



Indo-Global Social Service Society

Prevention of Sexual Harassment at Work Place (POSH) Policy

Introduction

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.

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]). This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

The ‘Policy on Prevention of Sexual Harassment at workplace’ intends to provide protection against sexual harassment to either gender but with specific focus on women, transgenders at workplace and the prevention and redressal of complaints of sexual harassment and matters in IGSSS.

Objective

1. To uphold individual’s right to protection against sexual harassment and the right to livelihood by evolving a mechanism for the prevention, prohibition and redressal of sexual harassment of women at workplace within the jurisdiction of IGSSS.
2. To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment against any individual.

This Policy extends to all employees of IGSSS. It also extends to associated third parties, including

contractors, consultants, partners who are 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.

Definitions

Aggrieved Person - 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.

Workplace - In addition to the place of work [all IGSSS offices, Project locations] it shall also include any place where the aggrieved person or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with IGSSS, including transportation provided for undertaking such a journey.

Organization- means IGSSS situated at 28, Institutional Area, Lodi Road, New Delhi (Head Office), as also Regional Offices, Branch Offices and Project locations.

Employee - It 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.

Internal Complaints Committee - The Committee constituted by the organization as per this Policy.

Respondent - He / She is a person against whom the complaint has been made.

Employer - A person responsible for the management, supervision and control of the workplace.

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 things mentioned below:

1. 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, immobile or on any other machine or on the internet or any other public display system or public place in the work premises.
2. Verbal abuse or comments that put down people because of their sex / orientation.
3. Comments about people’s (women/men) bodies.
4. Tales of sexual exploits.
5. Graphic descriptions pornography.
6. Pressure for dates.
7. Sexually explicit gestures.
8. Unwelcome touching and hugging.
9. Sexist and insulting remarks.
10. Sexist jokes and cartoons.

11. Displaying pornography in the workplace.
12. Insisting that workers wear revealing clothing.
13. Inappropriate gifts.
14. Discussion of one's partner's sexual life.
15. Lewd and threatening letters.
16. "Accidentally" brushing sexual parts of the body.
17. Pressing or rubbing up against a person.
18. Indecent exposure.
19. Subtle or overt pressure for sexual favours.
20. Soliciting sexual services.
21. Demanding sexual services.
22. Sexual or physical contact, such as kissing or touching.
23. Intrusive questions about sexual activity.
24. Sexual assault.
25. Repeated sexual invitations when the person invited has refused/ignored similar invitations.
26. Coerced sexual intercourse (e.g., as a condition of employment).

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.

1. Implied or explicit promise of preferential treatment in the persons employment/promotion;
2. Implied or explicit threat of detrimental treatment in the persons employment/promotion; or
3. Implied or explicit threat about the persons present or future employment/promotion status; or
4. Interferes with work or creating an intimidating or offensive or hostile work environment for the persons; or
5. Humiliating treatment likely to affect the person's health or safety.

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.

Prevention and Redressal Mechanism

IGSSS has formed an Internal Complaints Committee. The details of the committee members are in the Annexe 1.

Scope of the Internal Complaints Committee

If any staff / associate is alleged of making sexual harassment/discrimination on the basis of gender within the organisation or outside the organisation then the Complaints Committee will look into the issue in all seriousness. The Complaints Committee can also look into cases where an outsider indulges in sexual harassment towards an employee of IGSSS or discriminates against him/her/it within the workplace and work area of IGSSS or during the adequate discharge of duties by the employee including official travel during duty. The Complaints Committee can also hear cases of lack of gender sensitive policies/facilities at the work place or in intervention areas and take steps to address such problems. The committee shall mandatory meet 3 times a year to review and discuss. This will be apart from hearing meetings.

Composition of ICC

The Complaints Committee will be headed by a woman and not less than half of its members will be women. The members can be IGSSS staff/functionary and a prominent outsider who has knowledge/expertise on the issue of sexual harassment/gender discrimination to prevent the possibility of undue pressure or influence from within the organisation. Five people will be selected/

elected to the Complaints Committee where three people will be female and two will be male. The Presiding Officer will always be a woman employed at a senior level in the workplace from amongst the employees. 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.

