PREVENTION OF SEXUAL HARASSMENT ATWORKPLACE POLICY



BANWASI VIKAS ASHRAM
New Barganda , Giridih, Jharkhand

Contents

1. Introduction 3
2. Purpose 3
3. Scope & Applicability 3
4. Important Definitions 4
5. Procedures and Guidelines 5
6. Roles & Responsibilities of IC 13
7. Misconduct and Retaliation 14
8. Modification and Review of Policy 14

1. Introduction

1.1 **Banwasi Vikas Ashram** (the **"Organization"**)aims at highest ethical and moral standards in the professional and personal life of all associates. The Organization aspires to provide an environment of holistic development, freedom of exchange of ideas and thoughts; constant personal and professional growth;

1.2 Organizationbeing an equal opportunity employer strives to provide an environment where everyone feels secure, safe and free from any kind of harassment, sexual or otherwise;

1.3 The protection against Sexual harassment and the right to work with dignity are universally recognized human rights under various international instruments especially UN Convention on the Elimination of all Forms of Discrimination Against Women;

1.4 Sexual harassment is a violation of the fundamental rights of a woman to equality as per Articles 14, 15 and right to live with dignity as mentioned under Article 21 of the Indian Constitution;

1.5 This Policy against Sexual harassment at the workplace has been made and adopted in addition to; and not in abrogation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (**"Act"**) or any other law in place. The procedure under this does not take away the right of any individual to take recourse under any other law in the Country. It is termed as Organization's Policy against Sexual Harassment of Women at Workplace and shall hereinafter be referred to as "this Policy".

2. Purpose

The purpose of this Policy is to provide protection against Sexual harassment at workplace, its prevention, prevention and redressed of complaints related to Sexual harassment. The intent of this Policy is to create and establish a safe and amicable atmosphere/environment for all. The Organization is an equal opportunity employer, therefore, the Policy shall be applicable to any instance of Sexual harassment; regardless of gender.

3. Scope & Applicability

This Policy extends to all employees, including individuals coming to the workplace for employment or for any other purpose whatsoever including but not limited tonetwork partners, donor, volunteer, trainee, workmen (contractual or otherwise), vendor, supplier and applies to any alleged act of Sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours. The Organization has a "Zero Tolerance" towards all such cases.

4. Important Definitions

4.1 "Aggrieved woman" means in relation to a 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. The term aggrieved person (man or woman) shall be construed accordingly;

4.2 "Complainant" shall include any aggrieved woman/person{including a representative as more fully described under Rule 6 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, if the aggrieved woman/personis unable to make a complaint on account of physical or mental incapacity or death or otherwise} who makes a complaint alleging Sexual Harassment under this Policy;

4.3 "District Officer" means on officer notified under section 5 of the Act;

4.4 "Employee" as defined under the Act and means a person employed with the Organization for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, who, 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 expressed or implied and includes a co-worker, a contract worker, volunteer, probationer, trainee, apprentice or called by any other such name.

4.5 "Employer" means person who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees,formulation and administration of policies for such Organization and will include CEO, COO,Executive Director, Director,Management Committee or the Board of Trustees;

4.6 "Internal Committee" means and include an Internal Complaints Committee constituted for the purposes of conducting an inquiry into any complaint of sexual harassment at workplace;

4.7 "Member" means a member of the Internal Committee;

4.8 "Presiding officer" means the presiding officer of the IC and shall be a woman employed at a senior level at the workplace amongst the employees;

4.9 "Parties" means collectively the complainant and the respondent;

4.10 "Respondent' means a person against whom a complaint of sexual harassment has been made by the aggrieved woman;

4.11 "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 involving unwelcome and explicit sexual overtures; or
ii. a demand or request for sexual favours; or
iii. making sexually coloured remarks; or
iv. any verbal, non-verbal, or physical conduct such as loaded comments, remarks or jokes, letters, phone calls, short media services (SMS), multimedia services (MMS) or e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, sounds or display of a derogatory nature; or
v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interestagainst a person's wishes;
vi. Giving gifts with an intention of sexual or physical advances;
vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act;
viii. Persistent watching, following, contacting of a person; and
ix. The following circumstances, among other circumstances, if it occurs or is present in relation to, or connected with any act or behavior of Sexual harassment may amount to Sexual harassment:
    - Implied or explicit promise of preferential treatment in employment; or
    - Implied or explicit threat of detrimental treatment in employment; or
    - Implied or explicit threat about the present or future employment status; or
    - Interference with work or creating an intimidating or offensive or hostile work environmentfor the person; or
    - Humiliating treatment affecting any person's health or safety.

4.12 Workplace shall mean and include:

- All offices and other premises where the Organization's operates;
- All Organization related activities performed at any other site away from the Organization's premises;
- Any Organization's social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations;
- An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this Policy. Any mis-behaviour (sexual harassment) on any social networking website shall also be considered Sexual harassment at Workplace irrespective of whether such sexual behaviour was shown during or outside of office hours;
- Any place visited by the Associate arising out of or during the course of employment including transportation provided by the Employer for undertaking such journey.

5. Procedures and Guidelines

As per the Act, the obligation to constitute an Internal Complaints Committee lies on an Employer where 10 or above employees are deployed at the Workplace.

5.1 Composition of Internal Committee

5.1.1. Pursuant to the relevant provisions of the Act, where an Employer deploys more than 10 employees, an Internal Complaints Committee (**"IC"**) needs to be constituted to prevent sexual harassment and to receive and effectively deal with complaints pertaining to the same. For the Organizations with less than 10 employees, the Local Complaints Committee (**"LC"**) created at a district level shall be the relevant authority.

5.1.2. The Presiding Officer and every member of the IC shall hold office for such period, not exceeding three years, from the date of their nomination, as may be specified by the Organization.The IC will be composed of the following members:

S. No.	Member	Eligibility
1.	Chairperson	Women working at senior level as employee; if not available, then nominated from other office/units/ department/workplace of the same employer
2.	2 Members (minimum)	From amongst Employees committed to the cause of women/having legal knowledge/experience in social work
3.	1 External Member	From amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment

The details and credentials of IC Committee members are displayed at conspicuous places in the Organization.

5.2 Complaint of Sexual Harassment

Who can File a Complaint?

5.2.1. An Aggrieved Person or Complainant who alleges to have been subjected to any act of Sexual harassment can file a complaint. The complaint needs to be submitted along with any documentary evidence available or names of witnesses, to any of the IC Members at the Workplace;

Against whom can the Complaint be filed

5.2.2. The Complainant can file complaint against an Employee of the Organization against whom he/she makes an allegation of Sexual harassment.

Procedure of Complaint



5.2.3. The complaint must be lodged within 3 months from the date of incident/last incident. However, the IC may, for reasons to be recorded in writing, extend such time limit of filing complaint up to further 3 months, if it is satisfied that bonafide circumstances prevented the Aggrieved woman/Complainant from filing complaint within the time limit mentioned hereinabove. The complaint should clearly mention name and available details of both the Aggrieved woman/person and the Respondent. Anonymous or pseudonymous complaints will not be investigated;

5.2.4. Where such a complaint cannot be made in writing, the Presiding Officer or any Member of the IC shall render all reasonable assistance to the Aggrieved woman for making the complaint in writing;

5.2.5. If the Aggrieved woman/person is unable to lodge the complaint on account of physical or mental incapacity, the following may do so on their behalf, with their written consent:

- Legal heir, relative or friend;
- Co-worker; or
- Any person having the knowledge of the incident with the written consent of the Aggrieved woman/person;
- An officer of the National Commission for Women or State Women's Commission; or
- Special educator;
- Qualified psychiatrist or psychologist; or
- Guardian or authority under whose care he/she is receiving treatment.

If the Aggrieved woman/person for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

5.2.6. If the initial complaint is made to a person other than an IC Member, upon receiving such a complaint, it will bethe responsibility of the complaint receiver to report the same to the IC immediately;

5.2.7. The Complainant shall submit six copies of the complaint accompanied by available supporting documents and relevant details concerning the alleged act of sexual harassment(s) including names and address of witnesses, if any; which the Complainant believes to be true and accurate.

