

Policy against Sexual Harassment



RURAL EDUCATIONAL ACTIVITIES FOR DEVELOPMENT

(READ)

Defence Colony, Bhabinarnapur Road Po-Narendrapur, Gajanam, Odisha-760007 Phone: 60811259100, Email: readngo93@gmail.com Website: www.readodisha.org

PREVENTION OF SEXUAL HARASSMENT & REDRESSAL POLICY

A. Introduction:

Rural Educational Activities for Development (READ) recognises the right of every employee and volunteer to be able to attend work and to perform their duties without being subjected to any form of sexual harassment. It is the obligation and responsibility of every employee and volunteers to ensure that the workplace is free from sexual harassment. READ is fully committed to its obligation to eliminate sexual harassment in the workplace and has zero tolerance to it. All the employees and volunteers are expected to behave and maintain the highest standards of dignity, integrity and morality. It promotes harassment-free working environment.

B. Purpose:

The purpose of this document is to outline READ's position on sexual harassment and to strengthen redressal system and document the process which is to be followed any grievances arise. The policy has been formulated keeping in view the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the "Act") and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the "Rules")

- ✓ The complaints will be taken seriously. The management shall respond promptly and where it is found that an inappropriate conduct has occurred, it will take corrective action strictly according to the law which might range from warnings to termination, as appropriate.
- ✓ This policy applies to all the employees and volunteers of READ.
- ✓ It applies to the workplace as defined hereunder as well as to the activities connected to the workplace.
- ✓ READ will not tolerate sexual harassment under any circumstances. Responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.
- ✓ Sexual harassment is unlawful. All employees and volunteers must conduct themselves appropriately and must behave keeping in mind sensitivities of all the people they work with.
- ✓ This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.
- ✓ No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.
- ✓ A breach of this policy will result in disciplinary action, up to and including termination of employment.
- ✓ READ strongly encourages any employee who feels they have been sexually harassed to take immediate action. If an employee or volunteer feels comfortable in doing so, it is preferable to raise the issue with the person directly with a view to resolve the issue by discussion, by identifying the harassing behaviour and explaining that the behaviour is unwelcome and offensive, and by asking that the behaviour stops.

C. Definition:

C.1 Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. "Sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) are:

- ✓ *Physical contact and advances;*
- ✓ *A demand or request for sexual favours;*
- ✓ *Making sexually coloured remarks;*
- ✓ *Showing pornography;*
- ✓ *Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.*

The following circumstances, in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment (not an exhaustive list):—

- ✓ *Implied or explicit*
- ✓ *Promise of preferential treatment in her employment.*
- ✓ *Threat of detrimental treatment in her employment.*
- ✓ *Threat about her present or future employment status.*
- ✓ *Creating an intimidating or offensive or antagonistic work environment for her, humiliating treatment likely to affect her health or safety.*

C.1. (a) Examples of sexual harassment include (but not limited to) -

Verbal Suggestive comments, Derogatory Comments Turning work discussions to sexual topics (using "jokes")

Non verbal:

Staring or leering, Sizing up a person's body (looking up and down), Derogatory gestures of a sexual nature - Facial expressions of a sexual nature - winking, licking lips

Visual

Presence or display of sexual visual material, such as Posters, cartoons, drawing, calendar, computer programme, screen savers of a sexual nature

Physical contact

Unwelcome hugging, sexual touching or kissing, handshake without consent ,Insults or taunts of a sexual nature, Sexual jokes or teasing Sending sexually explicit emails or text messages accessing sexually explicit internet sites in the workplace Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching Standing too close, leaning over, invading a person's space like:-

- ✓ *Intrusive questions or statements about your private life Comments on clothing, behaviour or person's body*
- ✓ *Inappropriate advances on social networking sites, pornography*
- ✓ *Written material that is sexual in nature, such as notes or e-mail containing sexual comments*
- ✓ *Patting, stroking, grabbing*
- ✓ *Actual or attempted sexual assault, or forced fondling*
- ✓ *Requests for sex or repeated unwanted requests to go out on dates*
- ✓ *Stalking & obscene communication,*

C.1. (b) What is not sexual harassment?

- The normal exercise of supervisory and management responsibilities, including coaching, performance reviews, work evaluation and disciplinary action;
- Voluntary or consensual sexual contact between employees, behaviour that is based on mutual attraction, friendship and respect is not sexual harassment. (However, it should be noted that individuals in a supervisory/manager capacity who involve themselves with employees do so at their peril, as employees may later indicate that they felt coerced into the relationship given the nature of work relationship (superior-subordinate or otherwise), even if the manager's intent may not have been to coerce.)

C.2. Who is an aggrieved woman & employee?

- *All women working or visiting the workplace, Regular / Temporary employee/contractual*
- *Adhoc /Daily wages - Engaged directly or indirectly (contractor)*
- *Working for remuneration, voluntary or otherwise*
- *Could be a co-worker, contract worker, probationer, trainee, volunteer, student volunteer, apprentice and visitors*

C.3. What is 'workplace'?

