

# **GUIDELINES**

**(BASED ON THE ICAI POLICY ON SEXUAL HARASSMENT AT WORKPLACE)**

## **FOR THE EMPLOYER (ICAI)**

- In order to deal with the negative effect of sexual harassment on female employees, ICAI must adopt transparent and lucidly defined policy with relate to recruitment, promotion, leave, performance appraisal, etc. absence of the same may cause distress, humiliation, unfairness and discrimination among female employees.
- ICAI should ensure that the third party are made aware of the sexual harassment policy of the Institute while they are giving services to the Institute. Proper system of recording of visitors/ third party employees to be maintained.
- Post warnings which say `Respect the dignity of females' alike at conspicuous positions in service premises to remind customers and create an advanced corporate culture and harmonious work environment.
- Requirement of completion of sexual harassment training be made mandatory during induction, prior to joining.
- The female employees visiting or dealing with outside parties should be provided conducive atmosphere like providing office transport, etc.
- The ICAI must ensure appropriate security for the premises through guards, digital means (CCTV & Recording) at all entry and exit points and other places. It is also advised to maintain a record of visitors to the office premise.
- Separate hygienic washrooms for females in every floor must be ensured at all the office premises, specially where student activities are being undertaken.
- ICAI must identify the areas which may be threat to the safety of women e.g. storerooms, warehouse, backyard of buildings, terrace, roof, lift room etc. These places must be under strict vigilance and lock. The rooms which are not occupied must be locked.

- There must be proper lighting arrangements in the building specially in staircases, lobby, rooms, lift etc.
- Special consideration to be given to the differently abled, injured and pregnant women in the form of providing comfortable seating arrangements, time relaxation, providing rest hours to pregnant women, etc. Medical room to be provided for genuine sickness.
- Woman employees required to stay back late or attend office on holidays in case of work exigencies, should be provided conducive atmosphere in the office and outside office including transport facility.
- To promote gender equality proportionate representation of female employees in the negotiating team both from the Management side and Union/Association side should be there.
- To renounce practices derogatory to the dignity of women.
- Consuming alcohol or being in an inebriated state within office premises, whether during or beyond office hours must be strictly addressed and prohibited.
- Smoking by employees, visitors and third party must be strictly addressed and prohibited.
- Ensure maintaining utmost secrecy about all the aspects of the case.

## **FOR INTERNAL COMPLAINTS COMMITTEE**

- Meet with representatives of management and employees to determine scope, powers and responsibilities of the committee.
- Set up procedures and protocols for proceedings, i.e., quorum for meetings, documentation and reporting, and accessibility and storage of documents, keeping in mind need for confidentiality.
- Ensure that the outside member is an integral to the quorum. No quorum shall be complete without the presence of such member. This will ensure quorum even at short notice.
- Respond within 7 days of receiving the complaint. This will help to expedite the matter as well as reassure the complainant.

- Meet once a month regardless of whether or not there is a complaint. This will help the committee to design strategy, future plans and best methods of implementation. This will happen more easily, if committee members are familiar with each other and can work synergistically.
- The ICC and the Institute will maintain a just and fair stance with relate to complainant and respondent during the enquiry process.
- Use a cheerful, comfortable, airy room for meeting the complainant.
- Ensure that body language of ICC Member communicates complete attention to the complainant and accused.
- Treat the complainant with respect.
- Sexual harassment can be by a person of the opposite sex and/or the same sex. This is an important point that the committee would do well to remember at all times.
- All sexual crimes are committed in private, so there may not be eyewitnesses every time.
- Help the complainant regain her/his self-respect and dignity.
- Do not under any circumstances get aggressive and form perceptions.
- Do not insist on a detailed description of harassment. This could increase the complainant's trauma.
- 'Proof' beyond reasonable doubt' is not required, strong probability is sufficient.
- Do not allow for interruptions when talking to the complainant and/or accused.
- Do not try and determine the impact of the harassment on the complainant. Let the complainant determine it. Help the complainant, if necessary.
- Do not discuss the complaint among yourselves in the presence of the complainant or accused.
- Maintain utmost secrecy about all the aspects of the case.
- Discard pre-determined notions of how a victim or accused should look or behave.

## **FOR FEMALE**

- Female employee, student, visitor should not ignore sexual misbehavior as it may be seen as agreement or encouragement. Weak individuals are often targeted as victims. By acting and speaking in strong ways one can take themselves out of many situations where sexual harassment may occur.
- Female employees should convey their displeasure to any act leading them to embarrassment, unpleasant situation. They should communicate “No” clearly and firmly either verbally or in writing, if required. Note that objection by the victim is an important condition to constitute sexual harassment and that such statement will be an important evidence in litigation.
- Don’t ignore the situation. Harassers are usually aware that others are offended by their actions, but will continue if they feel they can get away with it.
- Be reasonable about how others will react – not always expect that all people will sympathize with you and support you.
- Normally there will be people in the organization who discourage you to take any action due to various reasons, belief and mindset but give yourself credit and learn to show “I can make some positive change”. In such cases, when you stand up for your own interest, you bring benefit for other employees.
- Take appropriate actions and strictly abide by the service and disciplinary rules of the Institute.
- Find a way to speak out – Tell the incident to someone immediately after it happens, to any person whom you consider will understand. It will bring both psychological comfort and support. This can be an evidence if you decide to file a complaint or lawsuit later on. You may even note down the incident or series of incidents. Document every incident in detail and keep all evidence – keeping details of date, time, location, description of incidence/series of incidence, persons present at the time of incident etc.

## **FOR MALE**

- All employees, students, visitors must not indulge in sexual harassment as prescribed under the Sexual Harassment (Prevention, Prohibition and Redressal) Act, 2013.

- Even though the motive is friendly, the other party may feel uncomfortable, because different people have different feelings for the same behavior. Male members must not assume that their behavior is acceptable to the other party.
- Before exercising the act amounting to sexual harassment, one should know that due to subordination and other relations that may bear an impact, the other party normally would not reject explicitly. Therefore, once it is known or communicated that your behavior is unwelcome to the other party, refrain yourself from such act, even if it is normal greeting words or gestures.
- Do not feel offended if you are asked to refrain from any act against a female.
- Do not misuse the electronic gazettes and social sites which are now a days a commonly used medium against sexual harassment.

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