

Policy on
Prevention of Sexual Harassment (POSH)
at work place



Action for Community Empowerment (ACE)

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Acronyms:

ICC: Internal Complaints Committee

ED: Executive Director

Definitions:

Complainant: Aggrieved person

Respondent: Against whom the Complaint is given

Employee: Individuals either on permanent rolls of MSSRF or on contract

Policy on Prevention of Sexual Harassment (POSH) at work place

The policy on prevention of sexual harassment at workplace is a statutory requirement and is guided by Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (SHWW) Act, 2013 and subsequent Acts.

Objective: The objective of this policy is to prohibit and provide protection against sexual harassment to any employee, vendors, suppliers, consultants, trainees, visitors, students, community workers etc.

Applicability: This policy is applicable to all employees of Action for Community Empowerment (ACE) who are on rolls or on contract, trainees, interns, suppliers or vendors, consultants, visitors, students, community workers etc. The policy covers harassment of women by men or men by women. This is a zero tolerance policy irrespective of who is involved.

Features:

I. All employees in the organization must be aware of the following:

a) Sexual harassment:

It includes any one or more of the following unwelcome acts or behaviour (whether directly or indirectly) namely:

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography or offensive pictures or written materials; or
- Verbal – unpleasant or suggestive remarks, personal comments, jokes causing embarrassment, innuendos and taunts, sexist remarks (gender based insults) and offensive telephone calls/messages
- Implied or explicit promise of preferential treatment in his/her employment; or
- Implied or explicit threat of detrimental treatment in his/her employment; or
- Implied or explicit threat about his/her present or future employment status; or
- Interference with his/her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect his/her health or safety
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

b) Workplace includes:

- Within the premises of the office(s)/sites/ field etc
- Any place visited by the employee whether on roll or on contract, trainees, interns arising out of or during the course of the employment
- Transportation provided by ACE or during travel whether in the own vehicle or of others or hired

- Guest house/hotel where an employee whether on rolls or on contract, trainees and interns is staying while on duty

II. Internal Complaints Committee: The Internal Complaints Committee (ICC) is constituted to consider and redress complaints related to sexual harassment. The Constitution of ICC is as per the Act and includes external member from NGO or person familiar with the issues relating to sexual harassment.

- a) A senior female employee / Executive Member of the Board from the Organization
- b) At least two members from amongst the employees who are committed to the cause of the women or the person familiar with issues relating to sexual harassment
- c) One-half of the total members must be women
- d) One women member from other NGO who would be paid an honorarium to attend the enquiries of the Internal Complaints Committee

Nomination: The President of ACE will nominate the Presiding Officer and the members of ICC.

Term of Office: The Presiding Officer and every member of the Internal Complaints Committee will hold the office for a period not exceeding three years from the date of the nomination. The ICC is governed by the rules of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Ministry of Women & Child Development notification dated 9th December 2013 or any other legislation, rules or notifications as may be enacted later on.

III. Redressal of Complaints: Complaints

- The Internal Complaints Committee (ICC) in the Organization is responsible for attending the complaints on cases of Sexual Harassment. The names and their contact details of the members of the ICC are available on the intranet and displayed in notice boards.
- Any individual who is applicable under the policy and feels is being sexually harassed may submit a complaint of the alleged incident to the ICC within 15 days from the date of the incident of sexual harassment. The complaint needs to be signed by the complainant and submitted to Director, Programmes of concerned ACE offices. However, if the Director, Programmes is involved then to the Secretary of the organization. If the secretary is involved then it may be submitted to the President. All such cases will then be forwarded to ICC for inquiry.
- If the complainant is unable to make a complaint in writing, he/she should intimate the ICC and the ICC would render all reasonable assistance to the complainant for making the complaint in writing.
- Though it is desirable that the complaint is given within 15 days, however, there may be situations, where the complainant may not be able to file the complaint within the specified time due to compelling circumstances, in such cases, the time of giving complaint may be extended up to three months.

