

IMMEDIATE

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT
9TH LEVEL, A-WING, DELHI SECTT. . JP ESTATE, NEW DELHI

F. No. - 234(69)/H&FW/2013/Misc./7253-7264

Dated 20-12-2013

To

All Directors/Medical Supdts.,
Hospitals of Govt. of NCT of Delhi
(including autonomus societies under H&FW Deptt., GNCTD)

SUB: GUIDELINES FOR PROTECTION OF WOMEN AGAINST SEXUAL HARASSMENT AT WORK PLACE.

Sir,

With the coming into force on 9th Dec 2013 of the Sexual Harassment to Women at Workplace(Prevention, Prohibition and Redressal)Act, 2013(14 of 2013) and the Sexual Harassment of Women at Work Place(Prevention, Prohibition and Redressal)Rules, 2013, it is now incumbent upon the Heads of Departments/Organisations/Office to constitute Internal Complaints Committee in accordance with the provisions of the aforesaid Act and Rules, so that a grievance redressal mechanism is put in place in order to enquire into the complaints of sexual harassment at workplace.

2. It may please be noted that failure to do so invites a penalty of Rupees fifty thousand on such authorities in terms of the section 26(1) of the Act.

3. In view of above stated position, all Directors/Medical Superintendents of the hospitals/Institutions/Directorate under the Health & Family Welfare Department, even if having such grievance redressal committee already existing in their organisations, are required to constitute or reconstitute Internal Complaint Committee for their offices/organisations to bring it in strict conformity with the provisions contained in section 4(1) of this Act.

4. In this regard the HODs are advised to access the aforesaid Act and Rules at the website of the Ministry of Women and Child Development, GOI. However, for the purpose of providing guidance in this matter, based on the aforesaid Act and Rules, following salient points are provided briefly hereunder :-

4.1 Internal Complaints Committee

It will have minimum four members:-

- a Presiding Officer who shall be a woman of senior level in the organisation.
- not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- one member from amongst non-governmental organizations (NGO) or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- Provided further that at least one-half of the total members so nominated shall be women.

- While nominating Presiding Officers or any members, care should be taken that he/she has not been found guilty in any disciplinary proceedings or any disciplinary proceeding is not pending or has not been convicted for an offence or any inquiry into the offence is not pending against him/her under any law.
- HODs of Directorates, Director/Medical Superintendents of the Hospitals are competent to constitute the committee.

4.2 All the Directors/Medical Superintendents shall display at any conspicuous place in the premises, for example on Notice Board, the order constituting the Internal Complaints Committee and the penal consequences of sexual harassments.

4.3 Complaint Handling:- Any aggrieved woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by an employee(i.e. respondent) can file to the Presiding officer of the Internal Complaints Committee along with six copies of the complaint along with supporting documents and the name & addresses of the witnesses.

- On receipt of the complaint, the Complaints Committee shall send one of the copies received from aggrieved woman to the respondent within a period of seven working days.
- The respondent shall file his reply to the complaint along with the list of documents, and names & addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents
- The Internal Complaints Committee may, before initiating an inquiry and at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation
- Where a settlement is arrived, no further inquiry shall be conducted by the Internal Complaints Committee who shall record the settlement so arrived and shall forward the same to the Director/Medical Superintendent of the hospital and shall also provide the copy of settlement to the aggrieved woman and respondent.

4.4 Inquiry:- If settlement is not arrived then the Internal Complaints Committee shall make the inquiry into the complaint in accordance with the principles of natural justice.

- The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaint Committee.
- In conducting the inquiry, a minimum of three members of the Complaints Committee including the Presiding Officer shall be present.
- When the Complaints Committee arrives at conclusion that the allegation against the respondent has been proved, it shall submit its report to the HOD/Director/Medical Superintendent with its recommendations to take action as per the provisions of the section 13 of the Act. Subsequent action will be taken by the Department as per the Service Rules and in accordance with the said Act.

- For frivolous and malicious complaint, the Internal Complaint Committee can similarly submit its report with recommendation to take action against the complainant as per the provisions of the Act.

5. All the Directors/Medical Superintendents of the hospitals are hereby requested to strictly follow the directions given in Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013) and rules thereunder, while dealing with the complaints of sexual harassment in the hospitals. The matter may please be accorded priority.

Yours faithfully

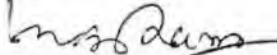

(S B SHASHANK)

SPECIAL SECRETARY (HEALTH)

F. No. - 234(69)/H&FW/2013/Misc./7253-7264 Dated 20-12-2013

Copy to:

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| 1. Director of Health Services, Dean(MAMC), Director, Family Welfare | } For necessary
action as per
above |
| 2. Commissioner, Food Safety | |
| 3. Drugs Controller, Karkardooma | |
| 4. Mission Director, Delhi State Health Mission | |
| 5. Secretary, Delhi Commission for Women, C Block, Vikas Bhawan | |
| 6. Director, Department of Women & Child Development. | |
| 7. All Spl. Secretaries in Health &FW Deptt. | |
| 8. OSD to Chief Secretary, 5 th Floor, Delhi Sectt., New Delhi | |
| 9. PA to Secretary, H&FW Department, 9 th Level, Delhi Sectt., New Delhi. | |


(S B SHASHANK)

SPECIAL SECRETARY (HEALTH)