5.3 Redressal Process

5.3.1. Conciliation:

Before the IC initiates an inquiry, the Complainant may request the IC to take steps to resolve the matter through conciliation provided that no monetary settlement shall be made as basis of conciliation. If a settlement has been so arrived, the IC shall record the same and forward the same to the Employer and provide copies of the settlement to the Aggrieved woman/person and the Respondent. In such cases, no further inquiry shall be conducted by the IC

5.3.2. Inquiry

i. In case where a settlement was not opted for, or is not feasible, or could not be arrived at through conciliation (as per clause 5.3.1 above), the IC will initiate an informed inquiry into the complaint. Additionally, an inquiry may also be initiated if the Aggrieved woman/person informs the IC that any terms of settlement (clause 5.3.1 above) have not been complied with by the Respondent;

ii. The IC shall, within 7 (seven) working days of receiving the complaint forward one copy thereof to the Respondent for obtaining a response;

iii. The Respondent shall, within 10 (ten) working days of receiving the complaint file his/her reply to the complaint along with list of supporting documents, names and addresses of witnesses;

iv. The IC shall consider the reply from the Respondent and initiate an inquiry. The Complainant or the Respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the IC. IC shall hear both the Complainant and the Respondent on date(s)intimated to them in advance and the principles of natural justice will be followed accordingly;

v. In the event of failure to attend personal hearing before IC by the Complainant or the Respondent onthree consecutive dates (intimated in advance) without sufficient cause, the IC shall have the right to terminate the inquiry proceedings or give an ex-parte decision. However, the IC shall serve a notice in writing to the party(ies), 15 (fifteen) days in advance, before such termination or the ex-parte order;

vi. The inquiry process shall be completed within the period of 90 (ninety) days from the dateof receipt of the complaint;

vii. The IC within 10 (ten) days from the date of completion of inquiry, shall provide a report of its findings and recommendation(s) to the Director HR and Management Committee of the Organization and such report and recommendation(s)shall also be made available to the Complainant(s) and Respondent(s);

viii. While conducting the inquiry, a minimum of three Members of the IC, including the Presiding Officer or the Chairperson, as the case may be, shall be present;

ix. For the purpose of making an inquiry by the IC, the IC shall have same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:

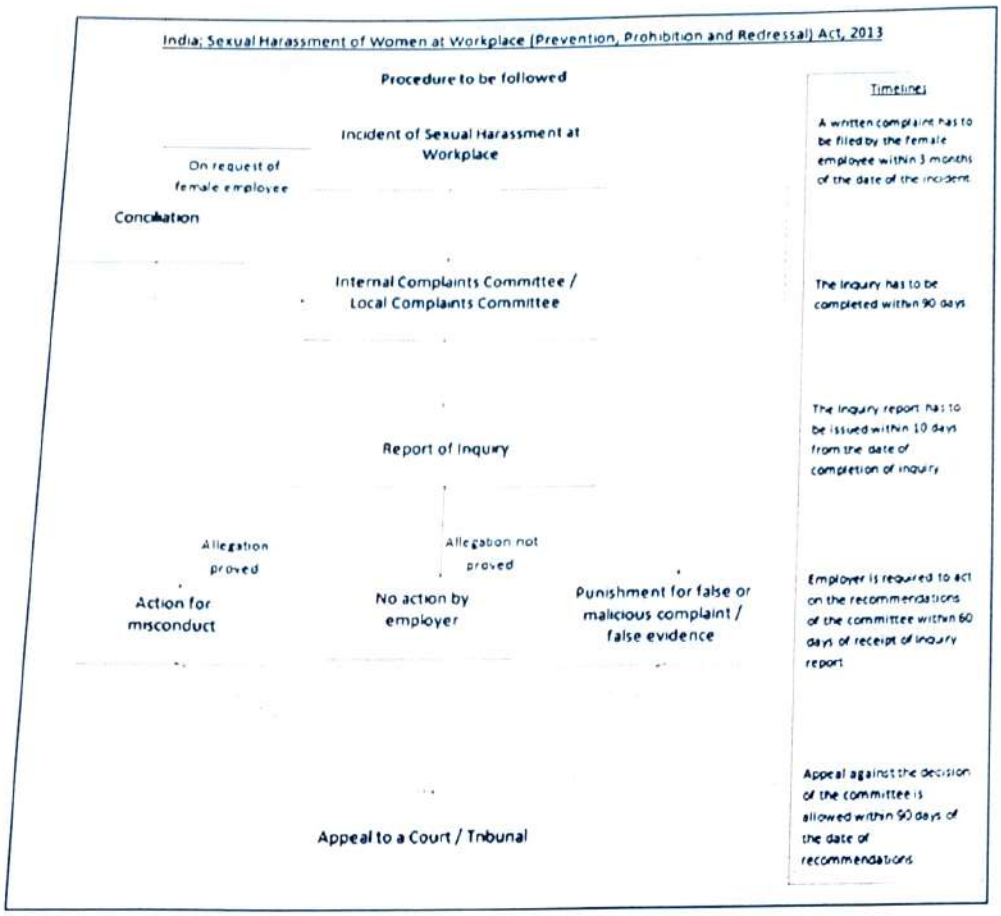
(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