- Where the Complainant is unable to give the complaint on account of his/her physical or mental incapacity the legal heir or such other person related to the complainant may make a written a complaint on her/his behalf to the ICC.
- The Committee will maintain a register to endorse the complaint received by it and will keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- ICC will hold a meeting with the complainant after receipt of the complaint. The complainant will be formally intimated of the date of the meeting.
- If the complaint does not fall under the purview of sexual harassment or the complaint is not an offence under the sexual harassment, the same is to be dealt under the disciplinary procedure of the Organization, as per HR manual. The investigation of such complaints will not be under the purview of ICC and Secretary of the Organization will take appropriate action in consultation with the concerned programme Director / In-charge of the ACE office

IV. Conciliation:

- The Complainant may be given an opportunity to settle the matter with the respondent through conciliation, provided monetary settlement is not the basis of conciliation.
- The settlement that is arrived at must be recorded and the copy of it be given to the Complainant and the respondent.
- The Complainant may approach the ICC if the terms of settlement are not honoured. The Committee can then decide to go ahead with the enquiry.
- If the settlement is not arrived during this conciliation process, then ICC will start the process of enquiry

V. Inquiry:

- During the enquiry both parties will be given an opportunity to represent. The copies of the findings will be given to both the parties so that they can represent the committee against the findings.
- The ICC will conduct the inquiry within seven days of the receipt of the complaint.
- During the pendency of the inquiry, depending on the severity of the case, ICC may request the Management for the following during the course of inquiry:
 1. Transfer the complainant or the respondent to any other office, if possible, or
 2. Grant leave to the complainant up to a period of three months;
 The leave granted to the complainant under this section is over and above the leave that is due to him/her.
- During the inquiry the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to the ICC in writing. However, if there are fresh evidences to be produced the complainant or the respondent can make such requests.

VI. Report submission and action taken:

- ICC will submit the report to Secretary within ten days of the completion of the inquiry

- The copy of the report will be given to the Complainant and the Respondent.
- If the allegation is proved in the conciliation stage, the respondent may also be directed by the Secretary on the recommendation of ICC to make monetary payment to the complainant. The following factors may be taken into account while the Respondent is directed to pay the complainant:

- I. Mental trauma, pain, suffering and emotional distress caused to the Complainant;
- II. Loss in the career opportunity due to sexual harassment;
- III. The income and financial state of the respondent;
- IV. Medical expenses incurred by the victim for physical or psychiatric treatment;
- V. Feasibility of such payment in lump sum or in installments

- If the allegation is proved in the inquiry stage, action will be taken against the Respondent as per the Standards of Conduct;
- A letter of warning that will be placed in the personal file of the respondent
- Stop the increment with or without cumulative effect
- Reduction in rank.
- Termination/dismissal from the services of the Organization
- Any other action that the Disciplinary Authority may deem fit.
- During the inquiry if it is found that the allegation against the respondent is malicious or if the complainant or any other person makes such complaint knowing it to be false or produces any forged or misleading document, action will be taken against them as per the Standards of Conduct/Standing Order.
- However, if the Complainant is unable to substantiate a complaint or provide adequate proof, no action will be taken.
- During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, action will be taken against them in accordance with the Standards of Conduct/Standing Order.
- The proceedings, conciliation or the action taken etc. is to be not made public or published and the names or addresses will not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity or any other particulars, which may lead to the identification of the aggrieved and witnesses.
- If the person who is entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action, which has to be taken, does not comply with the above mentioned clauses action to be taken as per the Standards of Conduct.

