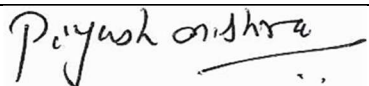




PREVENTION OF SEXUAL HARASSMENT & REDRESSAL POLICY

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PREVENTION OF SEXUAL HARASSMENT AND REDRESSAL POLICY ISWAR

1. Introduction:

ISWAR recognizes the right of every employee and volunteer to be able to attend work and perform their duties without being subjected to any form of sexual harassment.

It is the obligation and responsibility of every employee and volunteer to ensure that the workplace is free from sexual harassment.

ISWAR 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 a harassment-free working environment.

2. Purpose:

The purpose of this document is to outline ISWAR's position on sexual harassment and to strengthen the redressal system and document the process which is to be followed should 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")

2.1 The complaints will be taken seriously. The management shall respond promptly and where it is found that inappropriate conduct has occurred, it will take corrective action strictly according to the law, which might range from warnings to termination, as appropriate.

2.2 This policy applies to all the employees and volunteers of ISWAR.

2.3 It applies to the workplace as defined hereunder as well as to the activities connected to the workplace.

2.4 ISWAR will not tolerate sexual harassment under any circumstances. The responsibility lies with every Manager, Supervisor and employee/volunteer to ensure that sexual harassment does not occur.

2.5 Sexual harassment is unlawful. All employees and volunteers must conduct themselves appropriately and must behave, keeping in mind the sensitivities of all the people they work with.

2.6 This policy applies to conduct that takes place in any work-related context, including conferences, work functions, social events and business trips.

2.7 No employee or volunteer at any level should subject any other employee, volunteer, customer or visitor to any form of sexual harassment.

2.8 A breach of this policy will result in disciplinary action, up to and including termination of employment.

2.9 ISWAR 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.

3. Definition:

3.1 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) namely:

- 3.1.1 Physical contact and advances;
- 3.1.2 A demand or request for sexual favours;
- 3.1.3 Making sexually coloured remarks; 3.1.4 Showing pornography;
- 3.1.5 Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- 3.1.6 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);
 - 3.1.6.1 Promise of preferential treatment in her employment.
 - 3.1.6.2 Implied or explicit
 - 3.1.6.3 Threat of detrimental treatment in her employment.
 - 3.1.6.4 Threat about her present or future employment status.
 - 3.1.6.5 Creating an intimidating or offensive or hostile work environment for her,
 - 3.1.6.6 Humiliating treatment likely to affect her health or safety.
 - 3.1.6.7 Examples of sexual harassment include (but not limited to) –

Verbal	Non-verbal	visual	Physical contact
suggestive comments, Derogatory Comments, Turning work discussions to sexual topics (using "puns") Insults or taunts of asexual nature, Sexual jokes or teasing Intrusive questions or statements about your private life Comments on clothing, behaviour or person's body Requests for sex or repeated unwanted requests to go out on dates	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, sending sexually explicit emails or text messages, Inappropriate advances on social networking sites, pornography Stalking & obscene communication	Presence or display of sexual visual material, such as Posters, cartoons, drawing, calendar, Computer programme, screen savers of a sexual nature accessing sexually explicit internet sites in the workplace, Written material that is sexual in nature, such as notes or e-mail containing sexual comments	Unwelcome hugging, sexual touching or kissing, handshake without consent, Unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching, standing too close, leaning over, invading a person's space, Actual or attempted sexual assault, or forced fondling

3.1.7 What is not sexual harassment

- 3.1.7.1 The normal exercise of supervisory and management responsibilities, including coaching, performance reviews, work evaluation and disciplinary action.
- 3.1.7.2 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 the work relationship (superior-subordinate or otherwise), even if the manager's intent may not have been to coerce.)

3.2 Who is an aggrieved woman & employee?

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

3.3 What is a 'workplace'?

- 3.3.1 Office & office sites /fields
- 3.3.2 Out-bound trainings
- 3.3.3 Training sessions
- 3.3.4 Travel for official purpose
- 3.3.5 Any place where one visits in the course of employment

4. Internal Complaints Committee:

4.1 Constitution of ICC

- 4.1.1 ISWAR will have one ICC Constituted centrally with a representative from the field office.
- 4.1.2 Not more than 5 members can be there in the ICC including the independent member
- 4.1.3 Minimum 50% should be women members
- 4.1.4 Senior most woman Executive Board Member to be nominated as the Chairman of the Committee.

4.2 Membership of ICC

- 4.2.1 All the members are nominated to ICC by the Chairman of ISWAR.
- 4.2.2 In case of an employee leaves the organisation, his/her membership in ICC will be automatically terminated.
- 4.2.3 If a member wishes to terminate his/her membership from ICC, it can be done by intimating the Chairman of ISWAR through the Chairman of the ICC. However, during an inquiry, a request to end membership cannot be entertained.

4.3 Quorum of ICC

- 4.3.1 For conducting inquiry, the quorum of the ICC shall be at least three members including the Presiding Officer
- 4.3.2 50% of members presiding at any hearing, shall be women.

5. Responsibilities:

5.1 Role of management to ensure that:

- 5.1.1 Treat sexual harassment as misconduct and initiate action for such misconduct.
- 5.1.2 Provide all necessary assistance for the purpose of ensuring full, effective and prompt



implementation of this policy.

5.1.3 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

5.1.4 Cause to initiate action, under the Indian Penal Code or any other law for the time

5.1.5 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.

