

Policy  
Against  
Sexual  
Harassment  
at  
Workplace

2015

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## POLICY ON SEXUAL HARASSMENT AT THE WORKPLACE

### Preamble

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 from the date of Gazette Notification i.e., w.e.f. 23.04.2013 and same has been published in the Gazette of India, Extraordinary, Part-II, Section-1, dated the 23rd April 2013 as Act No. 14 of 2013. The Act provides for protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. It is highly required that women are protected against sexual harassment at all the work places, be it in public or private. This essentially will contribute to the understanding of their right to gender equality, liberty and moreover, equality in their working conditions. The sense of security at the workplace/study place will improve women's participation in overall progress, resulting in their economic empowerment and inclusive growth as whole.

### Introduction

Reach India is not for profit charity based organization focuses on women and adolescent girls on thematic verticals like public health, livelihoods, family finance issues. Reach India serves in the poverty endemic states like Assam, Odisha, Chattisgarh, Jharkhand, Bihar, West Bengal, Meghalaya, Nagaland and Sikkim.

REACH INDIA TRUST upholds the dignity of every employee working in the organization and fosters growth through creating a positive and congenial work environment. Sexual harassment at workplace has been identified as one of the areas by REACH INDIA TRUST where the employees need to be protected for her/his own personal and professional development.

REACH INDIA TRUST has drafted this policy on sexual harassment at the work place as the organization values and respects each individual employee. REACH INDIA TRUST considers any sexually colored remarks or actions as a serious offence, and will take stringent action against the offenders when found guilty. The policy is drafted as per the Supreme Court guidelines of the *Vishakha* Judgment.

### Scope of the Policy

The policy is applicable to all employees (females and males) and also to third parties associated with REACH INDIA TRUST. The third party with respect to REACH INDIA TRUST would include the volunteers, students, interns and visitors etc. who are associated to the organization. An Anti Sexual Harassment committee will be formed by the organization, which will undertake preventive action as well as it will act as a grievance redressal body where complaints of sexual harassment at the work place will be contemplated. The committee will have representation of the members from across all staff cadres under the guidance of **Ms. Sanchita Roy Chakraborty**, Centre Coordinator and Head of the Committee.

The operational definitions of the following terms will be considered by the committee while dealing with these complaints.

### Definitions and Explanations

#### i) Sexual harassment:

After the Supreme Court judgment on the landmark case of *Vishaka Vs. State of Rajasthan* and others in 1997, sexual harassment was legally defined as an unwelcome sexual gesture or behavior whether directly or indirectly as:

- Sexually colored remarks
- Physical contact and advances

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- Showing/viewing/surfing pornography or such sites with obscene messages
- A demand or request for sexual favors
- Any other unwelcome physical, verbal/non-verbal conduct being sexual in nature
- Unsolicited telephone calls / e-mails with the intention of sexual harassment.

If the following circumstances exist in relation to any behavior, that is, if any act is done under the following circumstances that would also count as sexual harassment:

- Implied or explicit promise of preferential treatment in employment / awarding marks
- Implied or explicit threat of detrimental treatment in employment / awarding marks
- Implied or explicit threat about her present or future employment status
- Interferes with work studies or creates an intimidating/hostile/offensive work/studies environment
- Humiliating treatment likely to affect her health and safety
- Creating a hostile work environment

### **(ii) Work place:**

Work place includes any place where the employees of the organization carry out tasks to further the organizational goals and objectives. This will not include any place of work that is beyond REACH INDIA TRUST's premises and control. However the grieved party will be provided support to carry out necessary action as and when required.

### **(iii) Employee/Staff:**

An employee of REACH INDIA TRUST is an individual who has been appointed by the organization to carry out certain tasks so as to further the organizational goals and objectives. It covers all the staff on the payroll including the field staff, part time staff, incentive based, consultant, students, Visitors etc.

### **(iv) Third party:**

A third party refers to any individual or member of any group/organization that is/are associated with REACH INDIA TRUST. Examples of third party include sexual harassment to REACH INDIA TRUST's Staff by the volunteers, students, interns, visitors, community members, NGOs, CBOs, and Hospital & Health Post Staff.

