



Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Policy



Indo-Global
Social Service Society

1. PREAMBLE:

The Supreme Court of India in its 1977 judgment in Vishaka and others vs. State of Rajasthan and others, made it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment of women in the workplace.

Subsequently, Government legislated the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, along with the Rules for proper and effective implementation. The Act provides for protection against sexual harassment of women at workplace, for the prevention of sexual harassment, redressal of Complaints and for matters connected therewith or incidental thereto.

2. IGSSS:

Indo-Global Social Service Society (IGSSS) is committed to an environment free from sexual harassment. IGSSS endeavors to ensure that all employees experience a safe, secure and conducive work environment free from discrimination and harassment on the basis of sex, gender, sexual orientation, marital status, partnership/ cohabitation arrangements, pregnancy, childbirth or related medical condition.

IGSSS expressly prohibits its employees and associated third parties, including Clients, from indulging in sexual harassment. It further prohibits its employees and associated third parties, including Clients, from using any technology or services provided for official use by the Organisation, for purposes of sexual harassment.

Sexual harassment at workplace is a violation of several fundamental rights guaranteed by the Indian Constitution such as the right to equality and equal protection of the laws (Article 14), the right to life and liberty (Article 21), and the right to practice any trade or profession (Article 19 [1] [g]).

And whereas, the right to protection from sexual harassment and the right to work with dignity for women are recognized as universal human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by the Government of India.

3. OBJECTIVE & SCOPE

- a) To fulfill the requirement in law enjoining all employers to develop and implement a policy against sexual harassment of women at the work place.
- b) To uphold Women's Right to protection against sexual harassment and the Right to Livelihood and towards that end for the prevention and redressal of sexual harassment of women.
- c) To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women at workplace within the jurisdiction of IGSSS.
- d) To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of girls and women.

This Policy extends to all female employees of the Organization, and is incorporated in the service conditions of all employees and comes into effect immediately.

4. DEFINITION

- a. **“Aggrieved Woman”** means in relation to a workplace, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- b. **“Organization”** means IGSSS situated at 28, Institutional Area, Lodi Road, New Delhi (Head Office), as also Regional Offices, Branch Offices and Project locations.
- c. **“Employee”** means a person employed at a workplace, in this case IGSSS, for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or, without the knowledge of the Principal Employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- d. **“Internal Complaints Committee”** means the Committee constituted by the organization as per this Policy.
- e. **“Respondent”** means a person against whom the Aggrieved Woman has made a complaint.

f. Meaning of Sexual Harassment and Sexually Oriented Behaviour

‘Sexual Harassment’, includes any unwelcome sexually determined behaviour, direct or by implication, and includes physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, any other unwelcome physical, verbal or non verbal conduct of a sexual nature. Sexually Oriented behaviour shall mean and include but not limited to the following:

- Material that is sexual in nature, sexist, sexually explicit and so on and is displayed in the workplace, circulated, or put in someone's workspace or belongings, or on a computer, i-pad, mobile phone, i-phone, blackberry or on any other machine or on the internet or any other public display system or public place in the work premises.
- Verbal abuse or comments that put down people because of their sex.
- Comments about people's (women/men) bodies.
- Tales of sexual exploits
- Graphic descriptions pornography
- Pressure for dates
- Sexually explicit gestures
- Unwelcome touching and hugging
- Sexist and insulting remarks
- Sexist jokes and cartoons
- Displaying pornography in the workplace
- Insisting that workers wear revealing clothing
- Inappropriate gifts
- Discussion of one's partner's sexual life
- Lewd and threatening letters
- "Accidentally" brushing sexual parts of the body
- Pressing or rubbing up against an aggrieved person
- Indecent exposure
- Subtle or overt pressure for sexual favours
- Soliciting sexual services
- Demanding sexual services
- Sexual or physical contact, such as kissing or touching
- Intrusive questions about sexual activity
- Sexual assault
- Repeated sexual invitations when the person invited has refused/ignored similar invitations
- Coerced sexual intercourse (e.g., as a condition of employment or academic status)

"Sexual Harassment" should not be confused with simple friendly behaviour, if these are mutually desired and accepted. The difference between friendly behaviour and sexual harassment is that sexual harassment is an unwelcome act.

5. PREVENTION OF SEXUAL HARASSMENT

No person shall be subjected to sexual harassment at any work place

The following circumstances among other circumstances if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment.

- i. Implied or explicit promise of preferential treatment in the persons employment/promotion; or
- ii. Implied or explicit threat of detrimental treatment in the persons employment/promotion; or
- iii. Implied or explicit threat about the persons present or future employment/promotion status; or
- iv. Interferes with work or creating an intimidating or offensive or hostile work environment for the persons; or
- v. Humiliating treatment likely to affect the person's health or safety.

