

DAYANAND MEDICAL COLLEGE & HOSPITAL MANAGING SOCIETY
CIVIL LINES, LUDHIANA – 141001 (PUNJAB) INDIA



POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE

“No women shall be subjected to sexual harassment at any workplace.”
Section 3(1) of the Sexual Harassment of Women at Workplace
(Prevention, Prohibition and Redressal) Act, 2013

INTERNAL COMPLAINTS COMMITTEE (ICC) OF DMC & HOSPITAL, LUDHIANA

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PURPOSE

DMC & Hospital intends to provide and promote a safe work place for all the women working/studying in this Institution. This policy is framed to meet the requirements of the enactment ‘The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (“Act”) and to extend the applicability of the provision of the Act to all employees/students of DMC & Hospital, Ludhiana.

OBJECTIVES

The aim of this policy is to promote a social, physical and psychological environment through the following objectives.

- To create awareness among all the employees and students regarding sexual harassment at workplace.
- To prohibit the unwelcome behavior that constitutes workplace sexual harassment or acts amounting to sexual harassment of any employee/student.
- To ensure that all individuals are treated with equal respect and no discriminatory treatment is meted out to anyone on grounds of gender alone.
- To provide unbiased yet empathetic redress process.

CONSTITUTION OF ICC

- The Internal Complaints Committee(ICC) was constituted as per SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 at DMC & Hospital, Ludhiana and last updated in Nov 2022.

WHO ARE ALL PROTECTED UNDER THIS ACT?

- All women working (co-worker, a contract worker, probationer, trainee, apprentice and student or called by any other such name)in DMC & Hospital including any other women visiting in DMC & Hospital, Ludhiana are protected under this policy.
- This also includes all women whether engaged directly or through an agent including a contractor, with or without the knowledge of the principal employer.
- They may be working for remuneration, on a voluntary basis or otherwise.

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WHAT IS A WORKPLACE?

A workplace is defined as “ any place visited by the employee /student of DMC & Hospital, Ludhiana arising out of or during the course of her employment, including transportation provided by DMC & Hospital, Ludhiana for undertaking such a journey.”

WHAT IS SEXUAL HARASSMENT?

Sexual Harassment includes any one or more of the following, unwelcome acts or behavior (whether directly or by implication) namely:

1. Physical contact and advances or
2. A demand or request for sexual favours or
3. Making sexually coloured remarks or
4. Showing pornography or
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

KEY ELEMENTS OF WORKPLACE SEXUAL HARASSMENT

Key points to remember being:

- The **workplace sexual harassment is sexual, unwelcome.**
- The experience is **subjective.**
- It is the **impact** and not the intent that matters.
- It almost always occurs in a matrix of **power.**

It is possible that a woman may experience a single instance of sexual harassment or a series of incidents over a period of time. Each case is unique and will be examined in its own context and according to the surrounding circumstances.

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WHO CAN MAKE COMPLAINT?

- Any aggrieved woman
- In case aggrieved woman is unable to make complaint on account of her physical incapacity, a complaint may be filed by
 - Her relative or friend or
 - Her co-worker or
 - An officer of the National/State Commission for Women or
 - Any person who has the knowledge of the incident, with the written consent of the aggrieved woman
- In case aggrieved woman is unable to make complaint on account of her mental incapacity, a complaint may also be filed by
 - Her relative or friend or
 - A special educator or
 - A qualified psychiatrist or psychologist or
 - Any other person who has knowledge of the incident jointly with her relatives or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care.
- In case the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
- In case the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with written consent of her legal heir.

WHAT SHOULD THE COMPLAINT CONTAIN?

- The written complaint should contain a description of each incident(s).
- It should include relevant dates, timings and locations, name of the respondent(s), and the working relationship between the parties.
- The complaint should not be anonymous.
- The complaint should be in a sealed cover.

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WHEN CAN THE COMPLAINANT COMPLAIN?

The complaint to the Internal Complaint Committee (ICC) needs to be submitted within 03 months of the last incident of alleged act of sexual harassment.

The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

WHERE CAN THE COMPLAINANT COMPLAIN?

