

## **ANTI SEXUAL HARASSMENT POLICY Of VIKAS SANSTHAN**

Vikas Sansthan considers any sexually colored remarks or action as listed in the note below as serious offence and will take stringent action against the offenders if found guilty. The policy is drafted primarily considering the Supreme Court guidelines of the Vishakha Judgment and the Sexual Harassment of Women at Workplace (Prevention, prohibition and redressal) Act, 2013.

### **A. SCOPE OF THE POLICY**

The policy is applicable to every employee (female and male) who draws a regular salary, receives an honorarium from Vikas Sansthan and also to the people who work with us in our premises as consultants, volunteers and interns.

An Anti Sexual Harassment committee (ASHC) is being 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 workplace will be contemplated and appropriate action will be taken on receiving the complaint.

### **B. WHAT IS SEXUAL HARASSMENT?**

For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- a) Physical contact and advances;
- b) A demand or request for sexual favors;
- c) Sexually colored remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Here the deciding factor is the impact on the recipient and not the intent of the alleged harasser. The creation of a hostile work environment through unwelcome physical, verbal or non-verbal conduct of sexual nature may consist not of a single act but of a pattern of behavior comprising many such acts. It is important that the victim report such behavior as soon as possible and not wait for it to become worse.

### **C. ANTI SEXUAL HARASSMENT COMMITTEE**

#### Constitution of ASHC

- There will be seven (5) individuals as selected by the governing body to be members of the ASHC based on their commitment and sensitivity to the issue. The members will be gender sensitive and compassionate individuals, non-judgmental and tactful in their approach of handling such cases.
- In case of differences of opinion in a case, the decision of the majority of the committee members will prevail.
- Out of the five members, maximum representation will be of women and the Chairperson of the committee will also be a woman.



## VIKAS SANSTHAN

- Membership will be for a period of three years initially and can thereafter be extended /terminated by the governing body. Membership will be terminated in the event of retire- ment 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.

### **Role of ASHC**

The ASHC Committee shall operate under the watchful guidance of Mrs. Sarita Dilip Sevarthi and shall ensure the following:

- a) Convene regular meetings
- b) Preventive action to be taken to avoid sexual harassment at the work place.
- c) Prompt redressal of sexual harassment complaints that may arise.
- d) Submission of an annual report to the Governing Body, comprising of all the complaints and action taken by them during the year and compliance with the aforesaid guidelines in case of the complaints.

### **Formation of first Anti Sexual Harassment committee at Vikas Sansthan**

The Board resolved to constitute the first ASHC at Vikas Sansthan with the following composition.

S. No.	Name & Designation	Status in ASHC	Contact Numbers
1	Mrs. Sarita Dilip Sevarthi	Chair Person	9639876503
2	Ms. Rina	Member	7088987425
3	Mrs. Roma	Member	7088776333
4	Mrs. Archana Yadav	Member	7037309875
5	Ms. Tauheed	Member	7455838751

\*\* As Vikas Sansthan has offices in multiple locations, a local team member, preferably a female will also be an additional point of contact apart from the 5 member team as decided by the committee.

### **D. 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:

1. **Gender sensitization discussions:** Although being a non-profit organization is socially aware and sensitive individuals are associated with it, but we will be conducting gender sensitization workshops and discussion among the team members and other related people.
2. **Workshops on Sexual Harassment at the workplace:** Such workshops and discussions will be conducted to make team and volunteers aware about the issues of Sexual harassment at the workplace, and about the role of ASHC.





## VIKAS SANSTHAN

### E. INFORMATION TO TEAM MEMBERS:

It will be made mandatory to

1. Include the existing Vikas Sansthan policy on *Sexual Harassment at the Workplace* and its scope in the HR Manual.
2. Display conspicuously at the workplace, informing about this committee in Vikas Sansthan and sharing about the way to complain against sexual harassment and the names and contact details of the members of the ASHC

### F. GUIDELINES FOR FILING & REDRESSAL OF A COMPLAINT

The Complaint mechanism to be followed is outlined as below:

1. **Alert to ASHC:** The complainant must immediately alert a member of the ASHC either directly or through his/her supervisor at the smallest instance of sexual harassment. The role of the ASHC member who first receives the complaint is to
  - a. Provide immediate support/counseling to the person.
  - b. Give initial warnings to the harassers of the dire consequences that he/she might face if/when the matter reaches the anti sexual harassment committee.
  - c. At the request of the aggrieved person, committee may, take steps to resolve the matter through conciliation provided that monetary compensation shall NEVER form a basis of conciliation.
2. **Complaints with the ASHC:** Any aggrieved person may make in writing complaint to the Committee within three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. 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.
3. **Inquiry:** An initial interview with the complainant will commence the investigation of the case. If required a cross examination of the complainant and the accused and if any witness available can be done. 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. A copy of the findings of the investigation would be made available to both the parties enabling them to make representation against the findings before the committee.

The report of the enquiry should be signed by all the committee members present during the enquiry. The language of the enquiry and report shall be Hindi and any other language legible to the complainant as well as the respondent. This report shall be provided to the Director within ten days of completion of the enquiry. Such report would also be made available to the concerned parties



## VIKAS SANSTHAN

4. **Confidentiality:** All complaints and complainant's and witnesses' identity will be kept confidential at all times and it must be ensured that they do not experience victimization/discrimination. If any person entrusted with the duty to handle or deal with the complaint, inquiry, recommendations or action, contravenes this confidentiality clause, he/she shall be liable for penalty.
5. **Time-Bound:** Investigation must be carried out within a period of 21 days and should be completed in not more than 90 days.
6. **Recommendation to management :** The ASHC shall recommend to the management appropriate action based on the guidelines below:
  - a. **In case complaint is valid:** If the ASHC reaches a verdict of guilty it must then decide upon the appropriate punitive action\*\* against respondent. This decision may take into account past offences. In other words, repeat offenders may be given harsher penalties. Also the employer and the committee will provide assistance to the complainant if she so chooses to file a complaint in relation to the offence under the Indian Penal code or any other law for the time being in force.
  - b. **In case complaint is invalid:** If the ASHC opines (based on the substantiated facts) that the complaint of sexual harassment or evidence thereto was made falsely and with malicious intent, then such action will be considered misconduct on behalf of complainant and/or witnesses and the committee may recommend appropriate punitive action\*\*. Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.
  - c. **In case of deferment:** If a logical conclusion may not be reached in time, the ASHC shall recommend interim relief measures such as (i) transfer of the respondent or aggrieved team member to any other workplace; or (ii) granting leave to the aggrieved team member up to a period of 3 months in addition to his/her regular statutory/ contractual leave entitlement. If such a provision requires the transferring of people, the aggrieved team member's preferences should take priority.
  - d. **In case of Third Party Harassment:** Where sexual harassment occurs as a result of an act or omission by any third party, the employer and person in charge will cause to initiate action, under the Indian Penal Code or any other law, against the perpetrator, if the aggrieved individual so desires.

\*\* Punitive action that may be in the nature of transfer, termination, remuneration cut, forced leave, fine, consideration in annual performance appraisal, demand for an apology to the victim, forward the complaint to Police or any other action, as deemed fit by the committee.

7. **Management Action:** The management of Vikas Sansthan is required to carry out the action recommended by the ASHC against the individual/group found to be guilty of sexual harassment at the work place within 60 days. In case there are differences of opinion in terms of the punitive action to be taken against the offender, the Committee's decision overrides that of management.

