

## **Internal Committee**

Q: What is the purpose of an Internal Committee (IC) in the workplace?

A: The purpose of an Internal Committee (IC) in the workplace is to receive and investigate complaints related to sexual misconduct. It is responsible for handling cases of sexual harassment and initiating the resolution process for such complaints.

Q: Is it mandatory for organizations to have an IC?

A: Yes, it is mandatory for organizations with ten or more employees to have an Internal Committee (IC) in place to address and resolve issues related to sexual harassment at the workplace.

Q: Do start-ups need to comply with the Sexual Harassment Prevention Policy and establish an IC?

A: Yes, regardless of their size or establishment date, all organizations, including start-ups, are required to comply with the Sexual Harassment Prevention Policy and establish an IC.

Q: Is the constitution of an IC mandatory even if no cases of sexual harassment have been reported in the organization?

A: Yes, it is mandatory to constitute an IC even if no cases of sexual harassment have been reported. The requirement is based on the number of employees, not the occurrence of reported cases.

Q: Can an organization have more than one IC?

A: Yes, an organization can have more than one IC, especially if different ICs are established for different branches, locations, or business units.

Q: Does an all-male-member organization need to comply with the Sexual Harassment Act 2013?

A: Yes, even an all-male-member organization is required to comply with the guidelines of the Sexual Harassment Act 2013.

Q: Does an all-women-member organization need to comply with the Sexual Harassment Act 2013?

A: Yes, an all-women-member organization is also required to comply with the guidelines of the Sexual Harassment Act 2013.

Q: Who heads the IC constituted in workplaces?

A: The Chairperson heads the IC constituted in workplaces.

Q: How are the Chairperson and other members of the IC elected?

A: All the members, including the Chairperson, are nominated by the Employer or Head of the Company.

Q: Can a man be nominated as the IC Chairperson under certain circumstances?

A: No, only a woman can be nominated as the Chairperson of the IC. A man cannot, under any circumstance, become the IC Chairperson.

Q: How many members are there in the IC?

A: The IC is supposed to have at least four members, including the Chairperson, two members from the organization, and one person from outside the organization for an independent view.

## **Complaint Procedure**

Q: Can anybody else file the complaint of sexual harassment on my behalf?

A: Yes, if you are unable to file a complaint due to the incident, any other person can file the complaint on your behalf only with your written consent.

Q: Can I orally file a complaint of sexual harassment before the IC?

A: No, a sexual harassment complaint has to be made in writing to the IC.

Q: Can I file a sexual harassment complaint any time after the incident?

A: No, the sexual harassment complaint has to be filed within three months of the incident. In case of a recurring incident, within three months of the occurrence of the most recent incident.

Q: Do I have any recourse if I fail to file the complaint within the given time period as per the Sexual Harassment Prevention Policy?

A: Yes, if you provide a valid reason for the delay in filing the complaint, the IC can extend it by 3 months.

Q: If I have to work with/encounter the Respondent regularly in the workplace, can I ask the IC for any immediate relief(s)?

A: During the pendency of the resolution process, on a written request of the Complainant, the IC may transfer the Respondent to another team or to another location where the organization is operational. The Complainant can also be granted an additional leave up to a period of three months.

Q: What happens after the completion of the resolution process by the IC?

A: After the completion of an investigation by the IC, the final report is sent to the employer/management within ten (10) days. If the charges of sexual harassment are proved against the Respondent, the employer may be suggested to take action for sexual harassment in accordance with the Sexual Harassment Prevention Policy rules applicable to the Respondent.

Q: Is there a time frame for the recommendations given by the IC in sexual harassment complaints to be acted upon?

A: Yes, there is a time frame of sixty (60) days given to an IC to act upon the sexual harassment complaints, and failure to do so will be considered a violation of the law.

Q: Can I file an anonymous complaint before the IC?

A: No, anonymous complaints cannot be filed as per the Sexual Harassment Prevention Policy.

## **General**

Q: When can I raise a complaint?

A: You can raise a complaint whenever you feel ready to do so. There is a timeline of up to 180 days (3 months) to address the complaint by the IC. Even if that timeline has passed, you are encouraged to speak to your HR team for resolution.

Q: Can I raise a complaint if I am not a woman?

A: Yes, you can. Each individual is a crucial part of the organization, and their concerns are important regardless of gender.

Q: What is an official complaint?

A: An official complaint is a detailed, self-approved, written complaint. It is a prerequisite before starting any formal resolution process.

Q: Is it compulsory to raise an official complaint?

A: Not necessarily. You may discuss your concerns verbally or in the Cubicle. However, for a sexual harassment complaint, the Internal Committee and HR may require an official complaint.

Q: Who will be involved in the resolution process once I have raised a complaint?

A: It depends on the nature of the complaint. For sexual harassment covered under the Sexual Harassment Prevention Policy, the Internal Committee with at least three members will be involved. General complaints related to misconduct will be handled by the HR team.

Q: What will be the process once I have filed a complaint?

A: After filing a complaint, you will receive a confirmation email with details of further steps. The IC team will also receive an email and proceed with the necessary actions.

Q: Can I submit the complaint in writing anonymously?

A: A sexual harassment complaint submitted anonymously cannot be addressed due to legal constraints. HR may use discretion for other forms of misconduct.

Q: Will my identity be revealed if I file a complaint?

