

## **Annexure-II: Anti Sexual Harassment Policy**

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### **I. Introduction**

It is a core goal principle of Partners in Change to ensure gender equality and gender justice through all of Partners in Change' interventions and practices. In keeping with this principle, it is important to ensure an organisational climate free from discrimination and harassment with a particular focus on sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organisation. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unacceptable and will not be tolerated. To achieve this goal, the conduct that is described as "Sexual Harassment" in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered among employees.

Partners in Change will also take all the appropriate steps necessary to protect staff from retaliation. Such steps include:

1. Action to stop retaliatory behaviour
2. Providing required security measures
3. Counselling help Complainant and Accused

Partners in Change takes allegations of sexual harassment seriously, and will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, prompt and appropriate corrective action as is necessary, including disciplinary action, will be taken.

While this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority of Partners in Change to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### **II. Scope of the Policy**

This policy shall extend to all Staff of Partners in Change and project partners and includes external incidents involving such staff.

### **III. Definitions**

For the purposes of this Policy

1. "Staff" shall mean any person employed by Partners in Change including Partners in Change associates whether full-time, part-time, temporary, voluntary, seconded, contracted or casual and also researchers, trainees, consultants and employees of project partners.
2. "Partners" for the purposes of this policy means any organisation Partners in Change has work relationship at the time of the harassment.
3. "Sexual harassment" includes any unwelcome sexually determined behaviour (whether direct or by implication) such as:

- (i) Physical contact and advances either physical and non -physical
- (ii) A demand or request for sexual favours;
- (iii) Sexually coloured remarks
- (iv) Showing pornography
- (v) Creating a hostile work environment
- (vi) Making derogatory remarks about a person's sexual orientation
- (vi) Any other unwelcome "sexually determined behaviour" be it physical, verbal or non-verbal conduct of a sexual nature

**Explanation 1:** Unwelcome "sexually determined behaviour" shall include but not be limited to the following instances:

- (a) Where submission to or rejection of sexual advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) Such advances, requests or conduct (whether direct or implied) have the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

**Explanation 2:** Creating a "hostile work environment" means

- (a) Creating a workplace where Sexual Harassment may go unheeded, where despite complaints no action is taken, where there is nexus between accused/aggressor & higher management, and where complainant is placed under fear, disadvantage or threat of victimisation.
- (b) It will also mean Retaliation which includes:
  - Marginalising someone in the workplace with regard to his / her roles and responsibilities
  - Socially ostracising
  - Intimidating someone physically, psychologically, emotionally or someone close to or related to the victim
  - Spreading canard
- (c) And any other behaviour that may commonly be construed as retaliatory

**Explanation 3:** "Sexual Harassment" in PARTNERS IN CHANGE and its associates shall also mean: -

- (a) Direct or implied requests by any staff for sexual favours in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.
- (b) Other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to staff may also constitute sexual harassment.

**Explanation 4:** In addition the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity,

deficiencies, or prowess;

- Displaying sexually suggestive objects, pictures, cartoons, displaying body parts;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.
- Abuse of authority (Quid Pro Quo) - demand by a person in authority, for sexual favours in exchange for work related benefits (e.g. a wage increase, a promotion, training opportunity, a transfer or the job itself).
- The behaviour that creates an environment that is intimidating, hostile, or offensive for members of one sex, and thus interferes with a person's ability to work.

#### **IV. Preventive Action**

Consistent with the existing law **Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013**, Partners in Change shall take all reasonable steps to ensure prevention of sexual harassment at work. Such steps shall include:

1. Circulation of Partners in Change's policy in English and other languages as necessary for all staff to understand and in field offices on sexual harassment to all persons employed by or in any way acting in connection with the work and/or functioning of Partners in Change;
2. Ensuring that sexual harassment as an issue is raised and discussed at Partners in Change meetings from time to time
3. Conduct or cause to carry out in-house gender training on sexual harassment and addressing complaints to *staff* as well as members of the Core Group.
4. Widely publicise that the SH is a crime & will not be tolerated. [In such case when they get appointed by other employer(s)].

