

Policy for Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace

2019 - 2020



TABLE OF CONTENTS

1. Policy Statement	2
2. Definitions	3
3. Applicability & Scope	6
4. Responsibilities to prevent sexual harassment	6
5. Internal Committee	7
6. Tenure and disqualification of committee members	7
7. Complaint redressal mechanism	8
8. Investigating process	9
9. Inquiry report and recommendation of action	11
10. Confidentiality	12
11. Assurance against retaliation	12
12. Complaints made with a false or malicious intent	12
13. Role of the employer	13
14. Appeal by the person aggrieved	13
15. Amendment	13
16. Annexures	14

1. Policy Statement

Leadership for Equity is committed to creating a healthy, safe and positive working environment in which all its Staff work without fear of prejudice, gender bias and Sexual Harassment.

1.1 The purpose of this policy is to promote a safe working environment in which everyone is treated with respect and dignity. In order to promote the well-being of all women Staff at the Workplace, this policy states that:

1.1.1 It shall be the duty of the Organisation to prevent any act of Sexual Harassment at the workplace.

1.1.2 Sexual Harassment will be considered misconduct, and the Organisation will take action based on the recommendations of the Internal Committee after conducting an inquiry in this context.

This policy defines the acts/behaviour of Sexual Harassment and lays down guidelines and procedures to be followed while dealing with / investigating / concluding the complaint of Sexual Harassment registered by any Staff of Leadership for Equity.

2. Definitions

A. “Law” refers to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013

B. “Organisation” means **Leadership for Skilled Education Foundation**, a Section 8 Company, with its registered office at Flat No. 7, 4th Floor, Alankar Apartment, Shivajinagar, Pune-411005, referred here through its programme as **“Leadership for Equity/LFE”**

C. “Employer” means the Management of Leadership for Skilled Education Foundation, including its Board of Directors and the Chief Executive Officer

D. “Staff” means a person employed by Leadership for Equity on a regular, temporary, ad hoc, contractual or voluntary basis. The term ‘Staff’ includes all consultants, interns, volunteers, mentors, alumni, trainers employed with Leadership for Equity on a regular, temporary, ad hoc, contractual or voluntary basis

E. “Complainant” refers to any aggrieved woman (adult), whether a Staff of the Organization or not, who has been subjected to any act of Sexual Harassment by the Respondent

F. “Respondent” means any person, who is a Staff of Leadership for Equity, against whom the complaint of Sexual Harassment has been submitted by the complainant

G. “Internal Committee (IC)” refers to the Internal Complaint Committee/ POSH Committee constituted at LFE under Section 4 of the SHWW Act 2013

H. “External Member” means any person who may be an expert/a lawyer having worked for causes related to women or from an NGO or an association committed to the cause of women or a person familiar with the issues of Sexual Harassment or a University affiliated staff having an understanding of the above topics or having worked in psychology or for women cause

I. “Sexual Harassment” shall mean and include any of the following:

- i. Unwelcome sexual advances, requests or demands for sexual favours, either explicitly or implicitly, in return for employment, promotion, or evaluation of a person towards any

Organizational activity

- ii. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, electronic messages through mobile phones, phone calls, e-mail, gestures, showing of pornography, unwanted stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication that offends the individual's sensibilities and affect her performance.
- iii. Unwelcome physical contact, such as unnecessary touching, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats or all forms of assault.
- iv. Unwelcome verbal conduct, such as unwelcome advances, patronizing titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language, which refer to an individual or a group's gender, sexual orientation, repeated suggestions for unwanted social activities inside or outside the workplace.
- v. Unwelcome non-verbal conduct: such as racially or sexually based graffiti referring to an individual's characteristics or private life, abusive or offensive gestures, leering, whistling, isolation or non-co-operation, display of pornographic or suggestive literature or other items, pictures or films/videos or inappropriate use of visual display units or network systems for this purpose. This would also include comments made on e-mail or other written documentation.
- vi. Stalking, which may include unsolicited phone calls, phone calls to a private mobile or landline outside of office hours, following a person to her home or other place outside their Workplace, following or physically pursuing a person while at his/her Workplace but without lawful excuse, eve-teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- vii. Conductor act by a person in authority which creates an environment at the Workplace which is hostile or intimidating to a victim of sexual harassment.
- viii. Any unwelcome gesture by a Staff having sexual overtones.
- ix. Following circumstances, if connected with any act of Sexual Harassment, also amounts to Sexual Harassment:
 - Implied or explicit promise of preferential or detrimental treatment in the employment status.
 - Implied or explicit threat about a Staff's present or future employment status.
 - Interference with the work of a Staff, creating an intimidating or offensive or hostile work environment for such Staff.
 - Humiliating treatment that is likely to affect the health or safety of a Staff

