

CSIR-CSIO's Micro POSH Toolkit

Sexual harassment results in violation of the fundamental rights of women to equality as per Article 14 and 15 and her right to live with dignity as mentioned under section 21 of the constitution ,the government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which came into effect from 9th December 2013 this act is an extension of Vishaka Guidelines issued by Supreme Court in 1997 further acts also reflects the commitment on the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Article 14, 15,19& 21 of the Constitution Preamble to the Constitution of India contains, “equality of status and opportunity” must be secured for all its citizens. sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business under article 19 with includes a right to a safe environment free from sexual harassment. Safe workplace is therefore a woman's legal right.

POSH ACT

Preamble, of POSH Act

“Whereas sexual harassment results in violation of the fundamental rights of a Woman to equality...”

A). What is Sexual Harassment?

- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** clearly defines sexual harassment as unwelcome acts or behaviour (whether directly or by implication) namely, physical contact and advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- The Act also provides the circumstances under which an act may amount to sexual harassment. These are:
 - (i) implied or explicit promise of preferential treatment in her employment; or
 - (ii) implied or explicit threat of detrimental treatment in her employment; or
 - (iii) implied or explicit threat about her present or future employment status; or
 - (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - (v) humiliating treatment likely to affect her health or safety.
- Physical contact with aggrieved women is not necessary for terming an act as sexual harassment. Any such act, action or communication that creates a hostile work

environment is Sexual harassment. Circulating inappropriate rumours, sharing lewd jokes or verbally abusing a female worker also amounts to sexual harassment.

- The Act has a clearly defined complaint mechanism to ensure time bound treatment of complaints. It should be noted that nowhere time limit for filing a report against the perpetrator is suggested, however early reporting of such incidences are encouraged as a matter of personal right and dignity.

B). Rights and Responsibilities of Employees:

1. Right to a Safe Workplace:

- Every employee has the fundamental right to work in an environment that is free from any form of sexual harassment.
- This includes freedom from unwelcome advances, comments, gestures, or any other behavior of a sexual nature that creates a hostile or uncomfortable work environment.

2. Right to Dignity and Respect:

- Employees have the right to be treated with dignity, respect, and professionalism by their colleagues, superiors, and subordinates.
- No one should be subjected to derogatory remarks, jokes, or comments of a sexual nature that undermine their dignity or create an intimidating or offensive atmosphere.

3. Right to Non-Discrimination:

- Employees have the right to be free from discrimination based on their gender, sexual orientation, gender identity, or any other protected characteristic.
- Discriminatory behavior, including sexual harassment, is not only unethical but also illegal under the law.

4. Responsibility to Respect Boundaries:

- It is the responsibility of every employee to respect the personal and professional boundaries of their colleagues.
- This includes refraining from engaging in any behavior that may be perceived as harassment, even if it's unintentional, and being mindful of how one's words and actions may impact others.

5. Responsibility to Communicate Clearly:

- Employees should communicate with their colleagues in a clear, respectful, and professional manner at all times.
- If unsure about whether certain behavior may be considered inappropriate or unwelcome, err on the side of caution and refrain from engaging in such behavior.

6. Responsibility to Report Incidents:

- Employees have a responsibility to report any incidents of sexual harassment they witness or experience, regardless of the identity or position of the perpetrator.
- Reporting incidents promptly helps ensure that appropriate action can be taken to address the issue and prevent further harm.

7. Responsibility to Support Colleagues:

- Employees should offer support and assistance to colleagues who have experienced sexual harassment, including providing emotional support, accompanying them to report the incident, and encouraging them to seek help.

8. Responsibility to Participate in Prevention Efforts:

- Employees should actively participate in training sessions, workshops, and awareness programs organized by the institution to prevent sexual harassment in the workplace.
- By staying informed about their rights and responsibilities, employees can contribute to creating a culture of respect, equality, and inclusion in the workplace.

9. Responsibility to Cooperate in Investigations:

- If requested, employees should cooperate fully with any investigations into allegations of sexual harassment, providing truthful and accurate information to the designated authorities.
- Cooperation is essential for ensuring a fair and thorough investigation process and holding perpetrators accountable for their actions.
- By upholding their rights and responsibilities, employees of CSIR-CSIO can play a vital role in preventing sexual harassment and fostering a safe, respectful, and inclusive workplace environment for all individuals.