## **Preventive Action**

Preventive action will be taken in the organization so as to evade any instances of sexual harassment. The efforts of the management will be as follows:

### **(i) Gender sensitization workshops:**

These workshops will aim at eliminating any gender biases of individuals, making them more gender sensitive. REACH INDIA will endeavour to conduct gender sensitisation workshop for staffs on a periodical basis thus mainstreaming gender across organization and programs.

### **(ii) Workshops on Sexual Harassment at the Workplace:**

Such workshops will be conducted to induct staff and third parties about the issue of Sexual harassment at the workplace, the Supreme Court guidelines and *Vishakha* judgment as well as about the organizational policy on sexual harassment at the work place.

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### (iii) Information on appointment:

REACH INDIA has made it mandatory to include a feature in its existing HR policy on sexual harassment at the workplace and its scope in the appointment letter for new employees from the 1<sup>st</sup> of September 2014. An induction will be provided to the new appointee with regard to the policy.

### Anti Sexual Harassment committee

REACH INDIA TRUST will form a committee to deal with complaints of sexual harassment at the workplace for employees and third parties. The names of members are as enlisted below.

Sl. No.	Name of the staff	Designation and Location	Designation in the Committee
1	Sanchita Roy Chakraborty	Centre Coordinator from SMART Centre	Head the Committee
2	Moumita Banerjee	Instructor- IT enabled Services from SMART Centre	Member
3	Sangita Roy Borthakur	Manager Program & Resources from Guwahati Capacity Centre	Member
4	Bonali A Sangma	Manager Program & Trainings from Guwahati Capacity Centre	Member
5	Bhagwati Pandey	Programme Coordinator from Bihar Capacity Centre	Member
6	Priyanka Banerjee	Executive Trainings & Program from Kolkata Capacity Centre	Member
7	Soma Sen Gupta/ Rekha Masilimani	Freelance Consultant	Member & Advisor

### (a) Facilitating body

The anti sexual harassment committee will work in coordination with the management of REACH INDIA TRUST will ensure regularity of meetings and follow-up of cases of sexual harassment that may arise. This body will also ensure preventive action to be taken in order to avoid sexual harassment at the work place. Ideally two meetings will be organized in a financial year where attendance of at least three members is mandatory.

### (b) Members

There are six individuals selected by the facilitating body to be members of the Anti sexual harassment cell. Out of the 6 members, maximum representation has to be of women, and the Chairperson of the committee has to be a woman. One member has to be a representative of another organization, thus ensuring transparency in procedures, and delivery of justice. In case of differences of opinion in a case the decision of the majority of the committee members will prevail.

### (c) Selection of members

Members will be selected based on their commitment and sensitivity to the issue. They must be gender sensitive and compassionate individuals. They must be non-judgmental and tactful in their approach of handling such cases.

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### **(d) Period of membership**

Membership will be for a period of one year with extension of another one year, after which a new set of members will be appointed. However few members if willing can continue their membership to help evolve and guide the new members.

### **(e) Termination of membership**

Membership will be terminated in the event of retirement or resignation of a member from his/her post in the organization, or if a member has been found guilty in a case of sexual harassment. Membership will also be transferred to another person after the completion of maximum 2 years tenure in the Committee.

### **(f) Appointment of new members**

New members will be appointed by the facilitating body. An individual who has been previously elected as a member on the committee can be elected again.

### **(g) Women's representation**

Out of the seven members, including one representative from external organization, six have to be women. Moreover, the chairperson of the Anti sexual harassment cell must be a woman.

### **(h) Meetings**

Meetings will be held twice in each year, whether or not a case of sexual harassment has been registered. This is so as to discuss and plan for preventive actions and to make recommendations to the facilitating body. The venue and the time for the meetings will be as per the decision of the members of the committee and intimated to all members officially through proper communication channels.

### **(i) Contact details of members**

The contact details of members of the Anti sexual harassment cell, as well as of the First information contact persons will be made available to all associates of REACH INDIA TRUST.

### **(j) First information persons**

First information persons will be elected from each project of REACH INDIA TRUST. The role of these individuals will be to act as vigilance bodies in their respective projects, as well as to provide immediate support to victims of sexual harassment in their respective projects. It is the job of the first information person to give initial warnings to the harassers of the dire consequences that s/he might have to face if/when the matter reaches the anti sexual harassment cell. It is also this persons' responsibility to encourage associates of REACH INDIA TRUST to place complaints with the Anti sexual harassment cell.