Support provided by the Management to the Complainant:

- Provide a safe working environment at the workplace which also includes employees, visitors, clients or any other internal or external individuals

- Provide assistance to the complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code.
- Assist the complainant to initiate action under the Indian Penal code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place.
- Treat sexual harassment as a misconduct under the Standards of Conduct

Responsibilities:

Employee:

- Participate in the POSH programme
- Seek clarification on POSH including what constitutes Sexual Harassment
- Understand the process of giving complaint
- Support the fellow employee if he/she is sexually harassed
- Acknowledgement that the policy is understood

Management:

- Encourage employees to attend the POSH Awareness programme
- Clarify doubts on POSH
- Address employees' concern on POSH
- Support employees if they are sexually harassed

Human Resources:

- Organize Awareness programmes on POSH for staff, clients, vendors and communities with whom ACE works
- POSH policy to be displayed in the Notice board and copy made available for reading to all staff
- Annual Refresher programme on POSH
- Acknowledgement from all employees that they have understood the POSH Policy
- File acknowledgement from employees in their personal file

Effective Date: These guidelines and procedures shall supersede all other earlier guidelines / rules on the subject matter and shall come into force with effect from 1 April 2021.

Policy Owner: ACE

Process Owner: ACE

Process on Prevention of Sexual Harassment (POSH) at work place

The process is implemented as per the Policy on Prevention of Sexual Harassment at work place covers both the genders i.e. male and female.

Objective: To implement the policy across the Organization.

Applicability: For the implementation of the policy ACE Management team Programme area Heads are responsible.

I. Constitution of the Internal Complaints Committee (ICC): The ICC will comprise of following members, whose tenure will be for three years, starting with April 2021 to March 2024

The Internal Complaints Committee will consist of following members:

1. Ms. Kumari Roma Presiding Officer
- 2 Mr. Anil Singh, Member cum Secretary
- 3 Mr. Mukesh Kumar, member
- 4 Ms. Usha Rani Independent Member
5. Ms. Sangita Kumari Independent member from other NGO or social worker

The list of ICC members with their contact information is available at ACE notice boards

II. Conduct awareness programmes on POSH policy to make all employees aware of the following:

- a) What constitute Sexual Harassment
- b) What constitutes Workplace
- c) Method of giving complaints
- d) Foundation's support to the individual when there is a complaint
- e) Responsibilities of employee, Management, Human Resources etc.

Concerned Head of Office, Director Programmes is responsible for the above initiative. An annual report is submitted on the status to President, who will then put it before the Executive Committee.

III. Redressal of Complaints:

- The ICC in the organization is responsible for attending to cases of Sexual Harassment. The names and their contact details of the members of the ICC are available on the notice boards. This is to be periodically updated by the concerned head of the office
- Any individual who is applicable under the policy and feels is being sexually harassed may submit a complaint of the alleged incident to the ICC within 15 days from the date of the incident of sexual harassment. The complaint needs to be signed by the complainant and submitted to Office Head / the Programme Area Head. However, if the is Programme Area Head or HR is involved then to the Secretary. If the Secretary is involved then it may be submitted to the President. All such cases then shall be forwarded to ICC for inquiry.
- If the complainant is unable to make a complaint in writing, he/she should intimate the ICC and the ICC would render all reasonable assistance to the complainant for making the complaint in writing.
- Though it is desirable that the complaint is given within 15 days, however, there may be situations, where the complainant may not be able to file the complaint within the specified time due to compelling circumstances, in such cases, the time of giving complaint may be extended up to three months.
- Where the Complainant is unable to give the complaint on account of his/her physical or mental incapacity the legal heir or such other person related to the complainant may make a written a complaint on his/her behalf to the ICC.

- The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
- ICC will hold a meeting with the complainant after receipt of the complaint. The complainant will be formally intimated of the date of the meeting.
- If the complaint does not fall under the purview of sexual harassment or the complaint is not an offence under the sexual harassment, the same is to be dealt under the disciplinary procedure of the Foundation. The investigation of such surveys is not under the purview of ICC.

HR supports the ICC members and the complainant and ensures all steps in redressal of complaint is followed.

IV. Conciliation:

- The Complainant is given an opportunity to settle the matter with the respondent through conciliation, provided monetary settlement is not the basis of conciliation.
- The settlement that is arrived at must be recorded and the copy of it be given to the Complainant and the respondent.
- The Complainant may approach the Internal Complaints Committee if the terms of settlement are not honoured. The Committee can then decide to go ahead with the inquiry.
- During the inquiry both parties will be given an opportunity to represent. The copies of the findings will be given to both the parties so that they can represent the committee against the findings.

