

DEVELOPMENT INITIATIVES BY SOCIAL ANIMATION (DISA)

POLICY ON PREVENTION OF SEXUAL HARASSMENT



**DISA, BASIL BHAVAN
BEHIND CIVIL COURT, GANDHI NAGAR P. O
BASTI, UTTAR PRADESH – 272001
MOBILE: 9219682355, 8318567749, 9415038199,
EMAIL: disabasti@gmail.com
Web Site: www.cstdisa.org**

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1. INTRODUCTION:

Development Initiatives by Social Animation (DISA) believes that all employees have a right to be treated with respect and dignity. The Organization is committed for creating a healthy working environment that enables employees to work without fear or prejudice, gender bias or sexual harassment. The objective of the Policy is to provide its employees a workplace, free from sexual harassment or discrimination and wherein every employee is treated with dignity and respect.

2. BACKGROUND:

DISA is committed to creating and ensuring an enabling, dignified and equitable work environment for every employee. All employees of the Organization should be able to work together in an environment free of exploitation, harassment and violence. We believe that sexual harassment is not only a criminal offence but is a violation of human rights. According to the Protection of Human Right Act, 1993 "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women so as to live with dignity which is a fundamental right guaranteed by our Constitution. Sexual harassment is contrary to anti- discrimination law (Article 15: "prohibition of discrimination on grounds of religion, race, caste, sex or place of birth" and Article 19(1) (g) Right to freedom) which upholds a woman's right "to practice any profession, or to carry on any occupation, trade or business."

Sexual harassment is an act of power, and a public violation of a woman's dignity that is often trivialized by labelling it an interpersonal transgression. The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 has laid out that it is the duty of the employer or other responsible persons at work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. DISA endeavours to put in place adequate measures to ensure safety, security, dignity, rights and equality of women.

3. PRINCIPLES:

- a) Sexual Harassment is unlawful and will not be tolerated and is a disciplinary issue other than it being a criminal offence. The Principles governing it are:
 - Speedy (early) resolution to problems
 - Confidentiality
- b) It is the duty of all Staff, part time or casual employees, volunteers and consultants to comply with this policy.

- c) Any retaliation against an individual who has complained about sexual harassment (complainant) or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.
- d) Misuse of Policy or Malicious complaints will be dealt with as a disciplinary matter.

4. SCOPE OF THE POLICY:

This Policy applies to all categories of employees of the Organization, including all employees on rolls and workmen, temporary staff, volunteers, trainees, consultants, advisers and employees on contract at its workplace.

The workplace includes:

- i. All offices or other premises where the Organisation's activities are conducted.
- ii. All Organization-related activities performed at any other site away from the Organization's premises or during travel to such other place.
- iii. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

5. DEFINITION OF TERMS:

1. "Complainant" means, in relation to a workplace, a man or a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
2. "Employer" means, and includes
 - i. Management
 - ii. Any person(s) or Board or Committee responsible for the formulation and administration of policies that enables management, supervision and control of the workplace.
3. "Employee" includes all categories of employees of DISA either working part-time or full time:
 - Employees on rolls
 - Temporary employees
 - Trainees
 - Contract employees
 - Consultants
 - Advisers
4. "Internal Complaints Committee (ICC)" means a Committee constituted by DISA for the purpose of dealing with all matters in relation to or connected with sexual harassment at the work place.

5. "Respondent" means a person against whom the complainant has made a complaint.
6. "Sexual harassment" includes any one or more of the following unwelcome sexually determined acts or behaviour (whether directly or by implication) namely:
 - a Physical contact and advances
 - b A demand or request for sexual favours
 - c Making sexually coloured remarks
 - d Showing pornography
 - e Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation:

"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, 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.
- b. Under these definitions, 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.
- c. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, when that is unwelcome and where any Staff has a reasonable apprehension that the conduct has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to Staff may also constitute sexual harassment.
- d. While it is not possible to list all those additional circumstances that may constitute sexual harassment, 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.

The following is illustrative list of some of the acts or incidents which may be termed as sexual harassment:

- e. malicious leering or ogling suggestive comments / smutty jokes or sending these through text, electronic mail or other similar means,

causing embarrassment or offense and carried out after the offender has been advised that they are offensive or embarrassing or, even without such advice, when they are by their nature clearly embarrassing, offensive or vulgar

- f. Display of sexually offensive pictures, screen savers, posters, materials or graffiti • unwelcome inquiries or comments about a person's sex life or private life or body • unwelcome sexual flirtation, advances, propositions • making offensive hand or body gestures at an employee • persistent unwanted attention with sexual overtones • unwelcome phone calls with sexual overtones causing discomfort, embarrassment, offense or insult to the receiver • unwelcome touching or brushing, hugging or kissing • sexual assault • requesting for sexual favour in exchange for employment, promotion, local or foreign travels, favourable working conditions or assignments, a passing grade, the granting of honours or scholarship, or the grant of benefits or payment of a stipend or allowance, • derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one's sexual orientation or used to describe a person • verbal abuse with sexual overtones • unwanted invitations to go out on dates or requests for sex • unnecessary familiarity, such as deliberately brushing up against someone • insults or taunts of a sexual nature • sexually explicit emails or SMS messages • accessing sexually explicit internet sites
- g. inappropriate advances on social networking sites.

