

FUNCTIONS OF THE INTERNAL COMPLAINTS COMMITTEE (ICC)

The Committee

Members from the Institute

NO.	MEMBER	ELIGIBILITY
1.	Chairperson	Women working at senior level as employee; if not available then nominated from other office/units/department/workplace of the same employer
2.	2 members (minimum)	From amongst employees committed to the cause of women/having legal knowledge/experience in social work
3.	Member	From amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment

An ICC has to be set up at every administrative unit and office of the institute.

External members

External third party/ members on the Complaints Committee/s (from civil society or legal background) should possess the following attributes:

1. Demonstrated knowledge, skill and capacity in dealing with workplace sexual harassment issues/complaints;
2. At least 5 years of experience as a social worker, working towards women's empowerment and in particular, addressing workplace sexual harassment;
3. Sound grasp and practice of the legal aspects/implications. Especially with labour, service, civil or criminal law.

Local Complaints Committee (LCC)

- For institutes under state governments – District Officer
- For central government institutes – Women’s commission

When the complaint is to be filed against the employer, then the Local Complaints Committee should be approached

Duties and Responsibilities of the ICC

Duties of the ICC

Redressal of complaints filed	<ul style="list-style-type: none">• Within the scope of the laws• With fairness and without bias• Within the time period of 90 days
Awareness workshops/activities	To educate all employees of the institute about: <ul style="list-style-type: none">• Sexual harassment at workplace, its effects and laws against it• Filing a complaint with the ICC
Annual report	<ul style="list-style-type: none">• Summary of the actions of ICC and the employer for complaints filed• To be submitted by the employer to District Officer/Women's commission• To be uploaded on institute website

The employer can be penalized for neglecting/obstructing monitory processes by District Officer/ Women's Commission to ensure best practices.

Redressal: Key responsibilities

To effectively address workplace sexual harassment complaints, a Complaints Committees must first be aware of their key responsibilities, some of which are highlighted below:

1. Be thoroughly prepared
2. Know the Act, Policy and/or relevant Service Rules
3. Gather and record all relevant information, documents
4. Determine the main issues in the

Redressal: DOs

- Create an enabling meeting environment.
- Use body language that communicates complete attention to the parties.
- Treat the complainant with respect.
- Discard pre-determined ideas.
- Determine the harm.

Redressal: DONTs

- Get aggressive.
- Insist on a graphic description of the sexual harassment.
- Interrupt.
- Discuss the complaint in the presence of the complainant or the respondent.

Redressal: Non-negotiables during enquiry process

- Assure confidentiality,
- Assure non retaliation
- Recommend interim measures as needed (mainly for the complainant) to conduct a fair inquiry.

Redressal: Confidentiality

The Act prohibits the disclosure of:

- Contents of the complaint;
- Identity and address of complainant, respondent and witnesses; Information pertaining to conciliatory/inquiry proceedings or recommendations of the ICC/LCC;
- Action taken by the employer/DO.

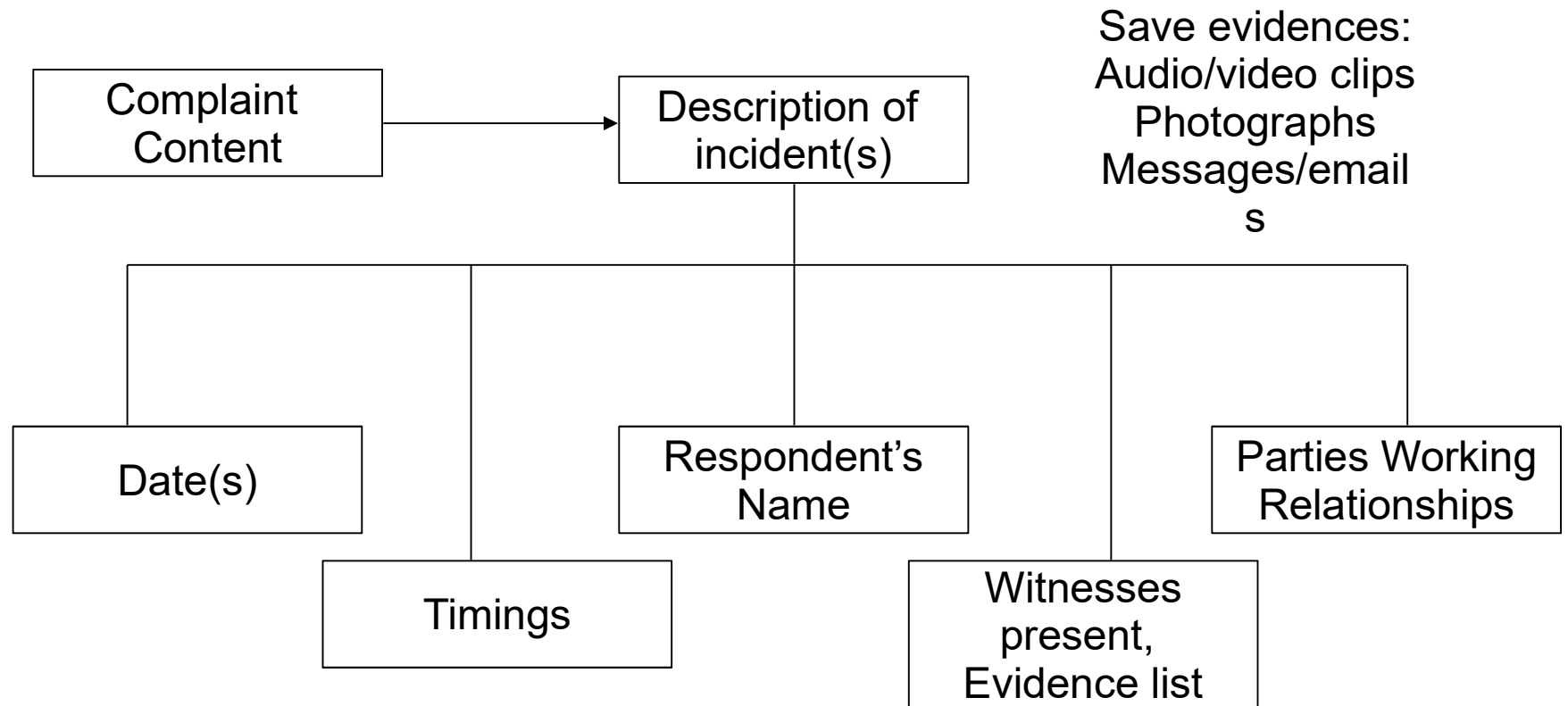
Consequences: As per the Service Rules or Rs.5,000/ to be collected by the employer.