- *Office & office sites /fields*
- *Out-bound trainings*
- *Training sessions*
- *Travel for official purpose*
- *Any place where one visits in the course of employment.*

D. Committee against Sexual Harassment:

D.1 Constitution of Committee against Sexual Harassment: READ will have one Committee against Sexual Harassment (CASH) Constituted centrally with representative from field office. Not more than 6

members can be there in the CASH including the independent member * Minimum 50% should be women members, senior most woman employee to be nominated as the Presiding officer.

D.2 Membership of CASH: All the members are nominated to CASH by the Executive Secretary of READ. In case of an employee leaves the organisation, his/her membership in CASH will be automatically terminated. If a member wishes to terminate his/her membership from CASH, it can be done by intimating the Executive Secretary of READ through the presiding officer. However, during an inquiry, a request to end membership cannot be entertained.

D.3 Constitution of CASH: There will be representation from the categories listed below, though the number in each may change depending upon the availability of person in the organization, who meet the selection criteria.

Management Support Staff: 2 persons

Programme staff – 3 persons

External Advisor - 1

D.4 Quorum of CASH: For conducting inquiry, the quorum of the CASH shall be at least two third representations including the Presiding Officer. 50% of members presiding at any hearing shall be women.

D.5 Tenure: The committee will have tenure of 2 years. After this two year period a review will be undertaken to assess the work of the committee and the next committee will be constituted with only one third of them being replaced.

E. Responsibilities:

E.1 Role of management to ensure that: Treat sexual harassment as gross misconduct and initiate action for such misconduct;

- *Provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy;*
- *Provide assistance to the woman if she so chooses to file a complaint in relation to the offence falling within the meaning and definition of sexual harassment;*
- *Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, if the aggrieved woman so desires, where the perpetrator is not an employee in the workplace at which the incident of sexual harassment took place;*
- *Organise awareness programmes and workshops at regular intervals for sensitizing the employees around sexual harassment, and also conduct orientation programmes for the members of CASH*
- *Report the number of cases filed, if any, and their disposal under the Act, as required by the applicable law; Make the policy a part of the induction kit for the employees.*

E.2 Role of functional head:

- *Managers must take all reasonable steps to ensure a safe working environment for their employees, including:*
- *Acknowledge responsibility to provide a safe working environment for all employees; Ensure all employees are aware of what constitutes inappropriate behavior;*
 - *Be aware of and sensitive to high risk work situations (late working, tours, late evening / off-site events etc); Act promptly to prevent sexual harassment;*
 - *Believe a person when she talks about harassment. It is her perception of what is “unwelcome” that matters.*
 - *Set an example through their own behaviour and treat all with dignity and respect; Foster an environment free of discrimination;*
 - *Treat all complaints seriously and maintain confidentiality around the same; and*
 - *Ensure that retaliation against an individual who has complained about sexual harassment or against any individual who cooperates with an investigation of a sexual harassment complaint will not be tolerated and shall be dealt with firmly.*

F. Procedures:

F.1. READ will setup a complaint box at head office where the victim could put the complaint letter against the culprit. This complaint box helps the victim to bring the issue to the CASH as and when she dare not or feel shy to disclose the issue.

F.1.1 Complaint Process: Sexual harassment of women can occur at any level of the organisation, and may involve a co-worker, volunteer, supervisor, manager, service provider, client or customer. Lack of intent is no defense in sexual harassment cases. Employees or volunteers who believe they are the subject of sexual harassment should take firm, positive and prompt action. Where possible, the employee or volunteer should make the perceived harasser(s) aware that their behaviour is offensive, unwelcome, unacceptable, and that it needs to stop immediately. If the behaviour continues, or if the employee or volunteer is unable to speak to the person(s) directly, they should contact any colleague they feel comfortable with, preferably a senior colleague, and can lodge a complaint with the CASH of READ.

Once a complaint is received, the CASH shall proceed with the conciliation process/inquiry in consultation with the aggrieved woman. In case of conciliation, the provisions under the Act have to be followed with no monetary settlement

F.1.2 Complaints to be made within 90 days of occurrence of the incidents/last incident (in case of series of incidents), and in case of delay in reporting the reasons for the delay should be mentioned in the complaint; in case the aggrieved woman cannot make a complaint, then with her written consent, anyone can lodge a complaint; and if the aggrieved woman needs assistance to communicate about the

incident to a specialist due to her mental and physical incapability then suitable provisions must be made available to her.

F.1.3 Inquiry process:

The CASH shall forward a copy of the complaint to the respondent within 7 days of receiving the complaint.

- The respondent shall submit his reply to the complaint with a list of witness (es), their address and evidence within 10 working days of receiving a copy of the complaint.
- *The CASH shall interview the parties involved (which may include the complainant, the respondent, and any witness) to obtain information regarding the complaint. Statement of the parties shall be recorded and documented.*
- *The CASH will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against. Principles of natural justice have to be followed during an inquiry process. Both the complainant and the respondent shall be given reasonable opportunity to be heard along with witnesses and shall be allowed to produce any relevant documents before the CASH.*
- *Inquiry has to be completed within 90 days of receiving the complaint.*
- *The inquiry report has to be submitted within 10 days of last date of inquiry proceedings held.*
- *Upon completion of the inquiry, a copy of the final findings shall be made available to both the parties enabling them to make representation against the findings before the committee.*
- *The CASH shall maintain records of the proceedings and of all CASH meetings, and shall maintain confidentiality as per the provision of law about the cases.*
- *The CASH shall have the powers of a civil court in terms of summoning and producing documents and evidence.*
- *If the CASH considers it appropriate for the safe and efficient conduct of an investigation, either party may be stood down from work or provided with alternative duties during an investigation in which case they will be paid their normal pay during any such period.*
- *The CASH shall recommend interventions in the final report to the Executive Secretary as per the findings.*

F.2 Investigation & Inquiry:

F.2.1 investigation and inquiry into a complaint must be conducted as per the Act and the rules notified under the Act. An investigation involves collecting information about the complaint and then making findings, based on the available information, as to whether or not the alleged behaviour occurred. Once a finding is made, both parties to be complied with the findings to represent before the committee (CASH).

Throughout the investigation process, all parties involved in the investigation shall be kept informed about the investigation on a regular basis. Records are to be kept and filed in a confidential and secure place. If no confidential area is available, the records may be sealed and forwarded to the Human

Resources Department (HRD) or any person assigned by the organisation to discharge this responsibility, where they will be maintained, in unopened condition, in a confidential filing system. These records should be kept for a period of at least ten years. Under no circumstances should the records be placed on the complainant's personnel file.

F.2.2 If either or both the parties fail to appear before the CASH for three consecutive hearings wherein minimum 15 days' notice has been given, the CASH shall proceed to issue an ex-parte decision.

G. Punishment Intervention/recommendation:

G.1 Possible recommendations: On the basis of the findings, possible intervention or recommendation by the CASH may include, but may not be limited to, or may be any combination of the following : Counseling ,Disciplinary action against the harasser (e.g. demotion, transfer, suspension, probation or dismissal) , Official warnings that are noted in the respondent's personnel file, Disciplinary action against the person who complained if there is strong evidence that the complaint was malicious , Formal apologies (written) along with an undertaking, Conciliation/mediation conducted by CASH as per the law where the parties to the complaint agree to a mutually acceptable resolution without any monetary settlement, Reimbursing/financial penalty any costs associated with the harassment

G.2 Information about findings: On completion of an investigation, all the parties will be informed about the investigation findings and the outcome recommendation of the investigation.

G.3 Monitoring employees' etiquette following the complaint: Following an investigation concerning a sexual harassment complaint (irrespective of the findings), the CASH will:

G.3.1. consult with the parties involved to monitor the situation and their well-being, and

G.3.2 Educate and remind all employees and volunteers of their obligations and responsibilities in relation to providing a workplace free from harassment.

G.4 Reporting of findings, monitoring situation & penalty for further victimization: If an investigation determines that sexual harassment has occurred, the CASH must forward a summary of the complaint and the action recommended to the Executive Secretary of READ. A copy may be placed in the respondent's personnel file by the HR Manager, in accordance with Performance Counseling procedures.

G.4.1 The HR Manager with the help of line manager will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimized. This may involve follow-up interviews.

G.5 Factors to be considered while recommending: Intervention/recommendation will depend upon factors such as: the severity and frequency of the harassment; the weight of the evidence; the wishes of the person who was harassed; whether the harasser could have been expected to know that such

behavior was a breach of policy; the level of contrition; and whether there have been any prior incidents or warnings.

H. Procedures for Dealing with Criminal Conduct:

Some forms of severe sexual harassment (e.g. sexual assault, stalking, indecent exposure, physical molestation, obscene phone calls) may constitute criminal conduct.

While READ is committed to treat most sexual harassment complaints at the organisational level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system; hence the CASH and the Executive Secretary of READ may extend all possible support to aggrieved women to lodge criminal cases in police station.

In relation to alleged criminal offences such as rape or sexual assault, the matter must be immediately referred to the CASH, and the Executive Secretary of READ or Programme Head in absence of the Executive Secretary should be advised of the option of police support or intervention. It is the obligation or duty of the organisation to report such matters to the police on behalf of the complainant.

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ANNEXURE-1**Rural Educational Activities for Development (READ), Odisha, India****A. EQUITABLE GENDER DECLARATION FOR EMPLOYEES AND VOLUNTEERS**

It is mandatory for all Employees, Volunteers and Visitors at Rural Educational Activities for Development (READ), to sign this declaration and agree to abide by the Policy against Sexual Harassment of Rural Educational Activities for Development (READ).

I, _____ (write name), hereby declare that I have read the Policy against Sexual Harassment of Rural Educational Activities for Development (READ), and understand its contents, spirit and purpose. I agree to abide unconditionally to the said policy, and will ensure that my conduct at all times ensures an environment free from the threat of any kind of sexual harassment and exploitation as laid down in the policy.

Signed _____

Rural Educational Activities for Development (READ) Employee/ Volunteer / Visitor (**Tick one**)