- 1) Tell the Respondent that his behavior is unwelcome and ask him to stop.
- 2) Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a Complaint, but a record can strengthen your case and help you remember the details over time, in case the Complaint is not filed immediately
- 3) File a Complaint as soon as is possible – the law mandates 90 days after the incident occurred. If after asking, the Respondent to stop his behavior, the harassment continues, report the abuse to the Internal Complaints Committee formed for this purpose. Thereafter, if the Complaint has not been written and recorded, it should be done so. If the Aggrieved Woman is unable to record the incident herself, the Committee should facilitate this process.

6. IGSSS INTERNAL COMPLAINTS COMMITTEE (ICC):

IGSSS has formed an Internal Complaints Committee consisting of the following:

- 1) Presiding Officer - A woman employed at a senior level in the workplace from amongst the employees
- 2) One member from amongst the Non Government Organization or a person familiar with the issues relating to sexual harassment at the workplace and may include a Social Worker or a person who is familiar with labour, service, civil or criminal law. The External Member on the ICC will be paid suitable remuneration for holding/attending proceedings of the ICC; it would include reimbursement of any travel costs related to participation in the meetings of the ICC

- 3) Not less than two members from amongst employees committed to the cause of women, or who have had experience in social work or have legal knowledge
- 4) At least half the members will be female

The names and contacts of the ICC members will be displayed at a prominent place at the workplace, as also shall be intimated to all employees per intra-net. The ICC shall also be additionally responsible for the active dissemination of the Policy and will engage in awareness generation workshops on sexual harassment for all employees within the Organization.

Normally, all ICC members shall attend and participate in all deliberations under this Policy. However, due to exigencies where all members are not available, then a minimum quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson and at least two members, one of whom shall be a lady.

The Presiding Officer and every Member of the ICC shall hold office for such period not exceeding three years from the date of their nomination, as may be specified by IGSSS Board of Governors.

Refusal, removal, or disqualification from the ICC –

- A. No person who is an aggrieved employee, witness or defendant in a Complaint of sexual harassment may participate in Committee deliberations. Any Committee member charged with sexual harassment in a written Complaint must step down as member of the Committee during the duration of the inquiry into that Complaint.
- B. It is forbidden to disclose, publish, or make known the contents of any Complaint and/or inquiry proceedings – including making known the details of any Complaint, or the aggrieved woman's name and personal details – to the media, press, or public. If any member of the ICC is found to have breached confidentiality, they will be removed from the ICC, and subject to appropriate disciplinary action by the Organization.
- C. If any criminal proceeding or disciplinary action is pending or in force against an ICC member, such member should be removed from the ICC.

7. COMPLAINT PROCEDURE

Any female employee experiencing sex/ gender/ sexuality related discrimination or harassment must report using the redressal mechanism mentioned here:-

- A. Report any perceived harassment to her reporting officer or the HR Manager or to a member of the ICC, within 90 days of occurrence of the incident.

- B. If the Manager is the Respondent, then the employee should report the matter directly to HR Manager or to a member of the ICC.
- C. The Complaint shall be made preferably in writing (five copies) along with supporting evidences. In case the aggrieved woman is unable to do so, the ICC should facilitate the same, as mentioned earlier.
- D. An Aggrieved Woman can use the following listed mechanism to report the matter:
 - a. By sending an email.
 - b. By personally meeting any member of the ICC and submitting a written copy of the Complaint.
- E. Where the Aggrieved Woman is unable to make a Complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as maybe prescribed in law may make a Complaint.

8. DEALING WITH THE COMPLAINT:

- a. It is the obligation of all female employees to report any sexual harassment experienced by them at workplace personally and in writing. A concerned co-worker may also inform the Internal Complaints Committee of any instance or behaviour of sexual harassment by a co-worker towards another female employee.
- b. The Aggrieved Woman shall make the Complaint in writing addressed to the Presiding Officer of the ICC giving details of the incident within a period of three months from the date of the last incident. Provided that where such Complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall render all reasonable assistance to the Aggrieved Woman for making the Complaint in writing. Provided further that the ICC may for the reasons to be recorded in writing, extend the time limit not exceeding 90 days, if it is satisfied that the circumstances were such which prevented the Aggrieved Woman from filing a Complaint within the said period.
- c. Once the Complaint is received, it will be kept strictly confidential by the ICC.
- d. The ICC Chairperson should convene a meeting after receiving such a Complaint at the earliest, subject to the availability of other ICC members.
- e. The Respondent will be duly informed in writing that a Complaint has been filed against him. He will be provided with a copy of the same and will be granted the opportunity of submitting his reply/explanation in writing within 72 hours of the receipt of the Complaint by him.
- f. The ICC will ensure that a just investigation is undertaken at the earliest, strictly adhering to principles of natural justice and fair play.

