations.
- 1.2 To effectively implement the guidelines issued by the Hon'ble Supreme Court of India in *Vishaka v. State of Rajasthan* W.P. (Crl.) Nos. 666-70 of 1992, decided on 13.08.1997 and reported in (1997) 6 SCC 241 [**"Guidelines"**], and the Anti Sexual Harassment Policy of IPE [**"Policy"**].

2. CONSTITUTION OF THE ANTI SEXUAL HARASSMENT COMMITTEE

- 2.1 The Management shall constitute an Anti Sexual Harassment Committee [**"Committee"**] when a complaint of sexual harassment is received from any woman employee.
- 2.2 "Employee" for the purpose of the Policy and the present Procedure means any person on the rolls of IPE, including those on deputation, contract, temporary, part time or working as consultants, even though they may not be employees for any other purpose.
- 2.3 In keeping with the Guidelines, the Committee shall be formed in accordance with the following conditions:
 - (i) The Committee shall have three (3) members;
 - (ii) At least two (2) of such members shall be women;
 - (iii) At least one member of the Committee shall be from an non-governmental organization [**"NGO"**] that operates on a secular non-profit basis and is involved in work concerning gender justice;
 - (iv) The Committee shall be headed by one member [**"Chairperson"**]; who shall mandatorily be a woman.

3. ROLE OF THE COMMITTEE

- 3.1 The Committee shall decide whether the facts contained in the complaint make out a case of "sexual harassment" in light of the definition contained in the Policy.
- 3.2 The Committee shall look into the truth of the allegations contained in the complaint.
- 3.3 The Committee shall look into the truth of any allegation of retaliation against / victimization of the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered;
- 3.4 The Committee shall recommend the penalties / action to be taken against any person found guilty of having sexually harassed the complainant, up to and including termination, to the HR Department.
- 3.5 The Committee shall recommend the penalties / action to be taken against any person found guilty of having retaliated against / victimized the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered.
- 3.6 The Committee shall recommend appropriate psychological, emotional and physical support (counselling, security and other assistance) for the victim to the HR Department.

- 3.7 The Committee shall recommend the penalties / action to be taken against any person found guilty of having made false claims of having been sexually harassed, up to and including termination, to the HR Department.
- 3.8 The Committee shall monitor the follow-up action to be taken by the HR Department on receipt of the Report of the Committee.

4. POWERS OF THE COMMITTEE

- 4.1 The Committee shall have the power to summon witnesses and call for documents or any information from any employee.
- 4.2 If the Committee has reason to believe that an employee is capable of furnishing relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.
- 4.3 Where any relevant document or information is recorded or stored by means of a mechanical, electronic or other device, the Committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.
- 4.4 Upon production of documents / information called for by it, the Committee shall have the power to (i) make copies of such documents / information or extracts there from; or (ii) retain such documents / information for such period as may be deemed necessary for purposes of the proceedings before it.
- 4.5 The Committee shall have the power to issue interim directions to / with regard to any person participating in the proceedings before it.
- 4.6 The Committee shall have the power to recommend the action to be taken against any person found guilty of (a) sexually harassing the complainant; (b) retaliating against / victimizing the complainant or any other person before it; and (c) making false charges of sexual harassment against the accused person.

5. PROCEDURE TO BE FOLLOWED BEFORE THE COMMITTEE

- 5.1 The Management shall forward the written complaint to the Committee upon its formation.
- 5.2 The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of two (2) days from such direction or such other time period that the Committee may decide.
- 5.3 The Committee shall direct the accused employee(s) to prepare and submit a written response to the complaint / allegations within a period of four (4) days from such direction or such other time period as the Committee may decide.
- 5.4 Each party shall be provided with a copy of the written statement(s) submitted by the other.
- 5.5 The Committee shall conduct the proceedings in accordance with the principles of natural justice and in keeping with the Guidelines and the Policy. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the Committee shall continue *ex parte*.

- 5.6 The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original / true copy.
- 5.7 The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
- 5.8 The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
- 5.9 As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
- 5.10 Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
- 5.11 The Committee shall make all endeavour to complete its proceedings within a period of fifteen (15) days from its formation.
- 5.12 The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the HR Department, within a period of five (5) days from completion of the proceedings before it. In case the Committee finds that the facts disclose the commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.
- 5.13 If, in the course of the proceedings before it, the Committee is satisfied that *a prima facie* case of sexual harassment is made out against the accused employee(s) and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, direct the transfer of such employee(s) from their present position, or even their suspension, pending the inquiry. Such decision shall be binding on the parties and shall be immediately implemented by the HR Department.
- 5.14 If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against / victimized the complainant or any person assisting her as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the HR Department, with reasons and with recommendations of the action to be taken against such person.
- 5.15 If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the HR Department, with reasons and with recommendations of the action to be taken against such person.

6. MISCELLANEOUS

- 6.1 All proceedings, including the statements and other material adduced as evidence before the Committee shall be strictly confidential. The Committee shall take all steps to ensure that the parties before it and their representatives shall maintain strict confidentiality in all respects.
- 6.2 The decision of the Committee on any matter within its competence shall be considered final and no appeal / challenge to the same shall lie to any person / body in IPE.
- 6.3 The HR Department shall scrutinize the report and recommendations of the Committee and take appropriate action against the guilty person in accordance with the Guidelines, Policy, and gravity of the behaviour disclosed in the Committee's report.

- 6.4 In case the conduct disclosed in the Committee's report is of a nature that amounts to a criminal offence under the law of the land, appropriate action shall be initiated by the HR Department, for making a police complaint in respect of the same.
- 6.5 The HR Department shall scrutinize the report and recommendations of the Committee and take appropriate action to provide the victim with necessary psychological, emotional and physical support.
- 6.6 In case of sexual harassment of any woman employee by any person not employed by IPE, the HR Department shall take all steps necessary and reasonable to assist the affected woman employee in terms of providing her with psychological, emotional and physical support and enabling her to take recourse to the law.