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

Tenure of the Internal Complaint Committee & Quorum

The tenure of the ICC will be for three years. If somebody resigns or is terminated, the vacancy will be immediately filled, within a month by nomination from Executive director. Reconstitution of the Complaints Committee for any reason shall be immediately informed to all concerned by way of circulars/notices. Three (3) will be the quorum. If the quorum is not there at any meeting it shall be adjourned for not more than three days. If at the subsequent meeting a quorum is still not there the meeting shall proceed with those who are present. The proceedings or such a meeting cannot be challenged on the ground on the ground of absence of quorum.

Refusal, removal, or disqualification from the ICC

1. 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.
2. 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.
3. If any criminal proceeding or disciplinary action is pending or in force against an ICC member, such member should be removed from the ICC.

Eligibility for Filing a Complaint

All the allegations of sexual harassment/discrimination by a working associate/ project staff/programme associate/functionary or volunteer/consultant of IGSSS may be filed before the Complaints Committee. In case of the involvement of an outsider the complainant may also take recourse to other measures available according to the laws of the land. Such external investigation will run parallel to the organizational procedures, and the committee is committed to support the process. This committee and its actions do not impinge on the fundamental rights of the victim as laid down in the Constitution of India and any rights available under the Protection of Human Rights Act, 1993. As is laid down by the Court, "In case of third-party harassment, where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person-in-charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action."

Disseminating and Publicising

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 with regular circulars / e-mails. 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. Also efforts will be made to translate / simplify policy for the staff for better understanding of staff. 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.

Complaint Filing Procedure

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

- Report any perceived harassment to the reporting officer or the HR Manager or to a member of the ICC, within 90 days of occurrence of the incident. However, IGSSS is open to investigating old cases too as sometimes victims gather courage very late.
- If the manager is the Respondent, then the employee should report the matter directly to HR Manager or to a member of the ICC.
- The Complaint shall be made preferably in writing along with supporting evidences. In case the aggrieved person is unable to do so, the ICC should facilitate the same, as mentioned earlier.
- An Aggrieved Woman can use the following listed mechanism to report the matter:
 - By sending an email.
 - By personally meeting any member of the ICC and submitting a written copy of the Complaint.
- Where the Aggrieved person is unable to make a complaint on account of his/her physical incapacity, a complaint may be filled by-
 - His/her relative or a friend; or
 - His/her co-worker; or
 - an officer of National Commission for Woman or State Women's Commission; or
 - any person who has knowledge of the incident, with the written consent of the Aggrieved Associate;
- Where the Aggrieved Associate is unable to make a complaint on account of his/her mental incapacity, a complaint may be filled by:
 - His/her relative or friend; or
 - a special educator; or
 - a qualified psychiatrist or psychologist or
 - The guardian or authority under whose care he/she is receiving treatment or care; or
 - any person who has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care he/she is receiving treatment or care;
- Where the Aggrieved Associate for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the Aggrieved Associate;
- Where the Aggrieved Associate is dead, a complaint may be filled by any person who has knowledge of the incident, with the written consent of the legal heir of the Aggrieved Associate.

Dealing with the Complaint

- Once the Complaint is received, it will be kept strictly confidential by the ICC.
- The ICC Chairperson should convene a meeting after receiving such a Complaint at the earliest, subject to the availability of other ICC members.
- Complaints Committee will nominate the three members within them who will constitute the Inquiry Committee.
- At least one of the Inquiry Committee members shall be a woman.
- No person against whom a complaint is made shall be part of the Inquiry Committee.
- The Respondent will be duly informed in writing that a Complaint has been filed against him. He / She 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 / her.

- The ICC will ensure that a just investigation is undertaken at the earliest, strictly adhering to principles of natural justice and fair play.
- 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.
- 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.
- The inquiry report will be issued within 10 days from the date of completion of the inquiry.
- Appeal against the decision of the ICC is allowed within 90 days of the date of the recommendations.
- The Aggrieved person has the option to seek transfer of the Respondent or his / her own transfer, which will be submitted in writing to the ICC.
- During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:
 - Transfer the aggrieved individual or the respondent to any other workplace; or
 - Grant leave to the aggrieved individual of maximum 3 months, in addition to the leave he/she would be otherwise entitled; or
 - Grant such other relief to the aggrieved individual as may found to be appropriate; or
 - Restraint the respondent from reporting on the work performance of the complainant

Penalties / Disciplinary Action

Any employee found guilty of sexual harassment/discrimination or aiding/abetting the same shall be liable to any of the following penalties.