A: Yes, your identity will be known to ensure a fair process for both parties involved.

Q: Who are the members of the team which will look into the complaint raised by me?

A: If it is the Internal Committee (for sexual misconduct), members are nominated from within the organization, including one external member from outside the organization. Details can be accessed from HR.

## **FAQ on complaint**

Q: What is the minimum time duration required to resolve a case?

A: A sexual misconduct investigation by the IC should not extend beyond a 90-day period.

Q: How can I be assured of a fair resolution?

A: IC members have been trained with legal, procedural, and behavioral elements to ensure they follow due process and conduct their investigation fairly. If you feel bias at any point, you may write to the management sharing your concerns.

Q: If I file a complaint, will I be able to work during that period?

A: Yes, absolutely.

Q: If I file a complaint, will I be paid for during that period?

A: Yes, absolutely. Filing a complaint will not affect your job or salary, and there will be no retaliatory outcomes.

Q: Are there any legal fees involved if I raise a complaint?

A: No, there is no need for you to get any legal guidance or counsel for this process.

Q: Will I have to change my team after filing a complaint about my senior?

A: Change of teams is dependent on the decision of the Committee's investigation. Please do not worry about this.

Q: I don't have any evidence or witnesses- how should I file a complaint?

A: Do not worry about the lack of evidence or witnesses. Bring your concerns as they are, and the process will guide you.

Q: I have a complaint against my CEO- what should I do?

A: Bring it to the attention of HR/Internal Committee. A sexual misconduct complaint against the CEO will be handled the same way as for any other authority in the company.

Q: Can I approach my manager/senior for any resolution?

A: Yes, you can approach your manager or senior. However, for sexual misconduct, it is recommended to approach HR/Internal Committee for a more authoritative and legally authorized resolution.

Q: Can I not raise the complaint to HR?

A: You can and should go and speak to HR directly. However, for sexual misconduct, approaching the Internal Committee is recommended for a shorter and more straightforward resolution.

Q: Who are the members of the team which will look into the complaint raised by me?

A: If it is the Internal Committee (for sexual misconduct), these are nominated members from within the organization with one external member from outside the organization. Details can be accessed from HR.

## **Cubicle**

Q: I'm not comfortable talking to someone unknown, I want to talk to a woman member.

A: Please leave a message on the cubicle for the same. We will arrange for this. If you are comfortable with having your identity known, please leave your contact information, and we will call/email you to schedule a proper meeting.

Q: How can I talk to someone immediately?

A: Please leave a message on the cubicle for the same. We will arrange for this. If you are comfortable with having your identity known, please leave your contact information, and we will call/email you to schedule a proper meeting.

Q: Will my identity be revealed if I ask questions here in the cubicle?

A: No. Cubicle conversations are absolutely anonymous. Go ahead and ask any question you wish to.

## **Sexual Harassment Prevention Policy**

Q: Who is an 'employee', as defined by the Sexual Harassment Prevention Policy?

A: Any individual employed at the organization, whether working voluntarily or with terms of employment expressed or implied. This includes collaborators, freelancers, contract workers, trainees, interns, or called by any other such name.

Q: What is the 'workplace' as defined by the Sexual Harassment Prevention Policy?

A: The term workplace includes the actual office space, work-related trips, calls, messages, chats, official out-of-office events, client/third party meetings, or any place or circumstance where the professional relationship subsists.

Q: Who is an 'aggrieved employee' according to the Sexual Harassment Prevention Policy?

A: Any employee who experiences sexual harassment at a workplace comes under the ambit of an 'aggrieved employee'.

Q: Does an individual have to be an employee of the workplace where they suffer sexual harassment to enable them to file a complaint of sexual harassment against the perpetrator?

A: No. Any individual who wants to file a complaint of sexual harassment need not be an employee of the workplace. Even if they are visiting a company for a short duration for some official engagement and sexual advances are made towards them by an employee of the visiting company, they have the right to file a complaint.

Q: Is an employee working on a temporary, voluntary, or contractual basis covered under the Sexual Harassment Prevention Policy?

A: Yes. Any individual working at a workplace regardless of the position and tenure, i.e., permanent, temporary, voluntary, or working through third-party agencies, is deemed to be an employee of the organization under its Sexual Harassment Prevention Policy.

Q: Are remote teams covered under the Sexual Harassment Prevention Policy?

A: Yes. Even when an organization has remote teams, it is required to have a Sexual Harassment Prevention Policy for its employees.

Q: Can an incident of sexual harassment that has happened in a remote interaction (e.g., Zoom call) be covered under the Sexual Harassment Prevention Policy?

A: Yes. Any incident deemed to be an incident of sexual harassment that occurs in a virtual workplace is covered under the Sexual Harassment Prevention Policy.

Q: Can a person who has witnessed/has knowledge of an incident of sexual harassment at the workplace file a complaint on behalf of the survivor/complainant?

A: Yes. If the Complainant is not able to file a complaint, a person who has knowledge of the incident can file a complaint of sexual harassment on their behalf only with their written consent. The complaint can be filed through the complaint submission procedure on Conduct. Please include details on why the complaint is being filed by a third person and upload the written consent of the Complainant while submitting the complaint.

Q: Does transport and commute come under the purview of 'workplace' as defined in the Act?

A: Yes. If the transport is provided by the employer.