The above is not exhaustive and can only be used as a guide for examples of sexual harassment.

6. COMPLAINT MECHANISM

An appropriate complaint mechanism in the form of "Internal Complaints Committee" has been created by DISA for time-bound redressal of the complaint made by the complainant.

7. INTERNAL COMPLAINTS COMMITTEE (ICC):

- 1 The Employer has constituted an Internal Complaints Committee for redressal of sexual harassment complaint.
2. In accordance with the sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise of the following:
 - i. Chairperson (Presiding Officer)- Shall be a woman employed at a senior level at workplace amongst the employees
 - ii. Three members- Shall be amongst employees preferably committed to the cause of women.

- iii. One external Member who is possessing adequate expertise on gender equality and sexual harassment at work place.
 - iv- Provided that at least half of the total Members so nominated shall be women.
3. The Internal Complaints Committee is responsible for:
 - i. Investigating every formal written complaint of sexual harassment.
 - ii. Recommending appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
 - iii. Discouraging and preventing employment-related sexual harassment and to make recommendations to the employer in this regard.
 4. Tenure- The tenure of the committee will be for a period of three years. The Employer shall reconstitute the committee after 3 years from the date of formation of ICC. In the event vacancy arises due to resignation, voluntary withdrawal or otherwise by any member of ICC before the expiry of tenure, Employer shall exercise its right to reconstitute the committee within fifteen working days from the date when such a vacancy arises.
 5. Meeting-ICC shall meet at regular intervals.
 6. Quorum- At least 50% of ICC members must be present to make the proceedings of ICC meeting valid. If the quorum is not available in a meeting, then the meeting should be adjourned, notifying a specific date.
 7. Formation of sub committees- on receipt of complaint, ICC may form subcommittee. Presiding Officer and external member should be members of subcommittee. Subcommittee should consist of at least 3 members including presiding officer and external member.
 8. Powers of ICC: The ICC shall have the following powers:
 - i. Summoning and enforcing the attendance of any person and examining him/her on oath
 - ii. Requiring the discovery and production of documents
 - iii. Any other matter which may be prescribed specific to the complaint or matter of concern.

8. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

Development Initiatives By Social Animation is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

1. **Informal Resolution Options:** i. When an incident of sexual harassment occurs, the victim of such conduct can communicate

his/her disapproval and objections immediately to the harasser and request the harasser to behave appropriately.

- ii. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she/he can bring her/his concern to the attention of the ICC for redressal of his/her grievances.
- iii. ICC will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

2. Complaints:

- i. Any employee with a sexual harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of ICC constituted by the organization.
 - a. Alternatively, the complainant shall submit written complaint to any member of ICC along with supporting documents, if any and the names and addresses of the witnesses if any in writing and may either be in form of a letter, preferably within 3 months from the date of occurrence of the alleged incident, sent in a sealed envelope or by e-mail addressed to any of the ICC member.

The complainant is required to disclose the following:

- i. the full name and address of the complainant;
- ii. the full name and address of the respondent;
- iii. a specification of the charge or charges;
- iv- a brief statement of the relevant and material facts.

The ICC is empowered to extend the time limit not exceeding three months for the reasons to be recorded if it is satisfied that the circumstances were such which prevented the person from filing the complaint within the prescribed period.

The Presiding Officer or any member may also render reasonable assistance to the person for making any complaint in writing, if the person cannot make the complaint in writing.

Legal heirs or such other persons may also make the complaint if the complainant is unable to make the complaint on account of his/her physical or mental incapacity or death or otherwise.

The ICC shall send either a copy of the complaint or abstract of complaint (if complainant identity is not to be revealed to respondent) to the respondent within a period of 7 working days.

The respondent shall file his/her reply to the complaint along with supporting documents if any, and the names and addresses of the witnesses if any, within

a period not exceeding 10 working days from the date of receipt of the complaint.

The ICC have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant) or Harasser (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Presiding Officer as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the ICC from proceeding with the Investigation of the case.

If so requested by the complainant, pending completion of the enquiry, the ICC may recommend Employer to (a) transfer the complainant or the respondent to any other workplace; or (b) grant leave to the complainant; or (c) grant such other relief to the complainant or recommend appropriate restraint orders against the respondent as may be prescribed by rules of the organization. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

The ICC shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than 10 days from the date of completion of inquiry. The Employer shall act upon the recommendation within 60 days and communicate the same to the ICC.

The inquiry report shall also be made available to concerned parties.

9. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:

Conciliation

- The complainant may request the ICC to take steps to settle the matter between complainant and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- The ICC shall then record the settlement so arrived and take action as specified in the recommendation.
- The ICC shall also provide the copies of the settlement to the complainant and the respondent.
- Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the ICC.

