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भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

No. 30 - 1 /2020 – SCT - SG

Dated: 21 /12/2020

To,

All Heads of Circles / Administrative Units of BSNL/GM (Admn) Corporate Office

Subject: Sexual Harassment of Women at Workplace Act, 2013 - Display of Mandatory Notice at a conspicuous place in the workplace about the penal consequences and the constitution of the Internal Committee – reg.

Sexual Harassment of Women at Workplace Act, 2013 provides for some mandatory obligations on the employers, inter alia, to display prescribed notice at a conspicuous place at workplace.

The relevant provision of the Act is:

"Section 19 – DUTIES OF EMPLOYER:

Every employer shall –

(b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4."

2. Recently, on examination of the cases received from field units reveals that even though the Act is in force since 2013, the awareness regarding consequences of Sexual Harassment and its redressal mechanism is limited.

3. The Internal Complaints Committee is a vital body under the law. It is the first redressal body under the Act. It is important for potential victims, which may be not only the employees of the Organization, but also those who are external visitors, to be aware of the existence of an Internal Complaint Committee (ICC) in the Organization and the penal consequences of the undesirable acts.

Hence, it is requested to kindly ensure display of the notice (as enclosed) at conspicuous place in your Circles / SSAs /Corporate Office about the penal consequences and the constitution of the Internal Committee of Sexual Harassment and to spread the awareness of SH Act 2013 among the employees.

Encl : (as above)

Ranvi Jini
21/12/20
Deputy General Manager (SCT)
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1) Intranet Portal, BSNL, Corporate Office

NOTICE

[Under Section 19(b) of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & the Rules, 2013. The Act and Rules are available at the website of the Ministry of Women and Child Development (wcd.nic.in) under Legislation/Acts.]

Procedure of filling a Complaint and manner of Inquiry:

1. Complaint should be made by an aggrieved woman in writing (as per Rule-7(1)) to "Internal Committee" (IC) members within a period of 3 months of the incident or last of the incident(s).
2. In case where woman is unable to make a complaint on the account of her physical or mental incapacity or death or otherwise, her legal heir or such other person may make a complaint. (refer Sec.-9(2)).
3. The IC shall send a copy of complaint to respondent within 7 working days (as specified in Rule-7(2)) & he shall submit the reply + supporting documents within 10 working days. (as per Rule-7(3))
4. Conciliation -The IC may, before initiating an inquiry and at the request of the aggrieved woman, take steps to settle the matter between both parties through conciliation. (as per Sec.- 10).
5. IC shall proceed enquiry into the complaint on the failure of the conciliation between the parties.
6. IC shall complete the inquiry (refer rule-7) within 90 days (refer Sec.-11) & submit its recommendations within 10 days from the date of the completion of inquiry to the employer. Further, employer shall take action as per IC recommendations within 60 days of receipt of inquiry report. (refer Sec.-13)

SEXUAL HARASSMENT AT WORKPLACE IS ILLEGAL

Sexual harassment is a misconduct under BSNL CONDUCT, DISCIPLINE AND APPEAL RULES 2006 and in proven cases penal action will be taken as per the Service Rules.

1. **Penalty for Sexual Harassment:** IC arrives at the conclusion that the allegation against the respondent has been proved. It shall recommend to the employer to take following actions as stipulated in Sec.-13:
 - a. Action as per BSNL CONDUCT, DISCIPLINE AND APPEAL RULES 2006
 - b. Deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the complainant or to her legal heirs. IC shall determine compensation with regard to Sec.-15:
2. **Penalty for publication or making known contents of complaint and enquiry proceedings (refer Sec-16):** Any information relating to conciliation and enquiry proceeding; recommendations of the IC; and the action taken by the employer under the provisions of this Act, shall not be published, communicated or made know to the public, press and media in any manner. Where any person entrusted with the duty to handle the contents of complaint; the identity and addresses of the aggrieved women, respondent and witnesses; contravenes the provisions of Sec.-16, he shall be liable for action under Service Rules (Sec-17) and the employer shall recover a sum of Rs.5000/- from defaulter. (refer rule-12)
3. **Penalty for false or malicious complaint and false evidence by complainant or any other person:** Penalty for false evidence and forged or misleading documents by witness(s): sec.-14 & rule-10 Where the IC arrives at a conclusion, after the enquiry that: • the allegation against the respondent is malicious; or • the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false; or • the aggrieved woman or any other person making the complaint has produced any forged or misleading document; or • any witness has given false evidence or produced any forged or misleading document it may recommend to take action as per Service Rules.
4. **Penalty for non-compliance with provisions of Act:** Where the employer fails to –
 - a. Constitute an IC under Sec.- 4 (1);
 - b. Act upon recommendation of IC (Sec.-13);
 - c. Take action in case of false or malicious complaint and false evidence (Sec.-14);
 - d. Include cases of sexual harassment in annual report (Sec.-22);
 - e. Contravenes or attempts to contravene or abets contravention of other provisions of this Act or any rules made thereunder, he shall be punishable with fine which may extend to Rs.50,000/-.
 - f. If any employer subsequently commit and is convicted of the same offence, he shall be liable for cancellation of his license or registration.

INTERNAL COMMITTEE for Corporate Office or Circles or SSAs _____ BSNL

Constituted w.e.f.		for 3 years under section 4(2) & 19(b) of The Sexual Harassment of Women at Workplace Act & the Rules, 2013		
	Name	Designation	Contact	Email Id
1
2
3
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HELP PREVENT SEXUAL HARASSMENT AT WORKPLACE !

SCT CELL BSNL CORPORATE OFFICE NEW DELHI