

# Prevention of Sexual Harassment at the Work Place

- Complaint Committee to deal with the complaints of sexual harassment in the ERNET India.

## **Complaint Committee to deal with the complaints of Sexual Harassment**

**File No. EI-D/P&A/1-373/2014(Part) of ERNET India.**

Delhi: 110053 **Dated:** 09.05.2022

In supersession of ERNET India of even no. dated 11.01.2022. it has been decided to re-constitute the Complaint Committee to deal with the complaint of sexual harassment in the ERNET India. The composition of the Complaint Committee is given below.

1. Ms. Dimple Bammi, Manager (Internal) - Presiding Officer 2. Shri Anirudh Kumar, Manager (Internal) - Member 3. Ms. Anju Rakheja, Section Officer (Internal) - Member 4. Ms. Jasvinder KAUR, Private Secretary (Internal) - Member 5. Prof. (Dr.) Kavita Singh, FMS (External) - Member

2. This issue with the approval of competent authority of ERNET India.(Arun Kumar Singh) Registrar and Director P&A **Telephone Number** 011-22170598

To,

1. All Committee Members 2. ERNET India Staff

### **DO's**

- Do remember that women have the following fundamental rights under constitution :
  - -Right to Gender equality Right against discrimination on grounds of sex
  - -Right to practice any profession or to carry out any occupation, trade or business
  - -Right to Life and Liberty

They must be taken care of in work places.

Do remember that the Constitution of India requires the State to make provisions for securing just and humane conditions of work and for maternity relief. Provide for the same in the work places for the working women.

### **DON'Ts**

- Don't infringe the fundamental rights of women, as they are enforceable under Article 32 of the Constitution and hence, attract legal action.
- Don't crib special provisions made for women because they are made within the ambit of the Constitution of India.
- As per Section 66 of the Factories Act, no woman shall be required or allowed to work in any factory except between the hours of 6.00 A.M. and 7 P.M.
- Do not forget to show due courtesies towards female employees and colleagues.
- No employee should ever indulge in sexual harassment of a woman employee at the work place. If you do, you will be liable for disciplinary proceedings. For this : - Don't indulge in physical contact and advance directly or indirectly, towards woman employees. Otherwise, it would amount to sexual harassment.

### **DO's**

- Do remember that the constitution also makes it the duty of every citizen of India to renounce practices derogatory to the dignity of women. Guard against the same.
- Do always endeavor to create and sustain conducive environment for work.
- Do remember that all of us have a collective responsibility to protect our Human Rights and eradicate behavior, which is unacceptable and discriminatory.

- Women's rights are human rights.
- Ensure adequate personal security for employees specially women.
- Do take appropriate steps at the work place to prevent sexual harassment.

### **DON'Ts**

- Don't ever pass sexually colored remarks on woman employees.
- No employee should ever show or attempt to show directly or by implication pornography to any woman employee. It would amount to sexual harassment of a woman employee.
- Don't ever indulge in any unwelcome physical, verbal or non-verbal conduct of a sexual nature with any woman employee. Any such behaviour amounts to sexual harassment of a woman employee.
- Do not treat women employees as sex objects. Do not place women employees at disadvantageous position in connection with their employment.
- **Article 51A(e) of the Constitution imposes on every citizen by way of fundamental duty the responsibility to renounce practices derogatory to the dignity of women. The Honorable Supreme Court passed judgment in the case of Vishaka and Ors. Vs. State of Rajasthan & Ors., AIR 1997 SC 3012, wherein 'sexual harassment' has been defined as under:**

**"Sexual harassment includes such unwelcome sexually determined behaviour whether directly or by implication, as :/**

- Physical contact and advances;
- demand or request for sexual favors;
- sexually colored remarks;
- showing pornography;
- any other unwelcome physical, verbal or non-verbal conduct of a sexual nature."

### **DO's:**

- Do take all steps necessary and reasonable to assist the affected person in terms of support and preventive action where sexual harassment occurs as a result of an act or omission by any third party or outsider.
- The victims of sexual harassment should have the option either to seek transfer of the perpetrator or their own transfer.
- Do remember that sexual harassment of woman has been held as violation of her fundamental right by the Hon'ble Supreme Court \* 13 and hence, is justifiable (violation can be challenged in Courts).
- Sexual harassment is a disciplinary offence as per the Supreme Court. Hence, the rules/regulations and standing orders relating to conduct and discipline of the employees need to be amended for taking departmental , action in such cases.
- The Company has a 'Complaint Committee', to deal with cases of harassment of Women Employees with designated coordinators at branch offices. Anybody having a complaint can approach it.
  - Besides departmental action, for sexual harassment, the Disciplinary Authority must not miss to invoke criminal remedy under the Indian Penal Code:
    - -Assault or use of criminal force to a woman with intent to outrage her modesty is a cognizable offence under Section 354 with laid down punishment of imprisonment for 2 years or fine or both.
    - -Uttering any word or making any gesture intended to insult the modesty of a woman is a cognizable offence under Section 509 with punishment of simple imprisonment for 1 year or fine or both.

Don't make a baseless complaint of harassment. That will adversely affect the credibility of the complainant in particular and the dignity of women in general.

### **DON'Ts**

- Don't hesitate to pinpoint and suggest improvement wherever you find cumbersome procedures, which may provide opportunities for corruption and mal-practices.

- Don't forget that corruption corrodes the good image of your Organization. Eliminate the same.
- Don't show slacking towards any infringement of rules and regulations of the Company. Take immediate preventive or punitive action, as the situation demands.
- Don't forget that your vigilance can help the company to plug pilferage, wastage of resources, leakage and other unproductive activities, and thus, lead it to achieve its goals, in the process.
- Don't be too close to any particular employee or junior otherwise, your impartiality can be questioned.
- Don't hesitate to take firm action when cases of lack of integrity come to notice.
- Don't forget to submit your own Property Returns in time.

### **DO's**

- Always complete investigations with reasonable speed and in an objective manner in order to command confidence of the employees about the judicious working of the organization.
- Consider Vigilance Deptt. as a friend of the Organization and extend your whole-hearted cooperation.
- Remember that prevention is better than cure and prevention of corruption is better than the post-corruption hunt for the guilty. Therefore, for sensitizing the public about corruption, Chief Vigilance Commission desires all Organizations under its purview to display a standard notice board at the reception of the office, containing the following message in English and in the vernacular languages: "Do not pay bribes. If anybody of this office asks for bribe or if you have any information on corruption in this office or if you are a victim of corruption in this office, you can complain to the Head of this Department or the Chief Vigilance Officer and the Central Vigilance Commission (Name, complete address and telephone numbers have also to be mentioned against each).
- Remember, problems start where vigilance ends.

### **DON'Ts**

- Don't ever forget that all decisions should be in the interest of the organization and taken on bona fide reasons. Minor procedural irregularities can be overlooked, but arbitrariness should be avoided. But don't forget to record the reasons for procedural deviations.
- Don't miss to take note of any aspect of a subordinate's conduct, like style of living or lavish entertainment from persons with whom he has official dealings, which may give rise to suspicion with respect to his integrity.
- Don't pass ambiguous orders. They are the breeding grounds for irregularities.
- You should not dread the Vigilance Department. Truly speaking, Vigilance Department is a friend of all honest people.