

The Internal Complaints Committee

Section 4 of the Prevention and Prohibition of Sexual Harassment of Women at workplace Act provides for the constitution of an ICC or the Internal Complaints Committee. Any organisation that has 10 or more employees need to constitute a Committee to address the complaints related to Sexual harassment. Integrity and impartiality of the ICC is ensured by presence of an external person as a member of the ICC. The ICC shall have minimum 4 members out of which the head of the committee shall be a woman. 50% of the members nominated for ICC must be women.

In an organization, only an ICC has the power to investigate complaints of sexual harassment. They have been vested with the power of a civil court. They need to complete certain activities that are mandatory as per compliance. Here is a checklist to assist ICC to comply with the requirements.

Checklist for ICC

We have collated all the key activities that the ICC must carry out when they receive a sexual harassment complaint at the workplace:

- Receive complaints in the form and manner prescribed.
- Render assistance to the complainant if he/she is unable to make the complaint in writing.
- Any aggrieved person needs to file a complaint of sexual harassment within 3 months of the last incident. However, the period in which one can file the complaint can be extended by you for a further period of three months. Record in writing the reasons for granting such extensions.
- Upon receipt of the complaint, inform the complainant of his/her rights under the Act and Rules, without influencing her decision in any manner with respect to the complaint.
- Before initiating an inquiry into a complaint you may offer conciliation between the parties. If the complainant decides and requests conciliation you can settle the matter through conciliation. Please remember, in case of conciliation, that there can be no monetary settlement.
- When a settlement is arrived through conciliation, record the terms of settlement and provide the copy of the same to the employer, the complainant and the respondent.
- In case the complainant has not requested for conciliation –or- when the requested conciliation fails, you should proceed with a proper investigation into the complaint.
- You must ensure to record in writing all proceedings of the investigation.
- While conducting the investigation, you are vested with the powers equivalent to a civil court with respect to i) summoning and enforcing the attendance of any person and examining him/her on oath, ii) discovery and production of documents and iii) any other matter which may be prescribed.

- You must complete the inquiry within the stipulated 90 days from the receipt of the complaint.
- During the pendency of the inquiry, upon the request made by the complainant, you may recommend to the employer certain interim measures aimed at ensuring that the complainant does not have to face any inconvenience, hostility and reprisals at workplace in connection with the complaint. Such interim measures may include transfer, leave etc. as set out in section 12 of the act.
- You should provide a report of the findings within the stipulated time of 10 days from the completion of the investigation. The report needs to be sent to the employer and the relevant concerned parties.
- On conclusion that the allegation against the respondent is not proved, recommend to the employer that no action be taken against the respondent.
- On conclusion that the allegations against the respondent have been proved then recommend to the employer to act against the respondent pursuant to sections 13 and 15 of the Act.
- On conclusion that the complaint was a malicious complaint, then recommend to the employer to act against the complainant as per section 9 of the act.
- On conclusion that any witness has given false evidence, then recommend to the employer to act against such witness.
- Keep confidential all information and records including identity of complainant and respondent, details of the complaint, investigation by the ICC and actions taken by the employer during and after the conclusion of the investigation.
- At the end of the year (December) prepare and submit to the district commissioner and to the management an “Annual Report” which should include the details of the complaint and its findings along with all the other details as prescribed in rule 14 of the Act.