J. “Workplace” includes:

- i. All offices or other premises where Leadership for Equity’s activities are conducted. Premises include communities or schools or government offices where Leadership for Equity staff visit to conduct organisational activities.
- iii. Any place visited by the Staff arising out of or during the course of employment including any transportation provided by Leadership for Equity for undertaking the journey

K. “LFE activities” include:

- i. All professional obligations of Staff as per their employment contracts with the Employer.
- ii. Any activity that the Organization needs to conduct to run its day to day activities.

3. Applicability & Scope

3.1 This policy has been formulated keeping in view the provisions of the Law and its rules. The purpose of the policy is to define the guidelines and the process of redressal to be followed in order to provide protection against Sexual Harassment of women at the workplace.

3.2 This policy is made effective from **1st July 2019** and is deemed to be incorporated in the job contracts of all Staff.

3.3 The policy is applicable to all the Staff of the Organization.

3.4 The policy is applicable to all visitors, vendors, suppliers, contractors, investors and their representatives associated with the Organization and visiting any Workplace for LFE Activities.

3.5 Notes to this policy:

3.5.1 If the victim is not a female and offender is a Staff, the complaint redressal mechanism will be the same as defined in this policy.

3.5.2 This policy does not apply in the following cases of sexual harassment:

3.5.2.1 If the offender is not a Staff of the Organization, the Organization has no jurisdiction to conduct inquiry and the case may be reported to the organization with which the offender is currently associated with or to the police.

3.5.2.2 If the offender is a minor (student), the case may be reported by the Complainant to the school disciplinary committee or to the police as per the Prevention of Children from Sexual Offences POCSO Act 2012.

4. Responsibilities to prevent sexual harassment

4.1 The Organization views Sexual Harassment as serious misconduct and this policy is aimed at preventing all such inappropriate acts or behaviour. As a result, the Organization may take appropriate disciplinary action up to and including termination of services, when policy violations occur and may initiate criminal action.

4.2 All Staff of the Organization have a personal responsibility to attend training organised by the Organization in relation to this policy and to ensure that their behaviour and conduct is compliant to this policy.

5. Internal Committee

5.1 Internal Committees shall be constituted by the Employer for LFE, to consider and redress complaints of Sexual Harassment.

5.2 Constitution of the Internal Committee will be as follows:

5.2.1 The total members of the Internal Committee shall be five members which include one presiding officer who is a woman, and one external member.

5.2.2 At least half of the total members of the Internal Committee will be women.

5.2.3 A quorum of three members is required for the proceedings to take place including the presiding officer.

5.2.4 In case of any conflict of interest, the Internal Committee member in conflict may step down or may be asked to step down by the presiding officer.

5.2.5 The names and contact details of each Internal Committee member are in **Annexure I**.

6. Tenure and disqualification of committee members

6.1 The Internal Committee will have tenure of three years from its date of appointment.

6.2 Any Internal Committee member may resign from the post during the tenure.

6.3 The presiding officer may recommend to the board for change of the Internal Committee members.

6.4 Under any of the following circumstances, a person shall be disqualified from the Internal Committee:

a) If there is any complaint concerning Sexual Harassment pending against him or if he is found guilty of Sexual Harassment.

b) If he/ she shows bias towards any party or has abused his/ her position in any manner.

c) If he/ she discloses any information regarding the Complainant or the inquiry proceedings in violation of the Law.

d) If he/ she has been convicted of any offence or an inquiry into any offence, under any law is pending against such person.

e) If he/ she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against such person.

f) If he/ she ceases to be a Staff of the Organization.

6.5 In case of any vacancy arising, due to reasons stated above or any other reason, the Organization shall fill the vacancy by fresh nomination.

