

- 12.(1) Any person desiring to prefer an appeal against an order of the Certifying Officer shall draw up a Memorandum of Appeal setting out the grounds of appeal and forward it to the Appellate Authority in quadruplicate, accompanied by a certified copy of the standing orders.
- (2) The Appellate Authority shall, after giving the appellant an opportunity of being heard, unless it comes to the conclusion that the decision of Certifying Officer is contrary to law or otherwise erroneous, confirm the standing orders as certified by him.
- (3) Where the Appellate Authority does not confirm the standing orders it shall fix a date for the hearing of the appeal and direct notice thereof to be given:-
 - (a) Where the appeal is filed by the employer of workman, to trade unions of the industrial establishment and where there are no such trade unions to the representatives of workman elected in accordance with the provisions of Rule 8, or
 - (b) Where the appeal is filed by a trade union, to the employer and all other trade unions of the establishment or
 - (c) Where the appeal is filed by the representatives of workmen to the employer.
 - (d) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.
- (4) The Appellate Authority may at any stage call for any evidence it considers necessary of the appeal.
- (5) On the date fixed under Rule 12 (3) for the hearing of the appeal, the authority shall take such evidence as it may have called for and considers to be relevant.
- (6) Where the Appellate Authority does not confirm the standing orders it shall fix a date for the hearing.
- 13.(1) Files relating to the appeals preferred under the Act shall be preserved for three years.
- (2) After the expiry of the said period of three years, the records may be destroyed either by treating or by burning in the presence of the Labour Officer provided, however, that records of secret or confidential nature shall be destroyed only by burning. The records destroyed by tearing may be sold or otherwise disposed of in such manner as the Certifying Officer thinks fit.
- (3) Where the appeal is filed by a trade union, to the employer and all other trade unions of the establishment.
14. Guidelines for Prevention of Sexual Harassment of Women in Work places :
 - (1) Duty of the employer or other responsible persons in work places and other institutions:

The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.
 - (2) Definition:

For this purpose, sexual harassment includes such unwelcomed sexually determined behavior (whether directly or by implication) as :
 - (a) physical contact and advances;
 - (b) a demand or request for sexual favours;
 - (c) sexually-coloured remarks;
 - (d) showing pornography;
 - (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Where any of these acts is committed in circumstances whereunder the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the women has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequence might be visited if the victim does not consent to the conduct in question or raise any objection thereto.

(b) a demand or request for sexual favours;

(c) sexually-coloured remarks;

(d) showing pornography;

(e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.