



## **PCA POLICY ON PREVENTION OF SEXUAL HARASSMENT**

### **1. Introduction**

This policy on prohibition, prevention and redressal of sexual harassment (“**Policy**”) has been framed as required under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed thereunder (“**Act**”).

### **2. Scope**

The Policy is to be followed by the Punjab Cricket Association (“**PCA**”), including but not limited to any committees, departments and groups that have been or will be set up by or under the Association, including but not limited to those relating to the Sher-e-Punjab T20 Cup or any other tournament organized by PCA and premises of PCA Stadium, Mohali and PCA Stadium, New Chandigarh (together, “**PCA**”) for the prevention, prohibition and redressal of complaints of sexual harassment at the workplace. The Policy is subject to the Act, and may be amended from time to time in accordance with the Act. Any matter which has not been specifically covered or discussed under the Policy, shall be dealt with in the manner prescribed under the Act.

### **3. Purpose**

The PCA has a zero-tolerance policy for any form of harassment, including sexual harassment at the workplace. The main purpose of the Policy is to promote a safe working environment for all free from any sort of workplace harassment, including sexual harassment.

#### **Interpretation**

- 3.1 Words and expressions used and not defined in this Policy but defined in the PCA Memorandum of Association and Rules and Regulation (“**PCA Constitution**”) shall have the meaning assigned to them under the PCA Constitution.
- 3.2 This Policy shall be effective and come into force on such date as may be notified by the PCA.

### **4. What is Sexual Harassment?**

- 4.1 Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication), namely:
  - (a) physical contact and advances; or
  - (b) demand or request for sexual favors; or

- (c) making sexually colored remarks; or
- (d) showing pornography; or
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

4.2 For the sake of clarity, it is hereby specifically stated that the occurrence or presence, *inter alia*, of the following circumstances, in relation to or in connection with any act or behavior of sexual harassment (as defined above), will also amount to sexual harassment:

- (a) implied or explicit promise of preferential treatment in employment; or
- (b) implied or explicit threat of detrimental treatment in employment; or
- (c) implied or explicit threat about present or future employment status; or
- (d) interference with work or creating an intimidating or offensive or hostile work environment; or
- (e) humiliating treatment likely to affect health or safety.

4.3 Sexual harassment may also occur when an individual's submission to or rejection of unwelcome sexual conduct is used as a basis for employment or other engagement decisions affecting that individual, such as hiring, promotions, pay increases and termination or for rights and contracts of any nature. Sexual harassment also occurs when unwelcome sexual conduct interferes or could interfere with an individual's job performance or creates an intimidating, hostile or offensive working environment, or when the individual is subjected to humiliating treatment accompanied with an act of unwanted sexual behavior which jeopardizes the health, mental well-being or safety of the individual.

## 5. Applicability of the Policy

5.1 The Policy is applicable to the following persons:

- (a) Office Bearers, members of the Apex Council any Committee of the PCA and representatives of the PCA and any person connected with the Governance and Management of the affairs of the PCA or its Committees ("**Administrators**");
- (b) all employees of the PCA whether engaged on contract basis or otherwise or on full time basis or otherwise ("**Employees**");
- (c) all players of State teams, including players of the senior teams, Under 23 (twenty-three), under 19 (nineteen), under 16 (sixteen) teams or any team representing the PCA, whether or not such players have specific contracts with the PCA ("**PCA Players**");
- (d) all commentators contracted by the PCA ("**Commentators**");
- (e) all team officials and support staff contracted by the PCA, including coaches, assistants to coaches, trainers, managers, selectors, doctors, physiotherapists, analysts and massage therapists ("**Team Officials**");

- (f) all on-field umpires, off-field umpires, referees and other match officials contracted by the PCA (“**Match Officials**”);
- (g) all production crew and camera crew contracted by the PCA (“**Production Crew**”);
- (h) all players, match officials, team officials and administrators (and equivalent persons) involved in Sher-e-Punjab T20 Tournament and its Sponsors or Franchisees as well;
- (i) all individuals who are players, match officials, team officials, administrators, employees of a Member (cumulatively referred to as “**District Association Personnel**”), when such District Association Personnel are representing the PCA or are part of any event or tournament that is sponsored or organized by the PCA;
- (j) any other persons who are contracted or otherwise engaged by the PCA, to whom the PCA may, at its sole discretion, extend this Policy;

(together, “**PCA Personnel**”)

5.2 A complaint can be filed under the Policy by any PCA Personnel who is a woman/man/third gender, who experiences sexual harassment at the Workplace (as defined hereinafter) of the PCA.

