

## SEXUAL HARASSMENT POLICY



Approved by: Executive Committee of Shibganj Integrated Development Society

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SHIBGANJ INTEGRATED DEVELOPMENT SOCIETY

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## SEXUAL HARASSMENT POLICY

### **Background:**

Shibganj Integrated Development Society (SIDS) is committed to creating and ensuring an enabling, dignified and equitable work environment for every employee. All employees should be able to work together in an environment free of exploitation, discrimination, harassment, particularly sexual harassment and violence. We believe that sexual harassment is not only a criminal offence but is a violation of human rights of women. Sexual Harassment results in violation of Fundamental Rights to Equality under Article 14 & 15 and Right to Life and to live with human dignity under Article 21 of the Constitution of India.

### **Objectives:**

In line with the above, this policy provision termed as the Anti-sexual Harassment Policy (ASH) of SIDS has been formulated with a particular focus on sexual harassment at work place. This Policy applies to all persons employed at SIDS for any work of regular, temporary, ad-hoc or daily wage basis and also apprentices, trainees, probationers, agents including consultants of SIDS. This policy provides protection against sexual harassment of women at workplace and the Prevention and Redressal of complaints of sexual harassment and matters related to it. Harassment in any form will not be permitted, tolerated or condoned by the management whether it is based on a person's race, colour, ethnic or national origin, gender, religion or perceived religious affiliation, disability or other personal characteristics.

### **Purpose of the policy:**

The purpose of the policy is to promote a work place free from sexual harassment and provide An appropriate complaint mechanism to redress the complaints and ensure time bound redressal. SIDS has promulgated its policy against sexual harassment which will be strictly implemented across all units and other places.

- Sexual harassment of women occurring in the workplace is unlawful and will not be tolerated by this organization.
- Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.
- To ensure that no gender based discrimination takes place which hinders women's progress and equal opportunities for them.



- To promote a healthy work environment in which men and women can work as a colleagues and develop their fuller potential.
- To create a secure and stress free environment for women workers/employees.
- To put in place a mechanism for Prevention and Redressal of sexual harassment cases at workplace.
- Corrective action will be imposed as necessary including disciplinary action where appropriate.

### Principles:

Sexual harassment is unlawful and will not be tolerated. It is a disciplinary issue. The principles of SIDS on this issue are mentioned below.

- "Staff" shall mean any person employed by SIDS as full-time, part-time, voluntary, temporary, and casual and also researchers, trainees, consultants and employees of project partner.
- This policy shall extend to all women, men and transgender staff of SIDS and project partners.
- SIDS will not tolerate, condone or allow sexual harassment.
- Speedy resolution to problems.
- It is the duty of all staff (Contractual, part timer, volunteers, consultants and trainees) to comply with this policy.
- Misuse of policy or malicious complaints will be dealt with as a disciplinary manner.
- Confidentiality
- This policy is applicable to all outside clients or other non-employees who conduct business with SIDS.
- All allegations of sexual harassment will be taken seriously and responded promptly.
- All supervisory and Management personnel within the institute are responsible for eliminating any and all forms of sexual harassment of which they are aware.
- The effective implementation of this policy will not be affected by the sexual orientation and/or the socio-cultural background of all staff.

### Sexual harassment: The Act

The act is called the Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal Act, 2013). "Sexual harassment" includes any unwelcome sexually determined behavior (whether direct or by implication) such as:-



- Tales of sexual exploits.
- Sexually explicit gestures.
- Unwelcome touching and hugging.
- Sexist and insulting remarks.
- Any other unwelcome physical, verbal or non-verbal Conduct of sexual nature.
- Showing pornography/graphic description, making or posting vulgar/sexual pranks, offensive pictures, sexist jokes, cartoons and other materials through email, SMS, MMS, gestures, etc.
- Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes.
- Sexual or physical contact such as kissing or touching.
- Gossip regarding one's partner's sexual life.
- Comment about an individual's sexual activity.
- Displaying sexually suggestive objects, pictures, cartoons, etc.
- Intrusive questions about sexual activity, sexual assault.

#### Anti-Sexual Harassment Cell:

The Anti-Sexual Harassment Cell (ASH) will be constituted by SIDS for prevention and effective resolution of sexual Harassment of any form in the organization.