C). Reporting Procedures for Employees: The reporting procedures for employees of CSIR-CSIO:

1. Recognizing Sexual Harassment:

- Understand that sexual harassment can take various forms, including unwelcome advances, comments, gestures, or physical contact of a sexual nature.
- Trust your instincts and recognize when behavior crosses the line into harassment, making you feel uncomfortable, intimidated, or offended.

2. Immediate Reporting:

- If you experience or witness sexual harassment, it's essential to report it promptly to ensure timely intervention and resolution.
- Approach your supervisor or any designated member of the ICC committee to lodge your complaint.

3. Confidential Handling:

- Rest assured that your complaint will be handled with strict confidentiality to protect your privacy and maintain your dignity throughout the process.
- Understand that only relevant individuals involved in the investigation (ICC members), will have access to information regarding your complaint.

4. Importance of Prompt Reporting:

- Understand the importance of reporting incidents of sexual harassment as soon as possible to prevent further harm and ensure a swift response from the ICC team.
- Delay in reporting may allow the harassment to continue or escalate, potentially affecting other employees as well.

5. Trust in the Investigation Process:

- Have confidence in the ICC team's ability to conduct a thorough and impartial investigation into your complaint.
- Understand that the ICC team is well equipped to handle such sensitive matters with utmost professionalism, fairness, and empathy towards all parties involved.

6. Supportive Environment:

- Know that you're not alone in dealing with the aftermath of sexual harassment. Seek support from trusted colleagues, friends, or family members during this challenging time.
- Utilize the counseling services or support groups offered by CSIR-CSIO to address any emotional or psychological distress you may be experiencing.

7. Follow-Up and Updates:

- Expect regular updates from the ICC team regarding the progress of the investigation and any actions taken in response to your complaint.
- Feel free to seek clarification or express any concerns you may have about the process or outcomes of the investigation.

8. Non-Retaliation Policy:

- Understand that CSIR-CSIO has a strict non-retaliation policy in place to protect employees who report incidents of sexual harassment from any form of reprisal or retaliation.
- Report any instances of retaliation or victimization to the ICC team immediately for appropriate action.

9. Trust in the System:

- Trust that CSIR-CSIO is committed to creating a safe, respectful, and inclusive workplace environment for all employees.
- Your courage in coming forward with your complaint contributes to the institution's efforts in preventing and addressing sexual harassment effectively.

D). Support and Redressal for Employees:

1. Institution's Commitment to Safety:

- Understand that CSIR-CSIO is dedicated to providing a workplace environment that is safe, respectful, and free from sexual harassment.
- The institution upholds a zero-tolerance policy towards any form of harassment and is committed to addressing complaints promptly and effectively.

2. Access to Support Services:

- Know that if you experience sexual harassment at CSIR-CSIO, you have the right to seek support and assistance from the ICC team.
- The ICC team is specifically selected to handle complaints of sexual harassment with sensitivity, empathy, and confidentiality.

3. Confidentiality and Privacy:

- Rest assured that your complaint will be treated with strict confidentiality to protect your privacy and ensure your comfort throughout the process.
- Only relevant individuals (ICC Team) involved in the investigation, will have access to information regarding your complaint.

4. Emotional Support:

- Seek emotional support from the ICC team if you're feeling distressed, anxious, or traumatized as a result of experiencing sexual harassment.
- The ICC team can provide guidance, counseling, and referrals to appropriate support services to address your emotional and psychological well-being.

5. Guidance through the Process:

- Receive guidance and support from the ICC team on the steps involved in reporting and addressing your complaint of sexual harassment.
- The ICC team will explain the investigation process, your rights, and the support services available to you to help you navigate through the situation.

6. Legal Assistance:

- Understand that you have the option to seek legal assistance and representation if you choose to pursue legal action against the perpetrator of sexual harassment.
- The ICC team can provide information and referrals to legal resources to help you understand your legal rights and options.