5.3 For the purposes of this Policy, and to avoid any ambiguity, it is clarified that the workplace of the PCA shall include but not be restricted to:

- (a) office premises of the PCA;
- (b) on which the PCA Cricket Academies are situated;
- (c) venues of matches organized by the PCA;
- (d) venues where PCA Players train (excluding trainings on the players’ own time, when not as representatives of the PCA or their respective cricket teams);
- (e) all match-related transportation that is provided or sponsored by the PCA;
- (f) all meetings and events, whether formal or informal, whether organized by the PCA or otherwise, where PCA Personnel attend as representatives of the PCA;
- (g) accommodation such as hotels and hostels provided or sponsored by the PCA for PCA Personnel; and
- (h) venues of promotional and endorsement events where PCA Personnel are representing the PCA.

(cumulatively, “**Workplace**”)

Provided that the Workplace shall not include:

- (a) venues of promotional and endorsement events where PCA Personnel are not representing the PCA;

- (b) public appearances where PCA Personnel appear in a capacity other than as representatives of the PCA;
- (c) events, whether formal or informal, attended by PCA Personnel in a personal capacity (e.g. players attending events at the behest of personal sponsors, players attending social events with friends while on a match tour etc.).

## **6. Internal Complaints Committee**

- 6.1 Complaints of sexual harassment will be promptly and thoroughly inquired into by an “Internal Committee” (“IC” or “Committee”) which shall be constituted in accordance with the Act as set out below. The IC will comprise a minimum of 4 (four) members:
- 6.2 The Internal Committee (IC) shall consist of the following members to be nominated by the employer, namely:
  - (a) The Presiding Officer of the IC shall be a Women as per following criteria:
    - A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees
    - Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace;
    - Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated any other workplace of the same employer or other department or organization;
  - (b) 2 (two) members of the IC will be selected from amongst the employees, preferably who are committed to the cause of women or have experience in social work or have legal knowledge.
  - (c) 1 (one) member of the IC will be selected from Non-Governmental organization or association committed to cause of women or a person familiar with issues relating to Sexual harassment. (External Member)
  - (d) At least one half of the members of the IC will be women.
  - (e) The Presiding Officer and every member of the IC will hold office for a period, not exceeding 3 (three) years from the date of their nomination as may be specified by the PCA.
  - (f) While conducting the inquiry, a minimum of 3 (three) members of the IC, including the Presiding Officer and the External Member shall be present.
- 6.3 The PCA may, at its discretion, constitute a larger internal committee by including representatives from various offices/locations, committees and even District Associations (“State IC”), which shall be in accordance with the requirements under the Act. Should such a State IC be constituted, as and when a complaint of sexual harassment is required to be inquired, the IC to deal with that specific matter shall be constituted from amongst the members of the State IC, taking into account various fact-specific factors such as the location of complainant and the respondent, their position in the reporting structure, the department that they are part of etc.
- 6.4 To the extent possible, 1 (one) member of the IC or the State IC, if constituted, shall be a person touring with the relevant cricket teams so that a complainant shall have easy

access to such member.

- 6.5 The details of the members of the IC or the State IC, if constituted, will be notified periodically.
- 6.6 The IC will inquire into the complaint of alleged sexual harassment while maintaining a strict level of confidentiality, as required under the Act.
- 6.7 For the purpose of making an inquiry, the IC shall have the same powers as are vested in the civil court under the Code of Civil Procedure, 1908, which will include the power to summon and enforce the attendance of any person, require the discovery and production of documents, and regarding any other matter which may be required during the investigation into a complaint under the Policy.

## **7. How to File a Complaint?**

- 7.1 Complaints should be submitted in writing to any member of the IC or the State IC, if constituted, by email. The complainant is required to provide supporting documents and the names and addresses of witnesses, if any. If a verbal complaint is received by the IC or the State IC, if constituted, the complainant will be required to follow the process set out above and submit the complaint in writing, along with the supporting documents, as soon as possible thereafter or within the timeline indicated by the IC or State IC, if constituted, in this regard.
- 7.2 Where a complaint cannot be made in writing, the Presiding Officer or any member of the IC or the State IC, if constituted, as the case may be, will render all reasonable assistance to the complainant, for making the complaint in writing. If the complainant is unable to make a complaint on account of physical or mental incapacity, the legal heir of the complainant or such person as authorized by the Act, such as a relative or friend, or any person having knowledge of the incident, will be permitted to file the complaint on behalf of the complainant.
- 7.3 If a complaint is received by anyone else the same shall be duly forwarded to the IC by the concerned person and the said person shall provide details of the IC to the concerned employee so as to enable the complainant to approach the IC.
- 7.4 On receipt of the complaint, the Presiding Officer shall evaluate if any of the members of the IC or State IC, as relevant, are involved in or closely connected with the complaint so as to result in a conflict of interest with that of the parties involved. In the event of a conflict of interest, the Presiding Officer and the External Member may ask the PCA to replace such members for the inquiry into the relevant complaint. If the State IC has been constituted, the State IC shall, at this stage, taking into account various fact-specific factors such as the location of complainant and the respondent, their position in the reporting structure, the department that they are part of etc., constitute an IC to inquire into (and if appropriate, carry out conciliation proceedings) in relation to the relevant complaint.