#### **V. Formation of Complaints Committee**

Comprising:

1. Presiding Officer to be a woman employee employed at a senior level at the workplace
2. A person from the workplace, committed to the cause of women with experience in social work and issues of women
3. A person familiar with issues of the workplace (organisational development), experience of managing teams and sensitive to the issues of women

#### **Other factors:**

- At least 50% of these members to be women
- No one convicted of offences under law
- No disciplinary action record

The committee at Partners in Change was constituted in March 2014 as per law. While the term of the complaints committee has been stipulated as three years by law, this can be reviewed and changed prior to the same. The committee has to submit a copy of all proceedings to the organisation on an annual basis. There are also nodal persons nominated at all offices, with contact details about committee and nodal persons, publicised prominently in all offices.

## **VI. Procedure of Dealing with Complaints of Sexual Harassment**

As per the law, if person X at Partners in Change, feels that they have been sexually harassed they should:

STEP 1: Approach a member of the complaints committee OR

Approach a nodal person at the office or any other person they feel comfortable discussing this with.

The nodal or other person will get in touch with the complaints committee

Any knowledge that the referee has about the applicant's history with sexual harassment allegations

STEP 2: Complaints committee will facilitate and assist the aggrieved to submit a complaint in writing (as required by procedure)

STEP 3: Complaints committee will initiate an enquiry by discussing the matter with the aggrieved and the respondent. For the purpose of the enquiry the Complaints Committee will have the same authority as a civil court especially for:

- Summoning & Enforcing attendance of parties involved
- Examine persons under oath
- Demand production of necessary documents

During the course of this enquiry, the complaints committee could:

- Propose that the aggrieved be transferred to an alternate workplace
- Be granted leave for a period of 90 days (this is in addition to permissible leave)
- Grant any other relief as deemed appropriate

The outcomes could be:

- An agreement of a mutual settlement of the matter through conciliation

Respondent to pay the aggrieved woman a compensation (for mental trauma, distress, loss in career opportunity, medical expenses among others)

Dismissal of respondent

- If there is a need, escalate the matter and make a police complaint under Section 509 of IPC (Word, gesture or act intended to insult the modesty of a woman) or any other section as appropriate. If guilty, punishment through the Criminal Law (Amendment) Act, 2013, Section 354A (which was added to the Indian Penal Code. Penalties range from one to five years imprisonment and/or a fine (It grades the punishment where offences of unwelcome physical contact and demand for sexual favours are punishable with RI upto 5 yrs or Fine or both. The other offences such as making sexually coloured remarks, forcibly showing pornography and any other unwelcome physical, verbal or non-verbal conduct of sexual nature are punishable with imprisonment of either description upto 1 yr or Fine or both.)
- Conclusion of allegation is disproved and no action taken

If this is proved as an intentionally initiated false complaint, action to be taken against the aggrieved

This has to be completed within 90 days of having revived a complaint

STEP 4: The Complaints committee has to hand over a written copy of the findings and settlement arrived at to the parties involved. In addition, the Complaints Committee must hand over a copy of the report to the Employer. No information related to the case, including names of people involved will be disclosed to the public by the Complaints Committee

#### **VII. Obligations of PARTNERS IN CHANGE**

- Provide a safe working environment to employees
- Conspicuously display information on ASH policy with names of people to contact
- Organise sensitisation and information to employees (such as the next session facilitated by 4 team members)
- Facilitate the complaints committee to function smoothly
- Comply with recommendations made by Complaints Committee
- Assist in securing attendance of the parties involved
- Provide assistance to the aggrieved if he/she chooses to file a police complaint
- Monitor the timely submission of annual reports
- Submit annual reports of the Complaints Committee to the District Officer (if the demand arises)
- Comply with an inspection request from the Government
- Non-compliance with the provisions of the Act shall be punishable with a fine of up to INR 50,000. Repeated violations may lead to higher penalties and cancellation of licence or registration to conduct business