7. Protection from Retaliation:

- Know that CSIR-CSIO has a strict non-retaliation policy in place to protect employees who report incidents of sexual harassment from any form of reprisal or retaliation.
- Report any instances of retaliation or victimization to the ICC team or HR immediately for appropriate action.

8. Follow-Up and Resolution:

- Receive regular updates from the ICC team regarding the progress of the investigation into your complaint and any actions taken in response to it.
- Feel free to seek clarification or express any concerns you may have about the process or outcomes of the investigation.

9. Empowerment and Advocacy:

- Know that by coming forward with your complaint of sexual harassment, you are contributing to the institution's efforts in creating a safer and more respectful workplace environment for all employees.
- Your courage and advocacy play a crucial role in holding perpetrators accountable and preventing future incidents of sexual harassment.

By seeking support and redressal from the ICC team, employees of CSIR-CSIO can access the necessary assistance and resources to address incidents of sexual harassment effectively and ensure their well-being in the workplace.

E). Guidelines for Training and Awareness sessions on POSH Act by CSIR-CSIO ICC team:

1. Mandatory Attendance:

- Sensitization and awareness sessions on sexual harassment prevention are organized by the ICC of CSIR-CSIO periodically.

- It is mandatory for all employees to attend these sessions to stay informed about their rights and responsibilities under the POSH Act.

2. Importance of Participation:

- Recognize the importance of participating in training and awareness sessions to enhance your understanding of sexual harassment prevention and the role of the ICC.
- Your active involvement contributes to creating a culture of respect, equality, and inclusion in the workplace.

3. Topics Covered:

- Training sessions cover various topics, including the definition and types of sexual harassment, the legal framework of the POSH Act, the role and functions of the ICC, reporting procedures, and support services available.
- Stay engaged and attentive during the sessions to grasp the information effectively and apply it to your workplace interactions.

4. Rights and Policies:

- Learn about your rights as an employee under the POSH Act, including the right to a safe working environment free from sexual harassment.
- Familiarize yourself with CSIR-CSIO's procedures on sexual harassment prevention, reporting, and redressal.

5. Responsibilities as an Employee:

- Understand your responsibilities in preventing sexual harassment and supporting colleagues who may experience harassment.
- Respect the personal and professional boundaries of your colleagues and refrain from engaging in behavior that may be perceived as harassment.

6. Role of the ICC:

- Gain insight into the role and functions of the Internal Complaints Committee (ICC) in addressing complaints of sexual harassment.
- Learn how to approach the ICC to report incidents of sexual harassment and seek assistance in resolving workplace conflicts.

7. Reporting Procedures:

- Understand the step-by-step reporting procedures for incidents of sexual harassment, including whom to approach, how to document the complaint, and the confidentiality measures in place.

- Feel confident in reporting incidents promptly to ensure timely intervention and resolution.

8. Support Services:

- Be aware of the support services available to employees who experience sexual harassment, including counseling, legal assistance, and medical support.
- Encourage colleagues to seek help if needed and provide them with information about available resources.

9. Continuous Learning:

- Recognize that learning about sexual harassment prevention is an ongoing process.
- Stay updated on any changes to the POSH Act or CSIR-CSIO's policies and procedures through regular communication and follow-up sessions.

10. Feedback and Suggestions:

- Provide feedback and suggestions for improving the content and delivery of training and awareness sessions to make them more informative, engaging, and relevant to employees' needs.

By adhering to these guidelines and actively participating in training and awareness sessions, employees of CSIR-CSIO can contribute to creating a safer, more respectful, and inclusive workplace environment for all individuals.

F). Frequently Asked Questions (FAQs):In this section you may find answers to common questions about sexual harassment, reporting procedures, and support services.

Q1. What is Sexual Harassment at Workplace?

Ans. Sexual Harassment is any unwelcome act or behaviour (whether express or implied), such as: -

- Physical contact or advance
- A demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography
- Any other physical, verbal or non-verbal conduct of a sexual nature.

