

ANNEXURE

PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (herein after called as the "Act) has come into force and same has been published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 23rd April 2013 as Act No. 14 of 2013. (Herein after called as Act)

The Act casts a responsibility on every employer to create an environment which is free from sexual harassment. As such, all the branches/ offices-in-charge are requested to ensure that appropriate work conditions are provided in respect of work, leisure, health and hygiene and to further ensure that there is no hostile environment towards women at work places and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment. It shall also be the duty of the branches/offices-in-charge to prevent or deter the commission of acts of sexual harassment at the work place.

It shall be the duty of branches/ offices-in-charge to prominently display the relevant circular, copy of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and information about constitution of Internal Committee etc., at the Branch spreading awareness about the issue of "prevention of sexual harassment at workplace"

Section 2 (n) of the said Act defines Sexual Harassment as follows: "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- i. physical contact and advances; or
- ii. a demand or request for sexual favours; or
- iii. making sexually coloured remarks; or
- iv. showing pornography; or
- v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature:

Section 3 of the said Act provides that-No woman shall be subjected to sexual harassment at any workplace. As per the Act the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -

- 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.

For the purpose of the Act unless the context otherwise requires "aggrieved woman" means in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent. The term "respondent" means a person against whom the aggrieved woman has made a complaint.

The term "employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

Section 4 of the Act stipulates that Every Employer of a workplace shall, by an order in writing constitute a Committee to be known as the "Internal Complaints Committee" as per the norms prescribed therein and the Internal Complaints Committee shall inquire into the complaint. To ensure compliance of the provisions of the Act, the following broad guidelines are given:-

<p>INTERNAL COMPLAINTS COMMITTEE</p>	<ol style="list-style-type: none"> 1. The Circle Heads shall constitute the Internal Complaints Committee at their Circle level in accordance with the provisions of the Act. The full details of the constitution of the committee shall be furnished to every branch/ office coming under the respective circles for being displayed on the notice board of the branch/ office for the information of all customers/ public/ employees. 2. The following shall be nominated to such Internal Complaints Committee:- <ol style="list-style-type: none"> a. A Presiding Officer who shall be a woman employee at a senior level in the Circle from amongst the employees, preferably a Lady Executive, in any case not below the rank of Senior Manager - Scale III. b. Two members from amongst the employees preferably committed to the cause of women or have experience in social work/legal knowledge. c. A third party member (from NGO etc). d. While nominating the members to the committee, it shall be ensured that such persons are unbiased and minimum 50% of members are women. e. The presiding Officer and every Member of the Internal Committee shall hold office for a period not exceeding 3 years from the date of their nomination. If for any reasons, a new person is to be nominated/ substituted to the Committee the Circle Head shall ensure that such new person has the required eligibility as mentioned above. f. The member appointed from amongst the non-governmental organisations or association shall be paid honorarium (fees or allowance) of ` 2500/- on disposal of each complaint/case. g. Where the Presiding Officer or any Member of the Internal Committee:-
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	<ul style="list-style-type: none"> i. contravenes the provisions of section 16 of Act i.e. Prohibition of Publication/ making known the contents of complaint/ inquiry; or ii. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or iii. he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or iv. has so abused his position as to render his continuance in office prejudicial to the public interest, <p>-such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of Section 4 of the Act.</p>
<p>HOW TO HANDLE COMPLAINTS</p>	<p>3. A complaint of sexual harassment can be filed within a time limit of 3 months. This may be extended to another 3 months by the Internal Complaints Committee if the Committee is satisfied about the circumstances which prevented the aggrieved women from filing the complaint within the stipulated period.</p> <p>Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaints Committee as the case may be, shall render all reasonable assistance to the aggrieved woman for making the complaint in writing.</p> <p>Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.</p> <p>4. An aggrieved woman may submit the complaint addressing the same to Presiding Officer, Internal Complaints Committee.</p> <p>5. The complaint so received shall be entered into a register to be maintained by the Internal Complaints Committee.</p> <p>6. The Internal Complaints Committee shall acknowledge the complaint so received immediately, and initiate the further process by issuing notice, in any case within 6 working days of receipt of such complaint.</p> <p>7. The Internal Complaints Committee at the request of the aggrieved woman takes steps to settle the matter between the aggrieved woman and the respondent through conciliation.</p>