- a) Warning, reprimand or censure along with a written apology with a commitment not to repeat the offence towards the subject and in general.
- b) Fines as decided upon by the Committee.
- c) Stopping one increment or more in salary.
- d) Suspension for a period as determined by the Committee.
- e) Transfer from the place of posting as decided by the Committee. The victim can also seek and get a transfer so as to be out of the influence of the accused.
- f) Demotion/termination of service as decided by the Committee.
- g) In case the complaint is found by the Committee to be false/ vindictive after investigation, the complainant is liable to be cautioned and/or punished as decided by the Committee.
- h) In case of an employee complaining against an outsider, the Committee may decide to instruct/allow the employee to complain to the local administration to get redressal if the employee so desires or if the nature of the complaint is of a more serious nature.
- i) Disciplinary Action shall be ratified by the Executive Director.
- j) The amount collected as fine will be used for achieving the aims and objectives of these guidelines.
- k) The employer is required to act on the recommendation of the Committee within 60 days of receipt of the inquiry report.
- l) If required IGSSS can arrange for counseling and medical treatment of the Aggrieved person.
- m) If directed the Respondent will have to bear 50% of the cost of medical treatment /counseling.

Provision for Appeals

If the complainant is dissatisfied in the process she or he has all the rights to approach the Head of the organization/ or go the court of law or seek other modes of redressal which are available under the

laws of the land.

Complaints Unsubstantiated

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the organization.

Complaints made with 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.

Confidentiality

During a redress process the Complaints Committee/s are required to assure confidentiality, non-retaliation and recommend interim measures as needed to conduct a fair inquiry. 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 person'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. The witnesses / whistle blowers identity and testimonial will also be kept confidential.

Protection against Retaliation

Regardless of the outcome of the Complaint made in good faith, the aggrieved person 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.

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. Shikha Srivastava	Presiding Officer	Employee	shikha@igsss.net	+91 9560580019
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: 29.August.2019 Signature
Place: New Delhi

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.

ANNEXURE 2 – RESPONSIBILITY OF Employee

The below is only an indicative list of basic Do's and Don'ts and is in no way intended to be construed as an exhaustive list.

Do's

- Know IGSSS Policy on Prevention of Sexual Harassment
- Be aware of inappropriate behaviours and avoid the same.
- Say —NO! if asked to go to places, do things or participate in situations that make you uncomfortable.
- Trust your instincts. Walk away from uncomfortable situations.
- Say —NO to offensive behaviour as soon as it occurs.
- Refrain from taking discriminatory actions or decisions which are contrary to the spirit of this policy.
- Maintain confidentiality regarding any aspect of an inquiry to which they may be party to.

Don'ts

Verbal harassment:

- Sexually suggestive comments or comments on physical attributes.
- Offensive language that insults or demeans a colleague, using terms of endearment.
- Singing or humming vulgar songs.
- Requests for sexual favours, sexual advances, coerced acts of a sexual nature.
- Requests for dates or repeated pressure for social contact.
- Discussing sexual activities, sexual prowess or intruding on the privacy of an associates.
- Sexually colored propositions, insults or threats.
- Graffiti in the office premises.

Nonverbal harassment:

- Offensive gestures, staring, leering or whistling with the intention to discomfort another.
- Even if not directly done to a particular individual, uttering a word, making a gesture or exhibiting any object with the intention that such word, gesture, or object be heard or seen by associates.
- Sounds, gestures, display of offensive books, pictures, cartoons, magazines, calendars or derogatory written materials at one's workplace.
- Showing or mailing pornographic posters, Internet sites, cartoons, drawings.
- Suggestive letters, phone calls, SMS, electronic instant messaging or e-mail messages.

Physical harassment:

- Physical contact or advances.
- Intentional touching of the body, e.g. Hugs, kisses, brushing, fondling, pinching etc. that make others uncomfortable.
- Any displays of affection that make others uncomfortable or are inappropriate at the workplace.



ANNEXURE 3 – GUIDELINES FOR INTERNAL COMPLAINTS COMMITTEE

Role of the Committee:

- Review the complainant's complaint in a fair and objective manner
- Help the complainant and the respondent find a way of solving the problem
- Determine the facts of the case with the individuals concerned and the witnesses, if any, and prepare a report with the findings
- Be bound in the principle of natural justice and be unbiased in their evaluation

In addition to handling complaints of sexual harassment, the committees will also co-ordinate preventive activities to create a sexual harassment free atmosphere via:

- Common Information mailers
- Floating Articles on the same, from time to time
- display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Committee; and
 - organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Committee in the manner as may be prescribed



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: