



Policy Against Sexual Harassment At Workplace At Save The Children India (Also Known as Vipla Foundation)

Version No. 3 – Policy approved/ revised as per resolution passed in Annual General Body meeting held on 8th September 2023



Commitment

By formulating and adopting this Policy, all levels of management and staff of Save The Children India (STCI) conveys its commitment to create all its offices and other workplaces a safe environment for women. The Organization strives to prevent, prohibit and redress any acts that make women unsafe and are in the nature of sexual harassment against them.

The present Policy draws inspiration from The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (POSH Act).

Additionally, STCI also acknowledges that men and/or transgenders can also be subjected to sexual harassment at workplace. Through the present policy, the organization conveys its commitment to diligently look into and conduct inquiry into such complaints made by men/transgenders. The Services of the internal Complaints Committee would be engaged in this regard that would be independent of the POSH Act 2013.

Policy Against Sexual Harassment At Workplace

Introduction

Sexual harassment at the workplace has remained one of the central concerns of the women's movement in India since the early 1980s. In 1997, the Supreme Court of India in the case of Vishaka v/s State of Rajasthan issued Guidelines to be followed by employers to address incidents of sexual harassment of women at the workplace, the said Guidelines are popularly known as 'Vishaka Guidelines'.

The Supreme Court of India, for the first time, acknowledged the glaring legislative inadequacy and acknowledged workplace sexual harassment as a human rights violation. The guidelines explicitly state the following: *"It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required"*.

In 2012, India saw increased and strong calls for addressing violence against women, with the increasing number of reported cases of sexual harassment and violence against women. In this context, the Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 was enacted to provide protection against sexual harassment of women at workplace and for preventing and addressing complaints of sexual harassment. The said Act for the sake of brevity is called as the 'POSH Act'.

In pursuance to the above cause of protection of rights of women against sexual harassment, STCI is committed to provide facilities/mechanisms by which issues of harassment can be dealt with and the organization has a safe environment free from sexual harassment.

This Policy against sexual harassment at workplace is a statement of intent that demonstrates the organization's commitment to employees to work in an environment free from the embarrassment, intimidation or humiliation caused by discrimination and sexual harassment.

Operational Definitions

Aggrieved Woman in Relation to Workplace: a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

Complaint: Information provided, whether by a complainant indicating a conduct that may be in the nature of sexual harassment u/s. 2(n) of POSH Act but that is yet to be assessed.

Complainant: A person who brings an allegation of sexual harassment to the attention of STCI in accordance with established procedures under the POSH Act, 2013.

Employee: is any person employed with STCI whether regular, temporary, ad hoc or daily wage basis. This includes a contractor, consultant working for remuneration or on a voluntary basis or otherwise. Employee also includes a contract worker, probationer, volunteer, trainee, apprentice or called by any other such name.

Employer: Any person responsible for the management, supervision and control of the workplace and who discharges contractual obligations with respect to his/her employees.

Respondent: means a person against whom the aggrieved woman has made a complaint

Sexual Harassment: includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- I. Physical contact and advances; or
- II. A demand or request for sexual favors; or
- III. Making sexually colored remarks; or
- IV. Showing pornography; or
- V. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Workplace: The office space out of which the employees operate; includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey and dwelling place or house or rented accommodation like hotel occupied during official visits.

Witness: A person who observed, or has direct knowledge of, something under investigation

1. Aim of the policy

The aim of the Policy against sexual harassment at workplace is to promote a productive, conducive and pleasant environment free of sexual harassment in the organization. Complaints pertaining to sexual harassment are to be dealt with thoroughly and confidentially within 90 days as prescribed in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (POSH Act) . By formulating the present Policy, STCI expressly conveys that Sexual harassment, whether verbal, non-verbal or physical, or by behavior/conduct is unacceptable and will not be tolerated and would be dealt with in accordance with the POSH Act 2013.

2. Applicability

The present Policy applies to the “Employer” of STCI as contemplated in u/s. 2(g) of the POSH Act. It applies to all employees of STCI – whether regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name. ¹

Every person as stated above is required to read, understand and sign the ‘**Declaration of Commitment**’ at ‘**ANNEXURE – A**’ in relation to adhering to the policy against sexual harassment at workplace.

3. Objectives of the Policy

- Prevent discrimination and sexual harassment at work and in work-related activities.
- Ensure that employers and employees are aware of their responsibilities regarding sexual harassment.

¹ Section 2(f) of POSH Act, 2013

- Maintain an environment that is free from sexual harassment and discrimination.
- Caution all members and employees of the organization to the fact that sexual harassment and discrimination are prohibited by law.
- Establish a mechanism for receiving complaints and to provide a procedure by which the organization will deal with these complaints.
- Reinforce effective personnel management and appropriate workplace behavior, and encourage respect for others and high ethical standards.

4. Steps taken by the organization

It is the duty of the employer and responsible persons in the workplace to prevent deter the commission of acts of sexual harassment and to provide for the redressal of acts of sexual harassment by taking all steps required.

The organization:

- Recognizes sexual harassment as a serious misconduct/ offence and publicizes that sexual harassment is a crime and will not be tolerated;
- Recognizes the responsibility of the organization to prevent and deal with sexual harassment at the workplace;
- Formulates a Policy against sexual harassment at workplace;
- Prohibits sexual harassment at the workplace and this is notified, published and circulated in appropriate ways; having employees signing the Declaration to Commitment, through display of posters conveying zero tolerance to sexual harassment;

- Ensures that sexual harassment as an issue is raised and discussed with all new recruits and existing employees at meetings from time to time;
- Has constituted a complaints mechanism in the form of 'Internal Complaints Committee (ICC)' as contemplated in S. 4 of the POSH Act.
- Conducts periodic training for all employees, with active involvement of the Internal Complaints Committee;
- Prominently displays at all offices and centers of the organization the penal consequences of sexual harassment and the names and contact numbers of members of the 'Internal Complaints Committee' conveying zero tolerance to sexual harassment;
- Ensures safety and protection of women staff while planning for travel and out-of-office visits to ensure that their exposure to risks of sexual harassment is minimized;
- Creates awareness of the rights of female employees in this regard, in particular by prominently notifying the guidelines in a suitable manner;
- Initiates disciplinary action against persons who are found to be engaging in sexual harassment and sexual misconduct.
- Compilation and timely submission of Annual Report to the District Officer or such other Authority that is prescribed from time to time. The Annual Report to encapsulate all steps undertaken in prevention, prohibition and redressal of sexual harassment within the organization during the year.
- Reconstitution of the ICC every three years in accordance with the POSH Act 2013.

5. Prevention of Sexual Harassment

- No woman shall be subjected to sexual harassment at any workplace.
- 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:
 - i. implied or explicit promise of preferential treatment in her employment; or
 - ii. implied or explicit threat of detrimental treatment in her employment; or
 - iii. implied or explicit threat about her present or future employment status; or
 - iv. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - v. humiliating treatment likely to affect her health or safety.

6. What should a sexually harassed employee do?

- Do not ignore the sexual harassment or hesitate to speak about acts that constitute sexual harassment.
- Do not blame yourself
- Talk about the sexual harassment with any member of the ICC and seek help and guidance.
- Name or describe the harassment without hesitation.
- Reveal details of those who were a witness to the sexual harassment
- Avoid delay in reporting
- Submit a written complaint with the Internal Complaints Committee. If unable to make a written complaint, take help of any of the member of the ICC for doing so.

All employees should also ensure that the employer/organization implements the Policy on Sexual Harassment at Workplace and no complainant of sexual harassment is victimized.

