

Prevention of Sexual Harassment at the Workplace Policy

Objective

A Policy for Prevention and Redressal of Harassment and Sexual Harassment at the Workplace

Scope

This policy applies to all employees of Red Dot Foundation (RDF) like regular, temporary, volunteers, interns etc. Any complaints about harassment shall be treated under this policy.

Policy Details

RDF is committed to providing an environment free of any and all kinds of harassment including sexual harassment, gender based harassment, harassment related to special conditions like pregnancy, childbirth, harassment based on any kind of medical conditions, race, ethnicity, religious creed, colour, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, etc.

This policy applies to all persons engaged directly or indirectly with RDF and prohibits any kind of harassment of any employee of RDF or any person working with RDF.

Workplace

For the purposes of this policy, the expression 'workplace' or 'at work' is not confined or limited to the actual working place of the employees in the sense of the physical space in which paid work may be performed as per the prescribed duty hours. Workplace covers professional, vocational, educational, etc. and also includes any place visited by the employee arising out of or during the course of employment. 'Workplace' or 'at work' would also include office parties, work-related social functions, phone calls, sending messages through cellular phones or email from home even on an off day, or other contacts outside office hours and work related interactions. Thus, it is not the physical workplace that would govern, but the access that a perpetrator has to the recipient of sexually harassing behaviour by virtue of a job situation or relation that is relevant.

Definition of Sexual Harassment

“Sexual harassment” shall include any one or more of the following unwelcome acts or behaviours, whether directly or by implication namely:-

- i. Physical contact and advances
- ii. A demand or request for sexual favours;
- iii. Making sexually coloured remarks;
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

You may be experiencing sexual harassment when one of the following is true:

- it is stated or understood that you must submit to the demanded or suggested behaviour in order to get or keep a job,
- Employment decisions are based on whether or not you go along with the demanded or suggested behaviour, or
- The demanded or suggested behaviour creates a hostile or abusive work atmosphere that changes the conditions of your job.

Sexual harassment could be:

"Quid pro quo" i.e. "this for that".

Harassment occurs when decisions regarding employment are promised, threatened or given, based upon whether or not one or more employees will submit to sexually-oriented conduct. However, situations of Quid pro quo sexual harassment are far broader. In a quid pro quo situation, the sexual behaviour does not have to be out rightly physical. For example, a supervisor might give the best work assignments to employees who don't spurn his/her sexually-oriented behaviour and may penalize those who spurn such advances.

"Hostile environment"

Sexual harassment occurs where the sexually-oriented conduct of one employee creates an offensive and unpleasant working environment for any other employee. Harassment is often about one person (or a group of people) using power inappropriately over another person/group of people. But harassment can also happen between people when there is no power relationship. It may simply create a hostile environment.

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.

- Implied or explicit promise of preferential treatment in her employment or
- Implied or explicit threat of detrimental treatment in her employment or
- Implied or explicit threat about her present or future employment status or
- Interference with her work or creating an intimidating or offensive or hostile work environment.

Employer's responsibility

- Prevent and prohibit all and any acts of harassment, including sexual harassment, in order to ensure a safe and healthy work environment.
- Redress and resolve grievances pertaining to sexual harassment.

Take the following proactive steps:

- Display the penal consequences of the acts of sexual harassment at all conspicuous places.
- Conduct regular workshops and employee awareness programs for gender sensitization.
- Create forum for open dialogues for creating sensitization towards gender issues and also address various concerns and issues highlighted thereof.
- Orientation programs to be conducted for the Internal Complaints Committee.

- Conduct capacity building and skill building programs for the Members of the Internal Committee.
- To assist the aggrieved woman in filing an official complaint with the concerned authorities under the Indian Penal Code.

The company has constituted a committee for the redressal of all sexual harassment complaints, known as the “Internal Complaints committee” (ICC).

The ICC shall comprise of:

Name : ElsaMarie D Silva (elsa@reddotfoundation.org)
: Supreet K Singh (supreet@reddotfoundation.org)
: Tania Echaporla (tania@reddotfoundation.org)
: Latha Sankarnarayan (lathasn@gmail.com)

For any grievances, employees must write to elsa@reddotfoundation.org and/or report harassment to the HR manager or members of the ICC preferably within 3(three) months from its occurrence.

On receipt of the complaint, the ICC shall proceed to commence enquiry as per the rules in that regard.

In cases where there is a prima facie case made out, the ICC will forward the complaint to police within 7 days for registering a criminal case under 509 IPC.

Procedure for dealing with complaints

- The complainant, at the time of filing the written complaint, would be required to submit to the Committee, two copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- On receipt of the complaint, the Committee shall reply to the respondent within a period of seven working days.
- The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents.
- The Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- The Committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint (after giving 15 days advance notice), if the complainant or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson.
- 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 Committee.

In conducting the inquiry, a minimum of three Members of the Committee including the Presiding Officer shall be present.

The parties shall be given reasonable opportunity of being heard and a copy of the findings by the ICC shall be made available to them.

The inquiry would ordinarily be concluded within 45 working days of the receipt of the formal written complaint by the ICC, subject to the upper limit of a maximum of 90 days. In case the time limit of 90 days is exceeded, the same will be clearly explained in the final report submitted by the ICC.

Notwithstanding the company's internal procedure, every employee retains the right to file a complaint of unlawful harassment under the law of the land with relevant authorities.