6.6 If any member of the Internal Committee is junior to the Respondent in the hierarchy within the

Organization, then if possible, for that particular inquiry, that member shall be substituted on the Internal Committee by another person senior in rank to the Respondent.

6.7 No person who is a Complainant, witness or Respondent in the complaint of Sexual Harassment shall be a member of the Internal Committee during the period of that specific inquiry.

6.8 Any member of the Internal Committee charged with Sexual Harassment in a written complaint must step down as a member during the inquiry into that complaint.

7. Complaint redressal mechanism

7.1 The Complainant may file a complaint in writing to any member of the Internal Committee.

7.2 The Complainant must file the complaint within a period of three months from the date of the incident. In the case of a series of incidents, the complaint must be filed within a period of three months from the date of the last incident. The Internal Committee may extend the limit up to six months if it is satisfied that the circumstances were that which prevented the woman from filing the complaint within that period. The Internal Committee shall record these reasons in writing.

7.3 The Complainant can file a complaint in person or through the post as per the complaint format in **Annexure II**. The Complainant is to submit six copies of the complaint along with supporting documents and list of witnesses.

7.4 All complaints must be signed, anonymous complaints will not be considered by the Internal Committee.

7.5 In case the Complainant is unable to make a complaint on account of her physical incapacity, complaint may be filed either by her relative, friend, co-worker, an officer of the National Commission for Women or State Commission for Women or by any person who has knowledge of the incident, with the written consent of the aggrieved women.

7.6 In case the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed either by her relative, friend, a special educator, a qualified psychiatrist, the guardian/authority under whose care she is receiving treatment/care or by any person who has knowledge of the incident jointly with her relative, friend, a special educator, qualified psychologist, guardian/authority under whose care she is receiving treatment/care.

7.7 In case the Complainant is unable to make a complaint about any other reason, the complaint may be filed by any person who has knowledge of the incident, with her written consent.

7.8 In case the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

7.9 All complaints shall be treated with the utmost confidentiality. Information will be revealed strictly on a “need to know” basis at the discretion of the Internal Committee.

8. Investigating process

8.1 Record the complaint

8.1.1 The Internal Committee shall acknowledge in writing, the receipt of the complaint to the Complainant.

8.1.2 The Internal Committee may hold a meeting with the Complainant to understand the nature of the complaint. At this first meeting, the Internal Committee members shall hear the Complainant and record her allegations along with any proof submitted by the Complainant.

8.1.3 If the Complainant does not wish to be present in person due to the embarrassment of narration of the event, the female members of the Internal Committee shall record the statement of the complainant.

8.1.4 In the event that the Internal Committee determines, that the complaint does not fall under the purview of Sexual Harassment, the complaint shall be closed after recording the reasons thereof and forwarded to the concerned committee i.e. Grievance Redressal Committee

8.1.5 Internal Committee shall ensure utmost sensitivity while engaging with the Complainant.

8.2 Conciliation

8.2.1 Prior to initiating an inquiry, the Internal Committee may, at the request of the Complainant, take steps to settle the issue between the Complainant and the Respondent through conciliation. No monetary settlement shall be made the basis of such conciliation.

8.2.2 In cases where a settlement is made through conciliation, the Internal Committee shall record the settlement as per **Annexure III** and submit it to the Employer.

8.2.3 The Internal Committee shall provide copies of the above settlement to the Complainant and the Respondent.

8.2.4 In case of conciliation being reached, the Internal Committee shall not conduct any further inquiry. However, in case the settlement is not executed by the Employer / Respondent, the Internal Committee shall proceed to initiate the inquiry.

8.3 Inquiry

8.3.1 The Internal Committee shall conduct an inquiry in cases where conciliation is not initiated or settlement is not reached through conciliation or the settlement is not executed by the Employer/Respondent.

