

# NOTICE

Under Section 19(b) of

## The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act & the Rules, 2013

### Penalty for non-compliance of Conciliation:

Where the aggrieved woman informs the ICC that any term or condition of the settlement arrived at under S-10(2) has not been complied by the respondent, the ICC shall –

- a) proceed to make an inquiry into the complaint; or
- b) ICC may forward the complaint regarding the non-compliance of the settlement to the police.

### Penalty for Sexual Harassment:

ICC 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 written apology/ warning/ reprimand or census/ withholding of promotion/ withholding of pay rise or increments/ termination the respondent from the service/ undergoing a counselling session.
- 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. ICC shall determine compensation with regard to *sec.-15*:
- the mental trauma, pain, suffering and emotional distress;
- the loss in the career opportunity due to the incident;
- medical expenses for physical or psychiatric treatment;
- the income and financial status of the respondent;

### Penalty for Publication or making shown contents of complaint and enquiry proceedings:

Where any person entrusted with the duty to handle or deal with:

- the contents of complaint;
- the identity and addresses of the aggrieved women, respondent and witnesses;
- any information relating to conciliation and enquiry proceeding;
- recommendations of the ICC; 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under the provisions of this Act, shall not be published, communicated or made know to the public, press and media in any manner (*refer sec-16*), contravenes the provisions of *sec.-16*, the employer **shall recover a sum of Rs.5000/- from defaulter.** (*refer rule-12*)

### 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 ICC 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 the employer to take any of the following action:

- a written apology, warning, reprimand or census, withholding of promotion, withholding of pay rise or increments, termination the respondent from the service, undergoing a counselling session and carrying out community service.

### Penalty for non-compliance with provisions of Act:

Where the employer fails to –

- constitute an ICC under *sec.-4(1)*;
- act upon recommendation of ICC (*sec.-13*); take action in case of false or malicious complaint and false evidence (*sec.-14*); include cases of sexual harassment in annual report (*sec.-22*);
- 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/-. If any employer subsequently commit and is convicted of the same offence, he shall be liable for cancellation of his license or registration.