



## Prohibition of Sexual Harassment Policy

Gender at Work is committed to creating an environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The organisation believes that all employees have the right to be treated with dignity. Sexual harassment at the workplace or other than the workplace, if involving employees, is an offence. We strive to maintain an environment that promotes a healthy, safe, and diverse workforce. The organisation has a zero tolerance policy towards sexual harassment, if engaged in by clients, by suppliers, or any other business associates.

The Prohibition of Sexual Harassment Policy extends to all individuals who are employed in permanent or temporary capacity (interns, trainees, associates, consultants, contractors, apprentices, third party personnel etc.). The policy does not apply where the sexual harassment occurs between third parties not employed in a permanent or temporary capacity on the premises of the organisation (for e.g. between visitors, vendors, members of audit team etc.). However, the organisation will take the necessary steps to assist the affected parties.

### 1. Definitions

“Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication):

a) Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:

- I. Offensive gestures that are of a sexual nature;
- II. Physical contact and advances;
- III. Demand or request for sexual favours;
- IV. Assault or coerced sexual acts
- V. Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body;
- VI. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sending sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, WhatsApp or any other electronic means etc.;
- VII. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- VIII. Giving gifts or leaving objects that are sexually suggestive;
- IX. Verbal abuse, innuendos and taunts of a sexual nature,
- X. Persistent watching, following, contacting of a person; and
- XI. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b. 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:

- XII. Implied or overt promise of preferential treatment in employment; or
- XIII. Implied or overt threat of detrimental treatment in employment; or
- XIV. Implied or overt threat about the present or future employment status;
- XV. Conduct which creates an intimidating or offensive or hostile work environment; or
- XVI. Humiliating conduct constituting health and safety problems

## 2. Complainant

In relation to the workplace, a person of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it could be vice versa, as well as between individuals of same gender.

## 3. Respondent

Against whom the complainant has made a complaint of sexual harassment. A respondent can be of any gender and does not have to be male.

## 4. Workplace

The “workplace” includes:

- i. All offices or other premises where Gender at Work India Trust India Trust India Trust’s business is conducted.
- ii. All Gender at Work India Trust India Trust India Trust-related activities performed at any other site away from the Gender at Work India Trust India Trust India Trust’s offices, e.g. at a workshop for programme participants
- iii. Any mode of transportation provided by Gender at Work India Trust India Trust India Trust for undertaking a journey to and from the aforementioned locations.

## 5. Employer

For the matters of this policy, the Employer will include only the Executive Director of Gender at Work India Trust and not anyone else acting on their behalf.

## 6. Complaint Registry Procedure

Any individual as specified in scope above who feels is being sexually harassed directly or indirectly may submit a written complaint of the alleged incident to any Employer or to the LC. The LC can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that there are genuine reasons which prevented the lodging of the complaint.

If the respondent is against the Employer, the Complainant can make a direct submission to the LC. Where the Complainant is not able to make a written complaint to the LC, the Employer shall render all reasonable assistance to the individual for making the complaint to the LC in writing. If the Complainant is unable to lodge the complaint in account of her incapacity, the following may do so on his/her behalf, with his/her written consent:

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

Where harassment has occurred as a result of an act or omission by any third party or outsider, like customer or vendor, all necessary and reasonable steps would be taken to assist the affected person in terms of support and preventive action.

The Employer will maintain a register to endorse the complaint received by it and keep the contents confidential and support the Complainant to take the complaint to the LC. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

## 7. Resolution Procedure through Conciliation



At the request of the Complainant, the Employer may take steps to conciliate the complaint between the complainant and the respondent. It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.

In case a settlement is arrived at, the Employer will record the same and take appropriate action. The Employer will provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

## 8. Enquiry Process

The LC will follow the process as laid out in the Sexual Harassment Act:

- Upon receipt of the complaint, 1 copy of the complaint is to be sent to the respondent within 7 days. Upon receipt of the copy of complaint, the respondent is required to reply to the complaint along with a list of supporting documents, and the names and addresses of witnesses within 10 working days. The Inquiry has to be completed within a total of 90 days from the receipt of the complaint.
- The Inquiry report has to be issued within 10 days from the date of completion of inquiry.
- The Employer is required to act on the recommendations of the LC within 60 days of receipt of the Inquiry report.
- Appeal against the decision of the committee is allowed within 90 days from the date of recommendations.
- Employer will take appropriate disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service;

## 9. Responsibilities of the Employer

- Ensure a safe working environment free from Sexual Harassment for women including prevention and deterrence of Sexual Harassment.
- Prepare and prominently display the policy for the prevention and prohibition of Sexual Harassment at workplace giving information for the redressal mechanism that has been put in place and encouraging women employees to file their grievances.
- Maintain a proactive program to educate all members as to the definition of sexual harassment and procedures for redressal.
- Treat sexual harassment as misconduct under the employment agreement on consulting agreements, as appropriate and initiate action for such misconduct.
- To ensure the safety of the Complainant and witnesses during the pendency of the enquiry and till the final determination of the complaint.
- To provide the Complainant with references and introductions to appropriate support services that provide legal, psychological / emotional and physical, assistance if he/she so desires.
- The Employer shall take appropriate action based on the recommendations of the LC.

## 10. Points to Note

- This Policy is not designed as a substitute for legal proceedings. However, whenever a complaint is made, Gender at Work India Trust India Trust India Trust shall make all efforts to address the complaint in fair, pragmatic, objective and efficient manner, to prevent and prohibit such behaviour and to provide a friendly working environment for one and all taking "Principles of Natural Justice" into consideration.
- Sexual harassment should be judged by the impact on the Complainant and not the intent of the Respondent.



- **Complainants or witnesses are not victimized or discriminated against by the accused.**
  - **The position of the Respondent and the criticality of the position occupied by the Respondent shall not be any hindrance to the disciplinary action taken against the Respondent.**
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