x. Where the conduct of Sexual harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of IC to immediately inform the Complainant of their right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such action or proceedings initiated shall be in addition to proceedings initiated and/or any action taken under this Policy.

xi. Complaint and identity of Complainant or witness shall always remain confidential.



5.3.3. Interim Relief

i. During pendency of the inquiry, on a written request made by the Complainant, the IC may recommend to the Employer to:

- Transfer the Aggrieved woman /personor the Respondent to any other workplace; or
- Grant leave to the Aggrieved woman/person of maximum 3 months, in addition to the leave she would be otherwise entitled; or
- Grant such other relief to the Aggrieved woman/personas may found to be appropriate; or
- Restraint the Respondent from reporting on the work performance of the Aggrieved woman/person

ii. Once the recommendation of interim relief is implemented, the Manager - HR/Management Committee shall inform IC regarding the same;

iii. In case the Aggrieved woman/person has raised a complaint against the reporting manager, the reporting manager cannot conduct any performance discussion or any



other related discussion with him/her which can impact his/her performance till such time that the inquiry is completed. During the pendency of an inquiry, the Aggrieved woman/persons hall not be subjected to interaction with the Respondent in any manner

5.3.4. Prohibition on disclosure of information

This Policy and the law prohibits any person, including IC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the Aggrieved woman/person, Complainant, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the IC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action as outlined in Organization's Code of Conduct.

5.3.5. Considerations while preparing inquiry report

While preparing the findings/recommendations, following shall be considered:

i. Whether the language used (written or spoken), visual material or physical behavior/Nature of Action/Intent of Individual was of sexual or derogatory nature;
ii. Whether the allegations or events follow logically and reasonably from the evidence;
iii. Credibility of Complainant, Respondent, witnesses and evidence;
iv. Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent;
v. Both Parties have been given an opportunity of being heard;
vi. Copy of the proceedings were made available to both Parties enabling them to make representation against the findings.

5.3.6. Actionto be taken after inquiry

On completion of an Inquiry, the IC shall provide a written report of its findings to the Organization within a period of ten (10) days from the date of completion of the Inquiry and such report shall be made available to the Parties.

5.3.7. Complain tunsubstantiated

Where the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer that no action is required to be taken.Further, the IC shall ensure that both Parties understand that the matter has been fully investigated, is now concluded and neither will be disadvantaged within the Organization.

5.3.8. Complain tsubstantiated

Where IC arrives at a conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer to take necessary action for Sexual



harassment as misconduct, in accordance with theapplicable service rules and policies, and this may include:

i. Deduction from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved woman/person or to their legal heirs. In case the Organization is unable to make deductions from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct the Respondent to pay such sum to the Aggrieved woman/person. In case the Respondent fails to pay the sum, the IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer;
ii. Undergoing counseling session;
iii. Censure or reprimand to the Respondent;
iv. Written apology from the Respondent;
v. Written warning may be given to the Respondent;
vi. Withholding promotion and/or increments;
vii. Immediate transfer or suspension without pay;
viii. Termination;
ix. Carrying out community service; or
x. Any other action that the Management may deem fit.

The Employer shall act upon/implement the recommendations within 60 days and confirm to the IC.

5.3.9. Malicious Allegations

This Policy has been adopted to ensure appropriate redressal of complaints of Sexual harassment. Where IC arrives at the conclusion that the allegation against the Respondent is malicious or the Aggrieved woman/person or any other person making the complaint has made the complaint knowing it to be false or,have produced any forged or misleading document, it may recommend to the Employer to take action against the Aggrieved woman/person or the Complainant upto; and including termination. IC may recommend the Organization to take suitable actions against the Complainant who has made the complaint, in accordance with the provisions of the applicable service rules or may include the following actions:

i. A written apology from the Complainant;
ii. A letter of warning may be given to the Complainant;
iii. Reprimand or censure the Complainant;
iv. Withholding the promotion;
v. Withholding of pay rise or increments;
vi. Immediate transfer or suspension without pay;
vii. Termination from service;
viii. Undergoing a counseling session; or
ix. Carrying out community service

While deciding, the IC should ensure that malicious intent must be clearlyestablished through a separate inquiry.