7. Significance of the policy on Sexual Harassment at workplace for the organization

- It creates a safe and conducive working environment for women and encourages participation at work.
- It conveys all employees irrespective of gender that the organization observes a zero-tolerance policy towards sexual harassment at workplace.
- Improved interpersonal relations
- Improved work performance and productivity whereby the employees feel valued.
- Less absenteeism and staff attrition
- Retention of valued employees

8. Internal complaints committee constituted under the POSH Act 2013

In accordance with the Vishakha Guidelines and the POSH Act an Internal Complaints Committee (ICC) has been created in the organization for redressal of the complaint of sexual harassment. On submission of a written complaint, the ICC ensures time-bound treatment of complaints. The Committee is empowered to receive complaints, attempt conciliation at the request of the aggrieved woman, conduct formal inquiries and recommend appropriate actions for redressal and punishment. Throughout the process care is taken that the Aggrieved Woman or witnesses are not victimized or discriminated against while dealing with complaints.

Composition of the Internal Complaints Committee (ICC)

The ICC shall constitute of at least of four members one of whom shall be an External Member from amongst an NGO committed to the cause of women or a person familiar with issue relating to sexual harassment.

- Not less than half of the members of ICC should be women.
- The ICC shall have a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees, who shall mandatorily be a woman. In case a

senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace.

- In the event of the Presiding Officer of the ICC is unable to discharge her duties for a period exceeding 21 (twenty-one) days, the ICC shall designate from amongst its members a woman to the post of acting Presiding Officer for that period. The acting Presiding Officer shall have all the powers and duties as the original Officer and when the Presiding Officer resumes duty, the acting Presiding Officer shall cease to hold office. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
- At least one male representative should be on the Committee.
- All meetings of the committee shall take place as and where is mutually agreed by the members.
- Any member against whom a complaint of sexual harassment or criminal charges are made and is prima facie established shall cease to hold membership to the ICC.
- Further, to prevent the possibility of any undue pressure or influence from senior levels, such a complaints committee should onboard an External Member from another voluntary organization or another individual, committed to the cause of women or who is familiar with the issue of sexual harassment.

Eligibility to be appointed to Internal Complaints Committee

Every member of the Committee must have:

- Completed at least two years of service in the organization.
- Have no previous record of allegations of sexual harassment.
- Be gender sensitive and have knowledge about women's issues.
- Who have had experience in social work or have legal knowledge.

Internal Complaints Committee Constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (POSH)

In the Governing Council meeting held on 17th August 2023, the Board has re-constituted the ICC which has following members:

All locations of India excluding Pune		
Sr No	Name	Designation in ICC
1	Nandini Thakkar Singh	Presiding Officer
2	Pravin Kadam	Member
3	Anita Tawde	Member
4	Babu Bhise	Member
5	Akshada Tulalwar	External Member (Sr. Family Counsellor)
PUNE		
Sr No	Name	Designation in ICC
1	Renuka Joglekar	Presiding Officer
2	Somnath Huchgol	Member
3	Nilesh Shinde	Member
4	Archana Kokre	Member
5	Prajakta Kanoje	External Member (Miracle Foundation)

Disqualification of Presiding Officer and Members

A person shall be disqualified from being appointed, elected, nominated or designated as, or for being continued as, Presiding Officer /member of ICC if there is any complaint concerning sexual harassment pending against her/him, or if s/he has been found guilty of sexual harassment/serious misconduct.

9. Procedure to submit a complaint

- Any employee who feels that s/he has been sexually harassed is strongly urged to immediately bring the subject to the attention of any member of ICC.

- Complaints can be communicated to any member of the committee through a written complaint, or through e-mail. Where such complaint cannot be made in writing, the Presiding Officer or the Member shall render all assistance to the woman for making a complaint in writing.
- Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make the complaint.

The complaint of sexual harassment has to be made to the ICC within a period of 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.

- 1) If the complaint is communicated verbally and the aggrieved woman is unable to express the same in writing, it is the responsibility of the committee members to render all reasonable assistance to the woman for making the complaint in writing. One of the members will write out the complaint on behalf of the complainant, ask them to read and sign the same, in the presence of two witnesses. Inquiries into the complaint of sexual harassment would not be conducted in the absence of a written complaint.
- 2) If the aggrieved woman is comfortable then s/he can also inform his/her immediate supervisor of the sexual harassment. The supervisor must then orient the aggrieved woman about the Policy Against Sexual Harassment at Workplace and support her in submitting the complaint to the ICC.
- 3) If the complaint of sexual harassment is against any of the ICC members, then the aggrieved woman may address her/his complaint directly to the Presiding Officer of ICC .
- 4) If the complainant feels that s/he cannot disclose her/his identity for any particular reason, the complainant shall address the complaint to the head of the organization and hand over the same in person or in a sealed envelope. The Head of the Organization would then submit it to ICC for Inquiry in accordance with the Act.

10. Procedure for inquiry by ICC

- The committee shall conduct a detailed inquiry into the complaint and in doing so would have the same powers as that of a Civil Court in respect of summoning a witness, discovery and production of documents as prescribed in POSH Act.
- In the course of inquiry into the complaint of sexual harassment, the committee shall follow the principles of natural justice.
- Both parties shall be given reasonable opportunity to be heard along with their respective witnesses and to produce any other relevant documents/evidence before the committee.
- Documents which form part of official record shall also be given to the complainant if need be.
- The committee shall be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that complainant and witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard, the ICC shall also have discretion to make appropriate interim recommendations pending the outcome of an inquiry, including, transfer, leave, change of office, etc. The complainant also has the option to seek transfer of the respondent or seek her/his own transfer.
- The committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original/true copy.
- The party against whom the document/witness is produced shall be entitled to challenge/cross-examine the same.

- The committee shall sit on a day-to-day basis or as relevant to record and consider the evidence produced by both parties.
- The parties are not allowed to bring in any legal practitioner to represent them before the ICC.
- Minutes of all proceedings of the committee shall be prepared and duly signed by the members of the committee.
- The committee may also examine documents, including confidential files and records pertinent to the case.
- The Inquiry proceedings would be conducted in a confidential manner; the ICC, the Complainant, the Respondent and the witnesses are to uphold the principle of confidentiality at all times during Inquiry and even after its completion.
- If the complaint is against the Presiding Officer or any member of the committee, that person will temporarily be suspended from the committee, until the investigation is over and a final decision is reached.
- The Inquiry has to be completed within 90 days from the date of submission of the written complaint to the ICC and the Inquiry Report accordingly submitted to the Employer.

The ICC may, before initiating inquiry, and at express request of the aggrieved woman facilitate conciliation between her and the respondent; provided that no monetary settlement shall be made as a basis of conciliation. If such conciliation is arrived at then no further inquiry shall be conducted by the ICC.

11. Communication of findings

1. After completion of the Inquiry, both parties will be informed of the findings of the Inquiry.
2. At the close of the Inquiry, the committee will submit a report in writing, stating its findings and recommending the appropriate course of action. The ICC shall submit the copy of the Inquiry Report to the Employer and to both the parties (Complainant and Respondent); the said Inquiry Report is to remain confidential at all times and is not subject to inspection/reading by any other person.
3. An employee filing a bonafide sexual harassment complaint shall be protected from reprisals or retaliation as a result of filing the complaint. The committee will make every effort to strike a balance between the parties' desires for privacy and the need to conduct a fair and effective inquiry.
4. In case either of the parties is not satisfied with the recommendations of the committee then s/he can approach the head of the organization or the governing board for further redressal. The final decision, however, needs to be taken in consultation with the committee.

12. Disciplinary Action

If, after the Inquiry the ICC concludes that sexual harassment has occurred, it will make recommendations regarding necessary action to be instituted to remove the offensive conduct and, where appropriate, to institute disciplinary action. The complainant's views may be taken into consideration for this purpose. In appropriate cases the respondent may also be required to pay monetary compensation. The Recommendations must be clearly spelt out in the Inquiry Report and would form a part of the Report.