## **Guidelines for placing a complaint:**

### **(a) Application**

A written application once submitted to the Anti sexual harassment cell, which will then be deliberated upon. The application must consist of all the details of the event/s of sexual harassment that occurred, as well as the name of the alleged offender. Approximate date/time of the event/s could also help during investigation.

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### **(b) Contact**

A contact will be established with the victim/applicant and the first information person who may have approached the cell for justice. An initial interview with the applicant will commence the investigation of the case. The report of the enquiry should be signed by all the committee members present during the enquiry.

### **(c) Confidential Investigation**

Confidentiality will be maintained during the investigation. The committee will ensure that no other individuals will know of the complaint besides the applicant and the witnesses, if any, brought in by the applicant. Investigation must be carried out within a period of one month. If required a cross examination of the complainant and the accused and if any witness available can be done. This will be at the discretion of the Committee Members. At any stage of the proceedings, if the aggrieved women wish to withdraw her complaint, the committee shall permit her to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry. In case of withdrawal if it is brought to the notice of the committee that, pressure is being brought on the complainant or the witnesses to withdraw their statements or not go through the proceedings conducted by the Committee then the Committee will record this.

### **(d) Principal of Natural Justice**

The principal of natural justice will be adopted during investigation. Thus, both parties, the applicant as well as the alleged offender, will be given a platform to produce their respective views of the event/s and will be given a chance to explain their sides. The investigation will include interviews with witnesses produced by both sides, as well as other intervention that may be required. A copy of the investigative report, which consists of the investigation findings, will be given to both parties at the end of the investigation, as also a copy of the recommendations made by the cell to the management will be submitted to both parties. In case of any settlement brought about by the Committee must be mutually acceptable to both the aggrieved woman and defendant.

### **(e) Punitive action**

Action to be taken will be recommended by the cell, based on the findings from the investigative report. These will be reviewed by the management and as joint decision will be taken up. Punitive action could be in the nature of transfer, termination, reduce the remuneration, consideration in annual performance appraisal, and demand for an apology to the victim, or any other, as deemed fit by the cell. The decision for punishment will be based on the impact of the harassment on the recipient of the same.

### **(f) Recommendations**

Recommendations will be made by the cell to the facilitating body. These may be to bring into effect policy change/modification, or else to carry out some preventive action.

### **(g) Forward to management**

The investigative report, findings and recommendations of a case of sexual harassment must be duly forwarded to the management for immediate actions. Once the committee has reached a decision, management must provide its recommendations in the following manner:

1. If the accused is found guilty, no recognized victim will be forced to work under or with that person. If such a provision requires the transferring of people, the victim's preferences should be given first priority.

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2. If the committee reaches a verdict of guilty it must then decide upon the appropriate penalty actions. This decision may take into account of past offences. In other words, repeat offenders may be given harsher penalties and strict punitive actions may be taken.

3. Penalties may be broadly grouped as detailed below:

### Minor Penalties:

- The harasser is required to write a letter of apology to the victim
- Management writes a letter of reprimand to the harasser including a warning against further such activities
- Harasser is suspended
- Management withholds the increment from harasser for next one year
- The harasser is fined up to Rs 2000 or more depending on the position

### Major Penalties:

- The harasser is demoted
- Management terminates employment contract of the harasser
- Management withhold the increment from harasser for more than one year
- The harasser is forced to submit Rs 5000 as fine or any such amount as declared by the Cell
- If the harasser is a service taker or third party, management terminates service contract to the harasser.

4. If the Committee is of the opinion (based on the substantiated facts) that the complaint of sexual harassment was made falsely and with malicious intent, then such action will be considered as case of misconduct. In such case the committee may make a recommendation for appropriate actions to management which may even lead to termination of contract of the complainant.

### Management Obligations

The management of REACH INDIA TRUST is required to carry out all actions recommended by the anti sexual harassment cell, as well as to take action against the individual/group found to be guilty of sexual harassment at the work place. In case there are differences of opinion in terms of the punitive action to be taken against the offender, the Committee's decision over rides that of management.

### Third Party Harassment

This would keep in mind the harassment done to REACH INDIA TRUST staff by the third party or harassment of the third party members by REACH INDIA TRUST staff, where the rule will be as detailed above and based on the judgement of the Cell punitive actions will be taken.