In relevant cases, in accordance with the mandate of the law of the land, the company retains the right and responsibility to hand over the investigation or employee to relevant state authorities.

During the pendency of an Inquiry, ICC may recommend to

- Transfer the aggrieved woman or the respondent to any other workplace; or
- Grant leave to the aggrieved woman up to a period of 3 months; Leave granted shall be in addition to the leave otherwise entitled; or
- Grant such other relief to the aggrieved woman as may be prescribed.

ICC will provide a report of its findings within 10 days from the date of completion of inquiry and such report may be made available to the concerned parties.

The employer is required to act upon the recommendation within 60 days of its receipt of report sent by the ICC. In the cases where the allegations are proved, the Committee shall recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the perpetrator from service or undergoing a counselling session or carrying out community service.

False Accusation

Where the ICC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take suitable action viz. written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the perpetrator from service or undergoing a counselling session or carrying out community service.

This does not, however, include complaints which are difficult to prove or have been made in good faith.

Conciliation

The aggrieved woman may also choose to resort to Conciliation. On the request made by the aggrieved woman, before initiating the inquiry, the ICC will take steps to settle the matter through conciliation.

No monetary settlement shall be made as a basis of conciliation.

ICC shall record the settlement and take action.

ICC will provide copies of the settlement to the aggrieved woman and respondent and no further inquiry shall be conducted. The settlement terms will need to be duly implemented or else enquiry will need to be initiated.

Employee Responsibility

All employees are mandated to read and acquaint themselves with the company policy with respect to any instances of sexual harassment reported at the workplace. Pleading ignorance about the policy or the following consequences shall not stand a valid ground in any case whatsoever.

The employees may address their doubts or concerns, if any with HR.

- Employees of RDF must conduct themselves so as to ensure a work environment that promotes, respects and upholds the dignity of every individual at the workplace and does not become the cause of any physical and mental harassment. This term and act of “harassment” includes but is not restricted to unwelcome behaviour whether through visual displays, verbal, non-verbal, physical or other conduct making a person submit to requests, favours, threats or demands that alter or threaten to alter the terms of employment and interfere with work conditions.
- Employees must report every incident of perceived harassment that they are aware of through the official channels mentioned here.
- Employees are expected to cooperate with the company in investigations and in preventing and curtailing unlawful discrimination and harassment at the workplace.

Right to appeal

Any person aggrieved from the recommendations made may prefer an appeal to the court or tribunal, within a period of 90(ninety) days of the recommendations, in accordance with the manner as may be prescribed, without prejudice to provisions contained in any other law for the time being in force.

Sexual Harassment at the Workplace-Additional information for reference

In making our work atmosphere healthier and free from harassment, the Company has made the Rules Prohibiting Sexual Harassment at the Workplace.

Conduct that might be harmless or even enjoyable in a social situation can be upsetting at work. Sexual behaviour that is repeated, unwanted and interferes with your job has crossed the line: it is not only inappropriate, it is illegal.

For example, if a co-worker accidentally brushes against you, it would not be considered sexual harassment. However, if that person repeatedly finds opportunities to brush against you, it is no longer accidental -- it is deliberate. Behaviour like this, which may make you feel uncomfortable and adversely affect your work, is sexual harassment.

Some behaviour may be so extreme - such as sexual assault - that it constitutes sexual harassment even if the behaviour occurs only once.

Types of behaviour which can be considered as sexual harassment

Depending on the circumstances, each of the following kinds of behaviour may be sexual harassment:

- Material that is sexual in nature, sexist, sexually explicit and so on and is displayed in the workplace, circulated, or put in someone's workspace or belongings, or on a computer or fax

machine or on the Internet or any other public display system or public place in the work premises.

- Verbal abuse or comments that put down people because of their sex
- Comments about people's (women/men) bodies and physical appearance
- Tales of sexual exploits
- Graphic descriptions of pornography
- Sexually explicit gestures
- Unwelcome touching and hugging
- Sexist and insulting graffiti
- Sexist jokes and cartoons.
- There is a difference between harmless humour which may refer to gender, race and so on and using a racist, sexist or other types of stereotyping jokes to have a "dig" at someone (and therefore to harass them). If this difference is not clear or if someone is offended, the behaviour should stop immediately
- Obscene phone calls
- Displaying pornography in the workplace or otherwise
- Insisting that workers wear revealing clothing
- Inappropriate comments about one's dressing
- Inappropriate gifts (for example, lingerie)
- Discussion of one's partner's sexual inadequacies
- Lewd and threatening letters
- "Accidentally" brushing sexual parts of the body
- Pressing or rubbing up against a victim
- Sexual sneak attacks (such as grabbing private parts on the run)
- Indecent exposure
- Subtle or overt pressure for sexual favours
- Soliciting sexual services
- Demanding sexual services
- Sexual or physical contact, such as slapping, kissing or touching.
- Intrusive questions about sexual activity
- Sexual assault (a crime under the Indian Penal Code)
- Repeated sexual invitations when the person invited has refused/ignored similar invitations
- Coerced sexual intercourse (e.g., as a condition of employment or academic status)

Note: A single act or occurrence shall be enough to be construed as harassment.

Indian Law

The ministry of law and justice has published The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules 2013: An act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. "Sexual harassment

includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) as:

- (a) physical contact and advances;
- (b) a demand or request for sexual favours;
- (c) sexually-coloured remarks;
- (d) showing pornography;
- (e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Dated: 7Th August 2020.



ElsaMarie D'silva
Founder and CEO