Exception: Dissemination of information regarding the justice secured without disclosure of name, address, identity and particulars of complainant or witnesses.

Complainant

Physical incapacity	<ul style="list-style-type: none">• Complainant's relative• Complainant's friend• Co-worker• Any person with knowledge of the incident and written consent of the complainant
Mental incapacity	<ul style="list-style-type: none">• Complainant's relative• Complainant's friend• Special educator• Qualified psychiatrist/psychologist• Guardian/authority overseeing care of the complainant• Any person with knowledge of incident along with any person above
Death of complainant	Any person with knowledge of the incident with written consent from legal heir
Complainant cannot file a complaint for any other reason	Any person with knowledge of the incident with written consent from the complainant

Filing a Complaint



6 stages of Redressal

Stage 1	Receipt of the complaint	<ol style="list-style-type: none">1. Receive and acknowledge receipt of complaint2. Meet and talk to the complainant to discuss options of informal/formal resolution3. Start Informal/formal mechanism as chosen by complainant4. Inform the Respondent and ask for a response
Stage 2	Planning carefully	<ol style="list-style-type: none">1. Prepare the file2. Consideration: interim measures and support for the complainant
Stage 3	Interviews	<ol style="list-style-type: none">1. Prepare an interview plan: complainant, respondent, witnesses2. Assess completeness of the information collected
Stage 4	Reasoning and Analysis	<ol style="list-style-type: none">1. Analyse information gathered2. Create a timeline of events from the information3. Compare similarities/differences of statements from the interviewees
Stage 5	Findings and recommendations	<ol style="list-style-type: none">1. Conclude whether the complaint is upheld or not2. Recommendations according to your finding
Stage 6	Writing the report and submitting to employer for further action	<ol style="list-style-type: none">1. Write the report2. Submit the report to the employer

Rights of the Complainant

- A fearless environment created by the Internal Complaints Committee
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent
- Keeping her identity confidential throughout the process
- Support, in lodging FIR in case she chooses to lodge criminal proceedings
- In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent
- Right to appeal, in case, not satisfied with the recommendations/findings of the Complaints Committee

Rights of the Respondent

- A non-biased hearing
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant
- Keeping his identity confidential throughout the process
- Right to appeal in case not satisfied with the recommendations/findings of the Complaints Committee

Timeline for Action

Submission of Complaint to the ICC	Within 3 months of the last incident
Notice to the Respondent by the ICC	Within 7 days of receiving the complaint
Reply of the Respondent in writing (optional)	Within 10 days of receiving notice from ICC
Completion of Inquiry by ICC	Within 90 days of receiving complaint
Submission of report by ICC to the employer	Within 10 days of completion of inquiry
Implementation of Recommendations	Within 60 days of receipt of report from ICC
Appeal to tribunal/ court by complainant/respondent as the case may be	Within 90 days of the recommendations
Report of the ICC to the Appropriate Government/ District Officer	In the Annual Report of that year

Handbook

Section 1	<ul style="list-style-type: none">• Details the genesis and a brief description of the Act.• Describes the purpose of this handbook and who it is designed for.
Section 2	<ul style="list-style-type: none">• Defines a workplace and sexual harassment.• Provides examples of sexual harassment as well as scenarios• Provides examples of impact of such behaviour.
Section 3	<ul style="list-style-type: none">• focuses on the ICC/LCC• Function of District officer/Women's commission• Prohibition and prevention processes and the responsibilities of the ICC/LCC/DO/WC.
Section 4	<ul style="list-style-type: none">• Is about redress.• Details of the 6 stages of the complaint process.
Section 5	Describes the monitoring requirements as per the Act.
Section 6	International best practices on Sexual harassment at the Workplace

Useful references

- Link of Handbook on website
- Link of Act on website