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SCHOOL & MASS EDUCATION DEPARTMENT

RESOLUTION

The 15th January, 2015

Sub: Guidelines for protection of women employees working under the administrative control of S & M E Department against sexual harassment at workplaces and redressal of complaints.

The Sexual Harassment of women at workplace (Prevention, Prohibition & Redressal) Act and Rules, 2013 ensure the procedure to protect women against sexual harassment at all work places. It also ensures security at the workplace for improving women's participation in work, resulting in their economic empowerment and inclusive growth.

In S&ME Department letter No.29143/SME., Dated the 19th December, 2013, directions have been issued to constitute the Local Complaint Committee (LCC) and Internal Complaint Committee (ICC) for better understanding and to facilitate immediate local action on Sexual Harassment of women at work place. Large number of women employees are working under the administrative control of S&ME Department and providing conducive working environment is the responsibility of the employer.

In this regard Government is pleased to stipulate guidelines/ instructions to enable the District Authorities to take instant corrective measures to avoid any untoward occurrence in the matter of harassment of women at workplaces. After careful consideration, Government have decided to formulate the following guidelines to ensure safety and conducive environment for the women employees at their workplaces.

1. To ensure safety and conducive environment for the women employees in the Department, DEOs/DPCs will take prompt action in case of the complaint relating to sexual

harassment. After receipt of complaint, preliminary inquiry is to be conducted within 3 days and report to be submitted to the respective Collector and Controlling authority. A copy of the report is to be sent to the Grievance Redressal Officer, S&ME through e-mail-grcellsme@gmail.com, Ph: 0674-2391262 for monitoring information of State Level Officers. There shall be internal mechanism with time limits for follow up action which will facilitate the change of working place of the victim or the employee.

2. Based on the preliminary inquiry report, Collector will decide to refer the matter to Local Complaint Committee (LCC) for necessary recommendations. LCC shall provide its confidential report **within 30 days**. After due enquiry, Collector will take a decision **within 15 days** of receipt of recommendations. **The statutory provisions of Prevention of sexual harassment to women in workplace are to be followed strictly for disposal of the complaints.** It is also to be noted that while posting of the lady employees including teachers due weightage shall be given and posting should be done in accessible workplace as far as possible.

3. Based on the preliminary report if there is an established threat to the safety of women employee, their workplace can be changed within the district. If the Collector feels that the change of District is very much necessary, then the report is to be sent to the Government in School & Mass Education Department based on the record of LCC. Order for change of workplace of the employees from one district to another shall be issued within 15 days of receipt of the report from the Collector. However, this should be done in exceptional cases with due diligence.

4. If preliminary report is found inconclusive, then Collector can wait for the report of the LCC recommendation and accordingly take necessary steps.

5. Collector is authorized to consider based on the enquiry report of LCC. In case of emergency with a speaking order she /he can take the decision on the change of working place. Sikshya Sahayak is a district cadre post. However, to have more sensitive approach change of working place can be considered within the district without any administrative dislocation. Relating to the change of working place Collector can also be authorized to consider the mutual transfer cases of SS within the district if there are no impediments on administrative grounds. The category of C.T. & B.Ed. to be maintained as per RTE norms while shifting the SSs.

6. Sexual harassment of women at workplace (Prevention, Prohibition & redressal) Act, 2013 provides Protection against sexual harassment of women at workplace; Prevention and Redressal of complaints of sexual harassment. While the Act is meant to protect and redress the complaints of the aggrieved woman, it is important to know that the

respondent is also legally bound to obey the provisions of the Act. Respondent means a person against whom the aggrieved woman has made a complaint (Section 2 m). Upon receipt of the complaint, the Internal Complaints Committee (ICC) or Local Complaints Committee (LCC) must proceed to make an inquiry in accordance with the service rules applicable to the respondent or in accordance with rules framed under the Act (Section 11(1) of the Act). The ICC or the LCC may forward the complaint to the Police also. During the pendency of the inquiry of the ICC or LCC, on a written request by the aggrieved woman, the ICC or LCC can recommend the following to the employer (Section 12(1) of the Act). Transfer the aggrieved woman or the respondent to any other workplace.

7. To avoid any exploitation of superior-subordinate relationship by the unscrupulous element, the protocol mentioned in the guidelines of prevention of sexual harassment in working place as mentioned in the above act is to be meticulously followed.

8. For better understanding and to facilitate local actions, the booklet prepared by Women & Child Development Department on Frequently Asked Questions relating to the above mentioned Act and Rules are to be discussed during the review meetings and monthly meeting and to be disseminated in all the offices/Institutions of School & Mass Education Department. For better access the draft and FAQs uploaded in School & Mass Education Department website (Harassment at workplace Act, 2013) to be referred.

Awareness workshop for employees and wall-writings are to be displayed in all the offices with telephone number of the chairperson of the Local Complaints Committee.

This Resolution will come to effect immediately.

ORDER

Ordered that, this Resolution shall be published in an Extraordinary issue of *Odisha Gazette*.

By Order of the Governor

USHA PADHEE

Commissioner-*cum*-Secretary to Government