## **8. Conciliation Proceedings**

- 8.1 Before initiating an inquiry into a sexual harassment complaint and upon written request of the complainant, the Committee can take steps to settle the matter between the complainant and the respondent through conciliation, provided that no monetary settlement shall be the basis of such conciliation.
- 8.2 Where a settlement has been arrived at between the parties, as a result of such conciliation,

no further inquiry shall be conducted by the Committee, but it shall record the settlement so arrived and forward the same to the PCA to take action as specified in the recommendation. Copies of the settlement must also be provided to both parties.

## 9. Key Steps and Timelines for Filing and Redressal of Complaints

The following is a brief summary of the key steps to be followed and the timelines within which a complaint under the Policy will be redressed:

Step	Action	Time Period
Step 1	The complainant files a complaint in writing to the Committee.	Within 3 (three) months from the date of the incident or in the case of a series of incidents, within a period of 3 (three) months from the date of the last incident. The Committee may extend this time period for an additional period of 3 (three) months, if it is satisfied that there were circumstances that prevented the complainant from filing the complaint within the said time period.
Step 2	On receipt of the complaint, the Committee sends the complaint to the respondent (against whom the complaint is filed).	Within 7 (seven) working days of receipt of the complaint.
Step 3	The respondent files a reply to the complaint (with a list of documents and the names and addresses of witnesses) to the Committee.	Within 10 (ten) working days of receiving the copy of the complaint, as indicated by the IC.
The Committee may, before initiating an inquiry, at the request of the complainant, take steps to settle the matter through conciliation		
Step 4	The Committee initiates action and completes its inquiry.	Within 90 (ninety) days of the complaint being filed.
Step 5	The Committee submits a report of its findings and recommendations to the PCA for implementation (a copy of the report is to be provided to both parties).	Within 10 (ten) days of the completion of the inquiry.
Step 6	The PCA implements the recommendations of the Committee.	Within 60 (sixty) days of the receipt of the report of the Committee.
Step 7	The complainant or respondent files an appeal to a court or tribunal in accordance with the provisions of the Act against the recommendations of the IC or non-implementation of recommendations by the PCA.	Within 90 (ninety) days of the receipt of the report of the IC.

## **10. Salient Features and Manner of Inquiry into the Complaint**

- 10.1 **Guiding principles:** The IC will conduct an inquiry into the complaint in accordance with principles of natural justice and in line with the procedures as given under the Act.
- 10.2 **Lawyer of either party not allowed:** 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 IC.
- 10.3 **Ex-parte decisions:** The IC may give an ex-parte decision or terminate the inquiry proceedings, if the complainant or the respondent fails to appear before the IC for 3 (three) consecutive hearings without sufficient cause. However, the IC will give a prior written notice of 15 (fifteen) days to the concerned party before taking any such decision.
- 10.4 **Final and binding:** The decision of the IC/PCA shall be final and binding on the complainant and the respondent. Neither party shall have the right to appeal the decision of the IC to any other person, committee or authority within the PCA.

## **11. Relief to Complainant during Pendency of the Inquiry**

- 11.1 The PCA shall, pending completion of the inquiry, implement any one or more of the following interim measures recommended by the IC on a written request made by the complainant:
  - (a) Transfer the complainant or the respondent to another office or unit of the PCA;
  - (b) Grant leave to the complainant for up to 3 (three) months in addition to leave already entitled;
  - (c) Restrain the respondent from reporting on the work performance or other reports of the complainant;
  - (d) If the respondent is a PCA Player, suspend the PCA Player from representing the PCA or their respective cricket teams in any cricket matches; or
  - (e) Take any other appropriate action as recommended by the IC.