Sexual harassment at workplace can take various forms. It can involve conduct such as:

- unwelcome touching, hugging or kissing
 - staring or leering
 - suggestive comments or jokes

- unwanted or persistent requests to go out
- intrusive questions about another person's private life or body
- Deliberately brushing up against someone
- insults or taunts of a sexual nature
- sexually explicit pictures, posters, screen savers, emails, twitters, SMS or instant messages
- accessing sexually explicit internet sites
- inappropriate advances on social networking sites
- behaviour which would also be an offence under the criminal law, such as physical assault indecent exposure sexual assault, stalking or obscene communications.
- implied or explicit promise of preferential treatment in her employment; or
- implied or explicit threat of detrimental treatment in her employment; or
- implied or explicit threat about her present or future employment status; or interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- humiliating treatment likely to affect her health or safety.

Q2. What is 'hostile work environment' kind of sexual harassment at workplace?

Ans. Creation of a hostile, intimidating or an offensive work environment with the purpose of unreasonably interfering with woman's work performance or subjecting woman to humiliating treatment likely to affect her health and safety.

Q3. Who can complain about of sexual harassment at workplace?

Ans. Any a woman above 18 years of age can complain about of sexual harassment at workplace. Those who are under 18 years of age can lodge an FIR under the Protection of Children from Sexual Offences Act, 2012.

Q4. Does the act constituting sexual harassment have to exactly occur at work place?

Ans. No. The act does not necessarily have to occur at workplace only. It could occur in any of the following places:

- Social event organised by an employer,
- During work-related travel,
- At a client or customer's premises,

- At training events, business lunches or dinners, promotional campaigns or public relations events with clients, customers or prospective partners or
- During the course of work-related phone conversations or communications via electronic media.

Q5. What is Internal Complaints Committee (ICC)?

Ans. Every organization has to constitute an Internal Complaints Committee (ICC) having following members

- Chairperson – Women working at senior level in the organisation
- 2 Members (at least) – Amongst employees committed to women issues, have legal knowledge or experience in social work
- 1 External Member – familiar with issues relating to sexual harassment, or from a NGO or association committed to the cause of women.

If the organisation has workplaces located at different places or division or sub-division level, then ICC will be constituted at every workplace.

Q8. What if ICC is not constituted in the organisation?

Ans. Non constitution of Complaints Committee is punishable with a fine of Rs. 50,000/- and repeat offenders will be punished with cancellation/withdrawal of licence/registration required for carrying on business activities. Non-compliance attracts heavy fines under the Companies Act 2013, which could lead to imprisonment as well. The aggrieved can approach the court to complain about the same.

9. Who can make a complaint?

Ans.• Aggrieved Women Herself, or

- In case of physical incapacity-Her relative, Friend, Co-worker, Any person who has knowledge of incident with the written consent of complainant
- In case of mental incapacity-Her relative, Friend, Special educator, Qualified psychiatrist or psychologist, Guardian or authority under whose care she is receiving treatment or care,
- Any person who has knowledge of incident jointly with any person mentioned above
- In case woman is unable to file complain for any other reason, by any person who has knowledge of incident with her written consent
- In case of woman’s death by Any person who has knowledge of incident with the written consent of her legal heir
- Legal Heir

Q10. What is the action taken by the Complaints Committee, when a complaint is submitted to it?

Ans. The Complaints Committee (ICC) will conduct an inquiry into the complaint by calling all the concerned parties i.e., complainant, respondent [the person(s) against whom complaint is being made], witnesses etc. Later, on the basis of the testimonies of the concerned parties and evidences (documentary or otherwise) gathered, the Committee will frame its findings, which will be shared with the employer. If the Committee comes to the conclusion that the allegations against the respondent are genuine, it shall recommend action that needs to be taken by the employer against such person. However, if the Committee concludes after inquiry that no case is being made against the respondent, it shall recommend that no action to be taken against the respondent.

Q11 Can the complainant ask for some interim relief during the inquiry from ICC?

Ans. During the inquiry, at the written request of complainant, ICC can provide following interim reliefs to the complainant:

- Transfer the complainant or respondent to any other place
- Grant leave to the complainant for upto 3 months in addition to her entitled leave
- Restrain the respondent from reporting on the work performance/ writing confidential report of aggrieved
- Restrain the respondent from supervising academic activities of aggrieved

Q12. What kind of punishment could be awarded under the Act?