- At first, the Secretary of SIDS will convene a meeting of the Executive Committee to constitute the ASH cell. According to the unanimous decision of the meeting of the Executive Committee, the ASH cell shall comprise of the following five members. Two persons of whom one senior female staff and one senior male staff will be the member of ASH cell. One female member of the Executive Committee will be the Chairperson. One female member who is the member of local Mahila Mondals/ women organization will be the member of ASH cell. One male person who is the social activist will be the member of the ASH cell.
- The ASH cell will play a strong preventive and redressal role in maintaining a workplace free from sexual harassment.
- Any member of the ASH cell may have their membership terminated if he/she remains absent from three consecutive meetings without any valid reasons or if there is a complaint of sexual harassment or code of conduct violation against him/her.
- Membership of the ASH cell generally is for a period of three years. At least two old members should be retained for continuity.



- If any member of the ASH cell dies or resigns then that membership shall be filled in accordance with the procedures prescribed by this policy.
- The ASH cell shall be required to present a yearly plan and budget for preventive activities.
- Half yearly meetings, except of the grievance meeting, of the ASH cell will be held regularly.

**Redressal process:**

- Every employee is entitled to a work environment with dignity and free from sexual harassment.
- If any staff at SIDS believes that he or she has been subjected to Sexual Harassment, such person shall have the option to file a complaint with ASH cell. This may be done orally or in writing. Even if it is done verbally initially, it is always preferable to have the complaint in writing. A complaint may be filed by contacting any one of the members of the ASH cell.
- The ASH cell maintains a register to endorse the complaint received by it and keep the contents confidential.
- The ASH cell will hold a meeting within 10 days of the receipt of the complaint.
- At the first meeting, the cell members shall hear the complaint and record the allegations.
- A copy of the complaint carrying the statement of allegations, supporting documents, names and addresses of the witness can be submitted to the Chairman of the ASH cell within 15 days of the incident.
- The accused person will be asked by the ASH cell to give written reply in terms of complaints within a period of 10 days from the date of receipt of the notice, issued by the Chairperson.
- Thereafter, a person against whom complaint is made may be called for a deposition before the ASH cell and an opportunity will be given to him/her to give an explanation.
- The statements and other evidence obtained in the enquiry process will be considered confidential materials.
- Any officer in the organization could be designated to provide advice and assistance to each party if requested by either of them.
- The committee will take testimonies of other relevant persons and review the evidence whenever necessary. Care should be taken to avoid any retaliation against the witness by giving necessary protection.



- The ASH cell examines the complaint and shall undertake investigation of the complaint. The cell may examine witnesses from both the sides and also give opportunity for cross-examination the witness, to both parties. The proceedings shall be conducted in the presence of both aggrieved woman and the accused person. Documents if any produced by the parties may be taken on record and duly exchanged to enable both parties to effectively present their respective version. Neither the aggrieved woman nor the respondent is allowed to bring any outsider or legal practitioner to represent them in their case before the ASH cell.
- In case the complaint is found to be false, then the Competent Authority may impose any of the punishment as envisaged in the policy on disciplinary process including dismissal.
- The ASH cell will take decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.
- After Completion of the enquiry, the Committee will submit a copy of its report to the aggrieved woman, the respondent and the Management of SIDS.
- The Management of SIDS to take action for Sexual harassment as misconduct in accordance with the provisions of the service rules applicable to the respondent within 30 days of receiving the report and send the same report to the ASH cell.

#### **Third Party Harassment:**

Where sexual Harassment occurs by any third Party or outsider, SIDS will take all steps to assist the affected person in terms of support and preventive action as prescribed by the sexual Harassment of women at workplace ( Prevention, Prohibition and Redressal) Act 2013.

#### **Statutory Compliance/Management obligations:**

Management of SIDS shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy. It shall further be bound by the decisions of the ASH cell and shall implement the same expeditiously. The support to be provided to ASH cell such as Secretarial and administrative support for training, orientation and other preventive actions, proper fund allocation for all activities, etc. Training can build awareness about prohibited conduct and can also familiarize everyone about the procedures that are in place to protect victims, investigate, allegations and address violations. If the Secretary has a difference of opinion he/she may ask the ASH cell to review its decision. Action on ASH cell recommendations should be taken within 2 weeks. Support and protection must also be provided by Management if matters go to court. Management should in all cases defend the ASH cell and the complainant.



**Annual Reports:**

The ASH cell will conduct its proceedings strictly in accordance with principles of natural justice. The ASH cell will have to prepare an Annual Report every year containing the following details:- No of complaints of Sexual Harassment received in a particular year. No of complaints of Sexual Harassment disposed - off during a particular year. No of cases pending for more than 90 days. No of awareness programs conducted for prevention of Sexual Harassment. Nature of action taken by the employer. The Annual report will be submitted to the Management of SIDS.