## **12. Punishment for Sexual Harassment**

- 12.1 If any PCA Personnel is found to be guilty of sexual harassment by the Committee or of any of the actions set out in the Policy, the PCA, as per the recommendations of the IC, shall impose or cause to be imposed, *inter alia*, one or more of the following against such PCA Personnel,
  - (a) Censure;
  - (b) Counselling;
  - (c) Carrying out community service;
  - (d) Warning;
  - (e) Fine, compensation;
  - (f) Loss of pay;

- (g) Loss of seniority;
  - (h) Withholding of promotion or pay rise/increments;
  - (i) Termination of contract/employment with or without notice or compensation in lieu of notice;
  - (j) Written apology; and/or
  - (k) Any other punishment prescribed under the PCA Code of Conduct for Players and Team Officials or any other applicable policy governing misconduct of PCA Personnel, as proportionate to the gravity of the offence.
- 12.2 In addition to the above, the Committee may deduct a sum from the salary or wage of the respondent (if the respondent is found guilty) of such amount as it may consider appropriate for payment as compensation to the complainant or to the complainant's legal heirs.
- 12.3 If the Committee arrives at a conclusion that the allegation of sexual harassment against the respondent has not been proved, then it may recommend to the PCA that no action be taken in the matter.

### **13. Other Acts or Behavior which are Punishable under the Act**

- 13.1 Apart from sexual harassment, if any PCA Personnel commits the following acts, such person shall also be punishable, as set out previously, on the grounds of misconduct:
- (a) Making false allegations of sexual harassment, with malicious intent and knowledge that such allegation is false or producing false evidence to justify such complaint;
  - (b) Giving false evidence or producing false documents as a witness to any proceedings of the Committee;
  - (c) Breaching the statutory duty of maintaining confidentiality of information relating to the inquiry proceedings of the Committee, by divulging such information to any unauthorized person, including, but not limited to any PCA Personnel; and/or
  - (d) Victimizing, intimidating or influencing any person, witness or any other persons seeking redress under the Policy whether directly or indirectly.

It is clarified that the mere inability to substantiate a complaint or provide adequate proof will not be treated as a false complaint.

### **14. Criminal Proceedings**

In the event that the complainant opts to file a complaint under the India Penal Code, 1860 (“**IPC**”) or any other law for the time being in force, in relation to an alleged offence of sexual harassment, the PCA will (a) assist the complainant in filing such complaint, and (b) cause to initiate action against the perpetrator (under the IPC or any other law for the time being in force), if the complainant so desires.

### **15. Duty to Cooperate**

All PCA Personnel have a duty to cooperate in the PCA's inquiry of alleged sexual harassment. Failure to cooperate will be grounds for disciplinary action, up to and including termination.



**16. Non-retaliation**

The PCA will not retaliate, nor will it tolerate retaliation against any PCA Personnel or the complainant who files a complaint of sexual harassment in good faith or is a witness in the IC proceedings.

**17. Confidentiality**

17.1 All proceedings, documents and records maintained under the Policy, including the names of the complainant, respondent and witnesses shall be confidential and shall be dealt with in the manner provided under the Act.

17.2 All persons involved in the proceedings under the Policy including the parties, witnesses, Committee members and any other PCA Personnel who become aware of any incident of sexual harassment, whether directly or indirectly, shall be under a duty to respect and maintain confidentiality.

**18. Reporting Sexual Offences against minors**

If the PCA becomes aware of or has an apprehension that an offence under the Protection of Children Sexual Offences Act, 2012 (“POCSO”) (including sexual assault/sexual harassment of children and use of children for pornographic purposes) is likely to be committed or has knowledge that such an offence has been committed, information in this regard shall be provided to the Special Juvenile Police Unit, or the local police, and any other requirements under the POCSO or any other applicable laws (such as Juvenile Justice (Care and Protection of Children) Act, 2015, will be adhered to. A child is anyone below the age of 18 years.

**19. Other Obligations of the PCA**

19.1 It is the duty of the PCA to support the Policy through endorsement and communication to ensure PCA Personnel and IC members have knowledge of the Policy and relevant information in connection with their rights and obligations under the Act. To this end, the PCA shall organize sensitization workshops and awareness programs on a periodic basis including at the time where PCA Personnel become associated with the PCA and new members are inducted into the IC. Additionally, workshops and awareness programs relating to the Act shall be held along with every session on anti-corruption organized by the PCA.

19.2 The PCA shall give necessary assistance to the IC for dealing with the complaint and conducting the inquiry, including securing attendance of the respondent and witnesses before the IC and making necessary information available to the IC.