

GUIDE FOR SURVIVOR/COMPLAINANT/ALLEGED RESPONDENT

Dear Survivor/Complainant or the Alleged Respondent,

In light of the case before the IC, we have prepared, a small checklist for your kind perusal. The checklist, acts as a guide, and helps you understand the procedure the IC will take up to summon, people, and evidence in the case, to come to a decision. The IC, can pass interim orders for your protection/benefit, and the final order deciding the fate of the case.

As per the Prevention, Prohibition, and Redressal of Sexual Harassment of Women at Workplace (PoSH) Act of 2013, the time line for the complaint is as follows-

TIMELINE AS PER THE PoSH ACT-

Sr. No.	Process	Timeline
1.	Submission of Complain	03 months from the last incident (can be extended until 03 more months) Subject to proper & adequate reasons for delay are justified with supporting's.
2.	Notice to the respondent	Within 07 days of receiving the complain
3.	Response from the respondent	Within 10 days of receipt of complain
3.	Completion of inquiry	Within 90 days
4.	Submission of Report	Within 10 days from the completion of the inquiry to the Employer
5.	Implementation of recommendation	Within 60 days from the order of the Committee
6.	Appeal	Within 90 days of the recommendation to the Employer can be at the appropriate court/tribunal.

Lastly, we recommend that both the victim, and the respondent avoid any communication between them. This is to avoid any escalation, and prevent harassment/backlash. Hence, its best if all interaction without the presence of the IC is avoided.

It is also vital that you understand the rights and obligation of the IC. Kindly, look into the below-mentioned points for your kind perusal-

RESPONSIBILITY OF IC/WHAT TO EXPECT FROM THE IC-

1. Provide assistance- Educate the complainant, respondent, on the timeline & procedure to be followed.
2. Prevent backlash
3. Fair, unbiased and just hearing
4. Examine, and cross examine all parties as may be necessary and required.
5. In case of Conciliation or informal redressal process-
The condition of conciliation
Can be explored **only if the complainant wishes** to explore such cases and make recommendation to the IC.
Thereafter, the IC will appoint a neutral person by seeking a nomination from the victim, and the alleged respondent, who, in turn will appoint a conciliator, between both the parties. Hence, the conciliator, will be decided at the relevant point

CONCILIATORS DUTY

- a. Resolve the complaint.
- b. Recommend- Counseling, educating, orienting, warning, the respondent to stop the unwelcoming behavior.
- c. On a successful conciliation records the resolution.
- d. Forward resolution to IC

We have also mentioned the redressal process, so that you understand how the hearing procedure will be.

REDRESSAL PROCESS by AGGRIEVED PARTIES

1. Written Complain to the Internal Committee
2. File 06 copies of the complaint (can take e-mails, e-copy as well)
3. Ideally, within 03 months from the incident (additional 03 months subject to proper & adequate reasons for delay are justified with supporting documents/reasons).
4. A fair hearing before the Committee.
Summon ensure attendance of all parties
Demand production of documents for the purpose of the hearing
Interview both parties, together (if ready for conciliation), individually if not willing for conciliation
5. Pending the inquiry- on a written request the complainant can seek temporary relief measures

Interim Measures-

Transfer

Suspension

Grant Leave

Refraining from reporting to the accused on matters of work, and work performance

6. Place the recommendations of the Committee to the employer

Verbal or written warning
Suspension
Termination
Compensation

Lastly, as a word of caution, we sincerely hope that the

IN CASE OF FRIVOLOUS COMPLAINTS

False or malicious case or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry/disciplinary action can be taken against such complainant. In case of no service rules, the statute provides that disciplinary action such as:

Verbal or written warning
Suspension
Termination may be taken.

Further, it clarifies that the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious.

I hope this brief documents, will help you ascertain your rights and obligations under the Act.

Regards,
Chairperson,
IC,
CADILA PHARMACEUTICALS LIMITED