Inquiry into Complaint

- If the complaint is not addressed through "conciliation procedure", ICC shall initiate inquiry. Inquiry shall also be initiated if there is breach of terms set out in "Conciliation Settlement".

- The ICC shall follow the prescribed procedures as laid down under the Act and Rules to conduct the inquiry and submission of Inquiry Report.
- ICC shall abide by the principles of natural justice and shall give "opportunity of being heard" to both the parties.
- The inquiry shall be completed within ninety days. The ICC shall forward the copy of findings to both the parties to make representation against findings of the ICC.
- On completion of proceedings of inquiry, ICC shall prepare Report on the findings and share with complainant, respondent & employer.
- Where the ICC arrives at the conclusion that the allegation against the respondents has been proved, it shall recommend to the employer to take one or more of the following actions:
 1. Written apology;
 2. Warning;
 3. Reprimand or Censure;
 4. Withholding of Promotion;
 5. Withholding of pay raise or increments;
 6. Terminating the respondent from service;
 7. Undergoing a counselling session
 8. Suspension from work for a period not exceeding 3 months

ICC shall have regard to:

1. The mental trauma, pain, suffering and emotional distress caused to the complainant.
2. The loss in the career opportunity due to the incident of sexual harassment.
3. Medical expenses incurred by the complainant for physical or psychiatric treatment.
4. Social and financial background of both parties.

10. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

RESPONSIBILITY OF ORGANIZATION

- Notification: The Organization shall notify its employees on the constitution of the ICC and the penal consequences of Sexual Harassment. The notification is circulated to all staff by e-mail or by hand. The Notification is also displayed at prominent place in DISA Office premises.
- Provide necessary facilities & assistance to the ICC: The Organization shall provide all the required infrastructure, facilities and assistance for dealing with the complaint and conducting an inquiry.

- Provide assistance to complainant: Employer shall offer Assistance to the complainant if he/she so chooses to file a complaint in relation to the offence under the Indian Penal Code (IPC) or any other law.
- Initiate action under IPC: Employer shall cause to initiate action under the IPC or any other law against the perpetrator, or if the complainant so desires, where the person is not an employee, in the workplace at which the incident of sexual harassment took place.
- Treat Sexual Harassment at work place as misconduct: Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.

RESPONSIBILITIES OF EMPLOYEES:

- All employees of the Organization have a personal responsibility to ensure that their behaviour is in compliance with this policy.
- All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment. That is, an Employee who notices any kind of sexual harassment against any co-employee or receives any information in good faith about any kind of sexual harassment at the workplace is also encouraged to report such incidents.

ROLES & RESPONSIBILITIES OF ICC:

- i. ICC shall ensure effective implementation of the Prevention of Sexual Harassment (POSH) policy of the organization.
- ii. ICC may at periodic intervals organize workshops and training programs on sexual harassment in conjunction with the Human Resources department.
- iii. ICC may at periodic intervals formulate programs for creating awareness of the policy amongst the employer and employees of the organization.
- iv. ICC may from time to time bring out internal publications on Prevention of Sexual harassment and also matters concerning implementation of this policy.
- v. ICC shall prepare Annual Report on its functioning and submit the same to the employer every year.
- vi. ICC shall conduct an inquiry into complaint according to the procedures established by law.
- vii. ICC shall ensure and supervise proper constitution and functioning of the Sub-Committee for investigation of complaints.
- viii. ICC shall take into consideration and discuss on each and every

relation to the offence under the Indian Penal Code (IPC) or any other law.

- **Initiate action under IPC:** Employer shall cause to initiate action under the IPC or any other law against the perpetrator, or if the complainant so desires, where the person is not an employee, in the workplace at which the incident of sexual harassment took place.
- **Treat Sexual Harassment at work place as misconduct:** Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.

New employees and volunteers shall receive orientation and training on the POSH Policy as part of their induction process.

11. POLICY REVIEW AND COMPLIANCE

- This policy shall be reviewed periodically to ensure its effectiveness, compliance with government regulations, and alignment with best practices in preventing and addressing sexual harassment.
- DISA shall maintain records of complaints, investigations, and actions taken for documentation and accountability purposes.

CONCLUSION

DISA is committed to creating a work environment free from sexual harassment, where all individuals are treated with dignity, respect, and professionalism. By implementing and enforcing this POSH policy, DISA aims to uphold its values of integrity, inclusivity, and equality while ensuring the safety and well-being of its workforce and stakeholders.

- The proceedings under this policy shall not be stalled or postponed merely because the complainant is proceeding against the accused under any other provision of law.
- The provisions of this policy shall not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or other legal remedies.
- The policy will be reviewed from time to time and revised to keep it up to date with changes in state acts, employments policies or lessons learnt. The process for review will also consult all staff and seek advice externally.
- The Committee will minute all its meetings and proceedings and submit quarterly reports to the Senior Management Team.

Secretary

Development Initiatives By Social Animation (DISA)