- To Head of the Institution/Department/ Dean/ Medical Supdt.
- Complainant can directly make a complaint in writing to Chairperson or any other members of Internal Complaint Committee (ICC) at their respective office during working hours.
- Complainant can also lodge a complaint on official e mail id of ICC icc@dmch.edu or individual E mail id of Chairperson or any other member of ICC.
- Complainant can put her complaint in the complaint boxes placed at various locations in DMC & H, Ludhiana mentioned below:
 - Box No. 1 - OPD Block, DMC & Hospital
 - Box No. 2 - Near Mortuary, DMC & Hospital
 - Box No. 3 - Near Service Block, DMC & Hospital
 - Box No. 4 - 1st Floor (Near Canteen), DMC & Hospital
 - Box No. 5 - 2nd Floor (Near Canteen) , DMC & Hospital
 - Box No. 6 - 3rd Floor (Near Canteen) , DMC & Hospital
 - Box No. 7 - Reception Area of AOI, Cancer Centre
 - Box No. 8 - College of Nursing, Malakpur
 - Box No. 9 - College Campus, DMC & Hospital
 - Box No.10 - HDHI (Basement Stairs)
 - Box No.11 - HDHI (Ist Floor Stairs)
 - Box No.12 - HDHI (Near Female Changing Room)
- Sources receiving complaint other than ICC need to immediately forward the complaint in a sealed cover to ICC for further action.

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WHAT CAN EMPLOYEE/STUDENT EXPECT?

Right of the Complainant

- A time bound fearless and empathetic process.
- To get a copy of the statement along with all the evidences and a list of witness submitted by the respondent.
- Information and person confidentiality.
- In case of fear of intimidation from the respondent, recording of complainant statement in absence of the respondent.
- Assurance of non-retaliation.
- Counselling or other enabling support where needed.
- Assistance if the complainant opts for criminal proceedings.
- Right to appeal.

Right of the Respondent

- A patient hearing to present his case in a non biased manner.
- To get the copy of complaint, statements along with all the evidences and a list of witnesses and documents submitted by the complainant.
- Keeping his identity confidential throughout the process.
- Right to appeal, in case not satisfied with the recommendations/findings of the Internal Complaint Committee.

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PROCEDURE OF INQUIRY

Conciliation in compliance of section 10 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

- The ICC may, before initiating an inquiry at the request of the aggrieved woman, take steps to settle the matter between complainant and respondent through conciliation.
- No monetary settlement shall be made as a basis of conciliation.
- The settlement terms shall be recorded in writing and forwarded to the Management. Copies of the same shall be provided to the complainant and the respondent.
- Where a settlement has been arrived at, no further inquiry shall be conducted by the ICC.

Inquiry

- In case, conciliation is not possible, ICC shall make inquiry into the complaint in accordance with the provisions of the Service Rules. The ICC shall complete the inquiry within a period of 90 days.
- The ICC shall follow the principles of natural justice during its proceedings.
- Complete confidentiality shall be maintained.
- On receiving of a complaint, ICC will issue the notice to the respondent within 07 days.
- A copy of the complaint as received by the ICC shall be supplied to the respondent as well as the complainant.
- The respondent shall submit his response to the complaint as well as to indicate whether the respondent wishes the ICC to examine any witnesses or furnish any evidence.
- The complainant shall also indicate in writing whether the complainant wishes the ICC to examine any witnesses or furnish any additional evidence.
- Upon receipt of the responses from the respondent and the complainant, the ICC shall conduct a hearing, where both the complainant and the respondent shall be heard in person.
- ICC shall be empowered to call upon such of the employees who may have been witness to the incident(s) of sexual harassment and/or connected in any manner thereto.
- All employees shall extend their fullest co-operation to ICC.
- On completion of inquiry, ICC shall submit a report of its findings to employer for further necessary action within 10 days after completion of the inquiry, with its recommendation.

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- If the respondent is found guilty by ICC, the employer shall take appropriate action against the respondent within 60 days on receipt of the inquiry report as per the recommendations of the ICC.
- In case false and malicious complaint and false evidence, ICC may recommend to the employer to take action against the woman or person who has made complaint, in accordance with the provisions of the Service Rules.
- Any person aggrieved from the recommendations made by the ICC may prefer an appeal within 90 days of the recommendations as per the Service Rules of the DMC & Hospital, Ludhiana, to Principal/Medical Supdt./Dean.