- g. Both the Complainant and the Respondent will submit their respective says/versions, as also their witness and evidence in support of their claims and contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist the ICC in investigating the matter satisfactorily.
- h. The Complainant and the Respondent shall be informed of the outcome of the investigation only on completion of the proceedings. The Investigation shall be normally completed within 90 days of the receipt of the Complaint. If the Investigation reveals that the Complainant has been sexually harassed as claimed, the accused will be disciplined accordingly. Hence, punishment will be commensurate to the misconduct committed.
- i. The inquiry report will be issued within 10 days from the date of completion of the inquiry.
- j. Appeal against the decision of the ICC is allowed within 90 days of the date of the recommendations.
- k. The Aggrieved Woman has the option to seek transfer of the Respondent or her own transfer, which will be submitted in writing to the ICC.

9. ENQUIRY TO BE COMPLETED WITHIN 90 DAYS

The Investigation will, as far as possible, be completed within 90 days of the receipt of the Complaint. If the investigation reveals that the Complainant has been sexually harassed as alleged, the Respondent will be disciplined accordingly. Any delay in completion will be recorded for reasons given in writing.

10. DISCIPLINARY ACTION

Where any sexual harassment is established before the ICC, appropriate disciplinary action shall be taken against the Respondent. It may include transfer, withholding promotion, suspension or even dismissal, based entirely on the gravity of the said misconduct. This action shall be in addition to any legal recourse sought by the Complainant. The employer is required to act on the recommendation of the Committee within 60 days of receipt of the inquiry report.

If required IGSSS can arrange for counseling and medical treatment of the Aggrieved Woman. However, the Respondent will have to bear 50% of the cost of medical treatment /counseling.

11. CONFIDENTIALITY:

Given the sensitive nature of cases of sexual harassment and their impact on the victim as well as the person against whom such allegations are leveled, IGSSS is committed to maintaining strict confidentiality in relation to such Complaints and the resultant enquiry.

All proceedings, including the statements and other materials cited as evidence before the ICC shall be strictly confidential. Committee members and Employees involved in the proceedings shall not divulge the details to any other employee within IGSSS or to any person outside IGSSS.

This includes minutes of the meeting of the ICC, findings, recommendations and decisions. Disciplinary action will be taken in case of violation of same.

12. PROTECTION AGAINST RETALIATION

Regardless of the outcome of the Complaint made in good faith, the Aggrieved Woman lodging the Complaint and any person providing information or any witness will be protected from any form of retaliation. While dealing with Complaints of sexual harassment, the ICC shall ensure that the Complainant or the witness are not victimized or discriminated against by the Respondent. The Complainant must report any unwarranted pressures, retaliatory or any other type of unethical behavior from the Respondent during the progress of the investigation to the ICC as soon as possible. ICC will take disciplinary action against any such complaints that are found genuine.

13. DOCUMENTATION

The ICC shall keep complete and accurate documentation of the Complaint, its investigation and the resolution thereof. The incident would be documented in both the Complainant's and the Respondent's files with the full report of the ICC.

14. DISSEMINATION OF THE POLICY

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and shall abide by the Policy.

15. COMPLAINTS MADE WITH A MALICIOUS INTENT

This Policy has been evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the Complaint was made with a dishonest or malicious intent and with the motive of maligning the Respondent / tarnishing his image in the Organization and to settle personal/professional scores, strict action will be taken against the Complainant. The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

RECEIPT AND ACKNOWLEDGEMENT FOR POLICY ON ANTI-SEXUAL HARASSMENT

This is to acknowledge that I have received a copy of the Policy on Sexual Harassment of Women at Workplace. This Policy sets forth the policies and the modalities for administering those pertaining to sexual harassment. I understand and agree that it is my responsibility to read and familiarize myself with all of the provisions of the Policy.

I understand that under the provisions of this Policy, the Organization reserves the right to amend, modify, rescind, delete, supplement or add to the provisions of this Policy as it deems appropriate from time to time in its sole and absolute discretion. The Organization will provide notification of any changes as they occur.

I am committed to abide by the policy and to act in a professional manner that will respect the dignity of our colleagues, seniors, subordinates & visitors.

Date:

Signed: (Employee/ Third Party)

Place:

Annexure 1:

Name and Details of the Internal Complaints Committee Members

#	Name	Designation	Company Employee / External Person	E-Mail	Tel. Number & Mobile Number
1	Ms. Sreya Mazumdar	Presiding Officer	Employee	sreya@igsss.net	+91 8860039391
2	Ms Garima Anand	Member	Employee	garima@igsss.net	+91 9958264511
3	Mr. Benny	Member	Employee	benny@igsss.net	+91 9868553733
4	Ms. Rita Panicker	Member	External Person	ritapanicker@butterfliesindia.org	+91-11- 26163935, 46471000

**John Peter Nelson
Executive Director**

**Date: 17.June.2016
Place: New Delhi**

Signature

N.B. The policy is in line with The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules made thereunder as in force from 9.12.2013.