5.1.6 Organise awareness programmes and workshops at regular intervals for sensitizing the employees about sexual harassment, and also conduct orientation programmes for the members of ICC

5.1.7 Report the number of cases filed, if any, and their disposal under the Act, as required by the applicable law;

5.1.8 Make the policy a part of the induction kit for the employees.

5.2 Role of functional head:

5.2.1 Managers must take all reasonable steps to ensure a safe working environment for their employees, including:

5.2.2 Acknowledge responsibility to provide a safe working environment for all employees;

5.2.3 Ensure all employees are aware of what constitutes inappropriate behaviour;

5.2.4 Be aware of and sensitive to high-risk work situations (late working, tours, late evening /off-site events etc);

5.2.5 Act promptly to prevent sexual harassment;

5.2.6 Believe a person when she talks about harassment. It is her perception of what is “unwelcome” that matters.

5.2.7 Set an example through their own behaviour and treat all with dignity and respect;

5.2.8 Foster an environment free of discrimination;

5.2.9 Treat all complaints seriously and maintain confidentiality around the same;

5.2.10 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.

6. Procedures:

6.1 Complaint Process:

Sexual harassment of women can occur at any level of the organization, and may involve a co-worker, volunteer, supervisor, manager, service provider, client, or customer. Lack of intent is no defence 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 ICC of ISWAR.

Once a complaint is received, the ICC 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

6.1.1 Complaints to be made:

6.1.1.1 within 90 days of the 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;

6.1.1.2 in case the aggrieved woman cannot make a complaint, then with her written consent, anyone can lodge a complaint; and

6.1.1.3 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.

6.2 Inquiry process:

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

6.2.2 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.

6.2.3 The ICC shall interview the parties involved (which may include the complainant, the respondent, and any witness) to obtain information regarding the complaint. The statements of the parties shall be recorded and documented.

6.2.4 The ICC will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of conduct complained against.

6.2.5 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 ICC.

6.2.6 Inquiry has to be completed within 90 days of receiving the complaint.

6.2.7 The inquiry report has to be submitted within 10 days of last date of inquiry proceedings held.

6.2.8 Upon completion of the inquiry, a copy of the final findings shall be made available to both parties enabling them to make representation against the findings before the committee.

6.2.9 The ICC shall maintain records of the proceedings and of all ICC meetings, and shall maintain confidentiality as per the provision of law about the cases.

6.2.10 The ICC shall have the powers of a civil court in terms of summoning and producing documents and evidence.

6.2.11 If the ICC 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.

6.2.12 The ICC shall recommend interventions in the final report to the CEO as per the findings.

6.3 Investigation & Inquiry:

6.3.1 Investigation and inquiry into a complaint must be conducted as per the Act and the rules notified under the Act.

6.3.2 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 (ICC).

6.3.3 Throughout the investigation process, all parties involved in the investigation shall be kept informed about the investigation on a regular basis.

6.3.4 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 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 three years at least. Under no circumstances should the records be placed on the complainant's personnel file.

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

7. Punishment Intervention/recommendation:

7.1 Possible recommendations:

On the basis of the findings, possible intervention or recommendation by the ICC may include, but may not be limited to, or maybe any combination of the following :

7.1.1 Counselling

7.1.2 Disciplinary action against the harasser (e.g. demotion, transfer, suspension, probation or dismissal)

7.1.3 Official warnings that are noted in the respondent's personnel file

7.1.4 Disciplinary action against the person who complained if there is strong evidence that the complaint was malicious

7.1.5 Formal apologies (written) along with an undertaking that the behaviour will cease and in case of repeat offences there will be financial penalty (one lakh) along with other recommendation as deemed fit

7.1.6 Conciliation/mediation conducted by ICC as per the law where the parties to the complaint agree to a mutually acceptable resolution without any monetary settlement

7.1.7 Reimbursing/financial penalty, any costs associated with the harassment

7.2 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.

7.3 Monitoring employees' etiquette following the complaint:

Following an investigation concerning a sexual harassment complaint (irrespective of the findings), the ICC will:

7.3.1 Consult with the parties involved to monitor the situation and their well-being, and

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

7.4 Reporting of findings, monitoring situation & penalty for further victimization:

If an investigation determines that sexual harassment has occurred,

7.4.1 The ICC must forward a summary of the complaint and the action recommended to the CEO of ISWAR. A copy may be placed in the respondent's personnel file by the HR Manager, in accordance with Performance Counselling procedures.

7.4.2 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 victimised. This may involve follow-up interviews.

7.4.3 If there has been any substantiated victimization of the complainant or witness(es),



disciplinary procedures will be followed along with financial penalty of Rs 10000.

7.5 Factors to be considered while recommending:

Intervention/recommendation will depend upon factors such as:

- 7.5.1 the severity and frequency of the harassment;
- 7.5.2 the weight of the evidence;
- 7.5.3 the wishes of the person who was harassed;
- 7.5.4 whether the harasser could have been expected to know that such behaviour was a breach of policy;
- 7.5.5 the level of contrition; and
- 7.5.6 whether there have been any prior incidents or warnings.

8. 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 ISWAR is committed to treat most sexual harassment complaints at the organizational level as far as possible. If this type of conduct is not suited to internal resolution, then such complaints should be treated by the criminal justice system; hence the ICC and the CEO of ISWAR 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 ICC, and the CEO 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.