	<p>However, no monetary settlement shall be made a basis of conciliation. Where a settlement has been arrived at, the Internal Committee shall record the settlement so arrived duly signed by both the parties and provide the copy of settlement to the parties. Further, the same shall be forwarded to the Circle Head to take action as specified in the recommendation. Where a settlement is arrived at, no further inquiry shall be conducted by the Internal Committee. However, if any of the condition of the settlement is not complied with by the respondent, the complainant can go back to the Committee who will proceed to make an inquiry.</p>
<p>INQUIRY/ FINDINGS/ FURTHER ACTION</p>	<ol style="list-style-type: none"> 8. The Internal Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent. (i.e. Canara Bank Officer Employees' (Disciplinary & Appeal) Regulations, 1976, in case of officers and Canara Bank Service Code in case of workmen) following the procedure prescribed for conducting departmental enquiry into the misconduct. 9. If the respondent is not an employee of our Bank, and if prima facie case exist, forward the complaint to the police, immediately for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable, in consultation with Legal Section of concerned Circle Office. Necessary assistance may be extended to the aggrieved women if she chooses to file police complaint. 10. The Internal Complaints Committee is required to complete the inquiry within a time period of 90 days. The parties shall during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee. 11. For the purpose of conducting enquiry the "Internal Committee" has been given the powers of, summoning and enforcing the attendance of any person and examining him on oath; requiring the discovery and production of documents. The Circles shall provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry and shall also assist in securing the attendance of respondent and witnesses before the Internal Committee. Further, it shall make available such information to the Internal Committee as it may require having regard to the complaint. 12. On completion of the inquiry, the Internal Complaints Committee shall forward the report to the Circle Head within

10 days, with a copy to complainant & respondent.

13. Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the concerned Circle Head that no action is required to be taken in the matter.
14. In case the complaint has been found proved then the Committee shall recommend :
 - a) To concerned Disciplinary Authority to take action in accordance with the provision of Canara Bank Officer Employees' (Discipline & Appeal) Regulations, 1976 / Canara Bank Service Code as applicable to the respondent as the case may be.
 - b) To the concerned Circle Head to deduct an appropriate sum from the salary of the respondent or direct the respondent to pay such sum to the aggrieved women in terms of Section 13 (3) (ii) of the Act.
15. For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Committee, shall have regard to:
 - a. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
 - b. The loss in the career opportunity due to the incident of sexual harassment;
 - c. Medical expenses incurred by the victim for physical or psychiatric treatment;
 - d. The income and financial status of the respondent;
 - e. Feasibility of such payment in lump sum or in installments.
16. The Disciplinary Authority/ Circle Head shall take action within 60 days of receipt of the report.
17. Where the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman making the complaint has made the complaint knowing it to be false or the aggrieved woman making the complaint has produced any forged or misleading document, it may recommend to the concerned Disciplinary Authority if such woman is our employee, to take action against such woman in accordance with the provisions of the service rules applicable to her. However, mere inability to prove the case will not attract penalty under this provision.

Provided further that, the malicious intent on part of the complainant shall be established after an inquiry in accordance

	<p>with the procedure prescribed, before any action is recommended.</p> <p>Where the Internal Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the concerned Disciplinary Authority in case such witness is our employee / employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness.</p>
<p>INTERIM RELIEF</p>	<p>18. During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Complaints Committee, if so satisfied, may recommend to the concerned Circle Head to-</p> <ul style="list-style-type: none"> a) Transfer the aggrieved woman or the respondent to any other workplace; or b) Grant leave to the aggrieved woman up to a period of three months; or c) Grant such other relief to the aggrieved woman as may be prescribed. <p>The leave granted to the aggrieved woman under this provision shall be in addition to the leave she would be otherwise entitled.</p> <p>On the recommendations of the Internal Committee, the Circle Head shall implement the above recommendations and send the report of such implementation to the Internal Committee.</p>
<p>NON DISCLOSURE OF INFORMATION.</p>	<p>19. The contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.</p> <p>Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.</p> <p>20. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the Act, contravenes the above provision (section 16 of the Act), he shall be liable for</p>

	penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.
DISPLAYING ON NOTICE BOARD	21. The Circles shall ensure that branches/ offices under its jurisdiction display a copy the Circular, Act, information about constitution of Internal Committee, details of members of committee with their contact details etc., on their notice board. In case, for any reason the Committee is re constituted, it shall be communicated to all the Branches/Offices by way of Sectional Circular & a copy of such Sectional Circular shall also be displayed on the Notice Board of the Branches/Offices.
REPORTING	22. All Internal Complaints Committees shall submit Annual reports to the concerned District Officer and copy to Chief General Manager or in his absence, General Manager, HR Wing, Head Office through Circle Head. 23. The Quarterly Statement now being submitted shall continue.
OTHER INFORMATIONS	24. Any clarifications received from Government of India in the matter will be issued from time to time.