Disciplinary action for those found guilty will differ depending upon the magnitude of the misconduct. These include:

- Counseling
- Warning
- Verbal or written apology to the harassed
- Suspension
- Transfer
- Forfeiture of annual increment
- Withholding of promotion (reverting, demotion)
- Adverse entry in personal file
- Termination of employment (with or without reference of behavior to the next Employer)
- Debarring from supervisory duties
- If the committee decides that either the complainant or the respondent should be transferred then preference of choice will be given to the complainant.
- Filing FIR under Indian Penal Code (IPC) by the complainant, depending upon the severity of the case and as per the wish of the complainant.
- Sexual harassment by senior staff is considered serious and attracts stringent measures and higher penalties.

Where the act of sexual harassment constitutes a specific offence under Indian Penal Code (IPC) or any other law in force in India, the organization's management is under duty to follow a course of action as prescribed under the law.

Action During Pendency of Inquiry:

On a written request made by the aggrieved woman the ICC may recommend to employer:

- Transfer the aggrieved woman or the respondent to any other workplace.

- Adequate compensation for any wages or salary lost as a result of harassment and/or failure on part of the organization to take necessary action for redress after submission of complaint.
- Grant Leave with pay to aggrieved woman up to a period of three months in addition to the leave that she is otherwise granted.
- The option of remaining or resigning from her/his present position without any kind of disadvantages with respect to the job profile.

13. Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the organization will take all steps necessary and reasonable, in terms of support and preventive action, to assist the affected person.

14. Confidentiality of proceedings

Any allegation of sexual harassment is potentially damaging to a person's reputation and credibility. Therefore, it is necessary to treat all cases in the strictest confidence. To ensure the integrity and confidentiality in sexual harassment cases, ICC members must ensure that files are kept in a locked filing cabinet and are not left on desks or any other accessible areas. A break in confidentiality or communication of damaging material may result in legal action being commenced by the respondent or other parties.

15. Training on gender sensitization

The setting up of a complaints committee and Policy Against Sexual Harassment at Workplace lays a strong foundation for a sexual harassment free workplace. However, effective training programmes are essential to sensitize/train all staff members, men and women, to understand what sexual harassment is, to recognize sexual harassment, deal with it when it occurs and prevent it. A training programme is the best way to ensure proper understanding and implementation of the policy. It is the best forum to communicate to employees what behavior

is acceptable and what is not, in a non-threatening atmosphere of mutual learning. Training for members of the complaints committee and others who are going to be instrumental in implementing the policy is very essential. Their training should include a component of gender sensitization, along with the procedures for taking complaints, for inquiry, etc.

16. Review of the policy

The policy will be reviewed every three years detailing therein the updated information on the constitution of ICC, government resolution if any and any legislative changes that may come about in respect of addressing sexual harassment at workplace.

The process of review would be a collective process by relevant members of STCI who are well versed on the causes of women and in conjunction with the Chief Executive Officer.

The reviewed and finalized policy is ratified by the Chief Executive Officer and has the approval of the Governing Council Board OF Save The Children India

Annexure – A

Declaration of Commitment

To be signed by all governing body members, staff, volunteers and visitors. A copy will be kept on file in the office.

I declare that:

- 1) I have read and understood the organization's Policy Against Sexual Harassment At Workplace and have attended/will attend the sexual harassment awareness training.

I will work within the procedure as laid out in the Policy Against Sexual Harassment at Workplace and extend full cooperation and share all details within my knowledge to at any time during inquiry proceedings.

- 2) I declare that no complaint in the nature of sexual misconduct has been ever made against me in my previous organization and have not been accused or convicted to any offence involving sexual harassment.
- 3) I understand that if a complaint is brought against me regarding sexual harassment while engaged in the organization's activities, the allegation will be thoroughly investigated and I shall extend full cooperation with the appropriate authorities.

Signature: _____

Date: _____

Thank You!