Ans. • As prescribed under the Service Rules

- In case service rules do not exist o Disciplinary action including written apology, reprimand, warning, censure
 - withholding of promotion/ pay raise/ increment
 - Termination of employment
 - Undergo counselling
 - Community service
- Deduction from salary for:
 - Mental Trauma, pain, suffering and emotional distress caused
 - Medical expenses incurred
 - The loss of career opportunity
 - The income and financial status of respondent
- If the amount is not paid it can be recovered as arrear of land revenue

Q13. Is the inquiry under the POSH Act has to be completed in a given time frame?

Ans. Yes, the POSH Act envisages a time bound inquiry which needs to adhere to following timelines:

Description	Timeframe
Submission of Complaint	Within 3 months of the last incident
Completion of Inquiry	Within 90 days
Submission of Report by ICC/LCC to employer/DO	Within 10 days of completion of the inquiry
Implementation of Recommendations by employer	Within 60 days
Appeal	Within 90 days of the recommendations

Q14. What about maintaining confidentiality of the cases related to sexual harassment at workplace?

Ans. The Act prohibits the disclosure of:

- Identity and address of complainant, respondent and witnesses
- Information pertaining to conciliatory/ inquiry proceedings or recommendation of ICC or action taken by the employer.

Breach of confidentiality will invite a penalty of Rs. 5,000/- which will 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.

Q15. Can someone register both FIR and lodge complaint with Complaints Committee at the same time? Ans. Yes, a woman if she chooses to do so may both file the FIR with the police and complaint with Complaints Committee simultaneously.

The contents of this document have been sourced from following –

1. Ministry of Women & Child Development website (<http://www.shebox.nic.in/user/faq>).Handbook issued by Ministry of Women & Child Development.
2. [https://en.wikipedia.org/wiki/Sexual_Harassment_of_Women_at_Workplace_\(Prevention,_Prohibition_and_Redressal\)_Act,_2013](https://en.wikipedia.org/wiki/Sexual_Harassment_of_Women_at_Workplace_(Prevention,_Prohibition_and_Redressal)_Act,_2013)
3. https://www.mondaq.com/india/employee-rights-labourrelations/876830/sexual-harassment-of-women-at-workplace-abrief-analysis-of-the-posh-act-2013#_ftn
4. https://en.wikipedia.org/wiki/Vishakha_and_others_v_State_of_Rajasthan
5. https://www.mca.gov.in/Ministry/pdf/companisAccountsRules_31072018.pdf

6. Booklet on POSH Act & SDG 5- Tools for Women Empowerment. The Publication Department on behalf of Women Members Empowerment Committee, The Institute of Chartered Accountants of India, ICAI Bhawan, Post Box No. 7100, Indraprastha Marg, New Delhi-110 00. wmech.icaai.org, www.icaai.org/wp

G. Contacts and Resources for Reporting Sexual Harassment:

Internal Complaints Committee (ICC):

- The ICC is responsible for receiving and addressing complaints of sexual harassment in the CSIR-CSIO.
- Contact the designated members of the ICC to report incidents of sexual harassment confidentially.
- For any POSH related queries or complaints, you may contact the CSIR-CSIO ICC posh cell on the Email id: iccposh.csio@csir.res.in
- ICC Committee members as mentioned below:

Sr. No	Name	ICC	Contact details/ email.id
1	Dr. Inderpreet Kaur	Presiding Officer	9780263525 inderpreet.csio@csir.res.in
2	<u>Dr. Sanjeev Soni</u>	Member	9417494641 ssoni@csio.res.in
3	Dr. Sanjeev Verma	Member	9888888822 sanjeev.verma.csio@csir.res.in
4	Dr. Neelam Kumari	Member	9216118231 neelam.csio@csir.res.in
5	Ms. Anita	Member	9530802386 anita@csir.res.in
6	Dr. Preetismita Borah	Member	7002937637 preetismita.csio@csir.res.in
7		External Member	
8		Advocate	

H. Compliance Acknowledgment:

Sign to acknowledge that you have received and understand the micro-POSH toolkit of CSIR-CSIO and your obligations under the POSH Act for the institute.

Signature

Name

Designation

Division

Date