5.3.10. Appeal

Any person aggrieved by the recommendation of IC may prefer an appeal within a period of ninety (90) days of the recommendations under the relevant provisions of the Act and Rules there under.

5.3.11. Annual Reports

The IC shall, for each calendar year prepare an Annual report and submit the same to the Organization and the District Officer (designated as per the Act) by January 31st of the subsequent calendar year.

6. Roles & Responsibilities of IC

The role of IC is to create awareness about prevention of Sexual harassment, carry out a fair and informed inquiry into Sexual harassment complaints and recommend appropriate actions thereafter. An IC is expected to be trained in skill and capacity and also be sensitive to the issue. Any personal biases, prejudices (whether based on gender, caste, class) and stereotypes (e.g., predetermined notions of how a "victim" or "accused" should dress up or behave) should not impact their functioning as members of the IC.

6.1 Awareness and Gender Sensitization

(i) Publish the Policy (in Hindi as well as in English) in the Organization;
(ii) Organize workshops and awareness programs pertaining to Policy, sensitizing and the reporting mechanisms;
(iii) Create and ensure a safe environment free of Sexual harassment at the Workplace;
(iv) Conspicuous display of the excerpts of the Policy, details of the IC members and the consequences of Sexual harassment;
(v) Treating Sexual harassment as misconduct and assisting employees in reporting incidents of Sexual harassment;
(vi) ICC shall have the necessary powers to take somotu notice of incidents of Sexual harassment and/or gender injustice in the Organization and act against the same in such manner as it deems appropriate;
(vii) Create awareness about issues of gender and sexuality and ensuring an enabling environment of gender justice where all can work together with a sense of personal security and dignity;
(viii) Organize annual orientation/seminars/refreshers on the nature and scope of the Act. This may also include seminars/workshops/interactive sessions by external experts.

6.2 Remedial and Inquiry

(i) Be thoroughly prepared, know the Act, Policy and/or relevant Service Rules of the

BANWASI VIKAS SANSTHAN GIRIDIH BAGODAR

Organization;

(ii) Ensure parties are made aware of the process and their rights/responsibilities within it;

(iii) Ensure that the reporting mechanisms are safe, accessible, and sensitive;

(iv) To take cognizance of Sexual harassment complaints, conduct enquiries, analyze information, provide assistance and redressal to the victims, prepare report with findings/recommendations, and take immediate action against the alleged offender, if necessary;

(v) Recommend the Organization to provide assistance to the Complainant if she 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;

(vi) Recommend the Organization to provide medical intervention with the consent of the Complainant or even without consent in such cases where the Complainant is physically or mentally incapacitated to give her consent;

(vii) Inform the Organization to arrange for appropriate psychological, emotional, and physical support (in the form of counseling, security and other assistance) to the victim if s/he so desires.

7. Misconduct and Retaliation

7.1 This Policy shall treat Sexual harassment by an associate as a disciplinary offence, which will result in disciplinary action, up to and including termination. Breach of confidentiality, victimization or retaliation against an associate for bringing a complaint of Sexual harassment or against any witness who meets the IC to share their observations in good faith shall also be treated as a disciplinary offence.

7.2 The Policy strictly prohibits any sort of retaliation, discrimination or victimization of/against the Complainant or the witnesses. Any threat or act of reprisal against the Complainant or the witnesses, during or after the inquiry process, including internal interference, coercion and restraint, whether directly or indirectly, will result in appropriate action against the person responsible for such threat or act, by the Employer.

However, the information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant, Respondent or witnesses.

8. Modification and Review of Policy

The Organization reserves the right to modify and/or review the provisions of this Policy from time to time, in order to comply with applicable legal requirements or internal policies, to the extent necessary.

This policy was unanimously confirmed in the BVA Executive Committee meeting on dated 24/04/2023. And this policy was adopted.

25/4/23

Suresh Kumar Shakti
Secretary