V. Inquiry:

- The committee conducts the inquiry within seven days of the receipt of the complaint.
- During the pendency of the inquiry, the ICC may request the Management for the following during the course of enquiry:
 - Transfer the complainant or the respondent to any other office, if possible, or
 - Grant leave to the complainant up to a period of three months; or
 - May be given permission to work from home if it is possible (The leave granted to the complainant under this section is over and above the leave that is due to her/him.)
- During the inquiry the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to the ICC in writing. However, if there are fresh evidences to be produced the complainant or the respondent can make such requests.

Post inquiry:

- On completion of the inquiry the committee will submit the report on the findings within ten days after the completion of the inquiry to the Executive Director. The copy of the report is given to the complainant and the respondent.

- If the allegation against the respondent is not proved, the ICC informs the president that no action is to be taken against the respondent.
- During the inquiry if it is found that the allegation against the respondent is malicious or the complainant or any other person making such complaint has made the complaint knowing it to be false or the Complainant or any other person making the complaint produces any forged or misleading document, the ICC may recommend the President to take action against the Complainant who has made the complaint. If the Complainant is unable to substantiate a complaint or provide adequate proof, there will be no action.
- During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, the ICC will recommend to the President to take action in accordance with the Standards of Conduct;
- A letter of warning that will be placed in the personal file of the respondent
 - Stop the increment with or without cumulative effect
 - Reduction in rank.
 - Termination/dismissal from the services of the Company.
 - Any other action that the Disciplinary Authority may deem fit.
- For deciding the amount to be paid by the Respondent to the complainant following factors may be taken into account:
 - The mental trauma, pain, suffering and emotional distress caused to the Complainant;
 - The loss in the career opportunity due to sexual harassment;
 - The income and financial state of the respondent;
 - Medical expenses incurred by the victim for physical or psychiatric treatment;
 - Feasibility of such payment in lump sum or in installments
- According to the provision of the Rights to information Act 2005, the contents of the inquiry, the proceedings, conciliation or the action taken etc. is not to be made public or published and the names or addresses should not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity or any other particulars, which may lead to the identification of the aggrieved woman and witnesses.
- If the person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action to be taken under the provision of this Act, does not comply with the above-mentioned clauses action is taken as per the Standards of conduct.

Secretary ACE will ensure that the process mentioned above is followed.

Head of offices, who are also responsible for HR functions will ensure the following:

- Copy of the report is given to the complainant and the respondent

- That action is taken, if the wrong allegation is made by the complainant or any other person or the witnesses
- Any other action that needs to be taken as per the report submitted by the ICC

At the overall level, heads of offices will maintain all documentation on the above and follow-up on the terms of settlement and submit a report to the President

Duties of the President/Sr. Management:

- Provide a safe working environment at the workplace which also includes employees, visitors, clients or any other internal or external individuals
- Provide necessary facilities to the ICC for dealing with the complaint and conducting the enquiry
- Include all the cases of sexual harassment and the action taken in the Annual Report
- Treat sexual harassment as a misconduct under the Standards of Conduct

Duties of the Head of Offices:

- Display at conspicuous place in the workplace, the penal consequences of sexual harassment.
- Organize workshops / Trainings and awareness programmes at regular intervals for sensitizing the employees about the policy
- Organize orientation programmes for the members of ICC
- Assist in securing the attendance of the respondent and the witnesses before the ICC
- Provide assistance to the Complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code.
- Assist the Complainant to initiate action under the Indian Penal code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place.
- Monitor the timely submission of reports by the Internal Complaints Committee
- The POSH policy is to be communicated to all the external collaborators, Interns etc. and an undertaking taken from them.

Policy Owner: Action for Community Empowerment

Process Owner: Action for Community Empowerment



SECRETARY
ACTION FOR COMMUNITY EMPOWERMENT

Mahesh Agrawal

Secretary



PRESIDENT
ACTION FOR COMMUNITY
EMPOWERMENT SOCIETY SAMITI

Approved by