8.3.2 The inquiry shall be conducted as follows:

- a) The Internal Committee shall send a copy of the complaint to the Respondent within a period of seven working days seeking his response to the complaint.
- b) The Respondent shall reply to the complaint within ten working days from the date of receipt of the complaint. The Respondent will submit any documents, evidence, names and addresses of witnesses in support of his response.
- c) The Complainant and the Respondent, at any stage of the proceedings, shall not be allowed to bring in a legal practitioner to represent them before the Internal Committee.
- d) The Internal Committee shall have the powers to summon, examine and enforce the attendance of any person including the witnesses of the Complainant and the Respondent.
- e) The Internal Committee shall have the powers to request additional documents deemed necessary for the inquiry process, from any person including the witnesses of the Complainant and the respondent.
- f) The Internal Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward, cross-examining and defending their case.
- g) The Internal Committee shall examine the Complainant, Respondent and all other witnesses under oath.
- h) The Internal Committee shall have the right to terminate the inquiry proceedings or to proceed ex-parte on the complaint under the following conditions:
 - If the Complainant fails to present themselves for 3 (three) consecutive hearings without sufficient cause
 - If the Respondent fails to present themselves for 3 (three) consecutive hearings without sufficient cause

The Internal Committee shall give a 15 working days notice to the concerned party before proceeding with the ex-parte decision.

8.4 Action during the pendency of inquiry

8.4.1 During the pendency of the inquiry, the Internal Committee may pass any of the following interim orders:

- a) Transfer the Complainant or the Respondent to any other Workplace.
- b) Grant paid leaves, up to a maximum of three months to the Complainant or the Respondent. Such paid leave will be in addition to their respective entitled leaves.
- c) Change the reporting structure or any other action as deemed it.

9. Inquiry report and recommendation of action

9.1 The Internal Committee shall complete the investigation and submit the recommendations within 90 days from the date of receipt of the complaint as per **Annexure IV** of the policy.

9.2 In case of multiple complaints against a single Respondent, while existing complaints are still under investigation, the Internal Committee shall evaluate each case as an independent case.

9.3 In cases where the Internal Committee comes to the conclusion that the allegation against the Respondent has been proven, it shall recommend to the Employer any one or more of the following actions to be taken against the respondent:

- a. An unconditional written apology from the respondent
- b. A letter of warning to be placed in the personnel file of the respondent
- c. Reprimand or censure
- d. Immediate transfer or suspension without pay
- e. Suspension/ termination from service
- f. Withholding of pay rise or increments or promotions
- g. Undergoing counselling session(s)
- h. Carrying out community service
- i. Monetary compensation, such sum as it may consider appropriate to be paid to the Complainant or to her legal heir/s
 - i) In cases where the Internal Committee has recommended to Employer for monetary compensation to be made to the Complainant, then the said amount shall be deducted from the salary of the Respondent and paid to the Complainant or her legal heir/s.
 - ii) In case the Respondent fails to pay and it is beyond the power of the Employer to deduct the same from his salary, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.
- j. Any other action as deemed fit by the Internal Committee in accordance with the law.

9.4 The Employer shall act upon the recommendation given by the Internal Committee within sixty days of receipt of the recommendation.

10. Confidentiality

10.1 The inquiry is confidential and all persons involved in it will be expected to respect this confidentiality. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action including possible termination from the organisation.

10.2 All information and records of complaints shall be kept confidential, except where disclosure is required under disciplinary or other remedial processes.

11. Assurance against retaliation

11.1 Any retaliatory behaviour by the Respondent against the Complainant or the witness during the pendency of the inquiry should be reported to the Internal Committee by the Complainant or the witness as soon as possible.

11.1.1 Retaliatory behaviour would include creating a hostile work environment for the Complainant, marginalizing someone in the Workplace with regard to his/ her roles and responsibilities, socially ostracizing, intimidating someone physically, psychologically and emotionally or someone close to or related to the victim, to extend humiliation or intimidation.

11.2 Complaints of retaliation will be promptly investigated by the Internal Committee. If retaliation is substantiated, the Internal Committee may recommend to the Employer to take appropriate disciplinary action, up to and including termination of services.

12. Complaints made with a false or malicious intent

12.1 If the Internal Committee discovers that the allegation is made with malicious intent or if any forged evidence has been submitted by the Complainant or the witness, the Internal Committee may recommend to the Employer to take appropriate disciplinary action up to and including termination of services.

12.2 A mere inability to substantiate a complaint or provide adequate proof may not attract action against the complainant.

13. Role of the employer

- 13.1** Ensure that this policy is widely distributed to all Staff.
- 13.2** Display the notice showing the name and contact details of the Internal Committee members at every location at a conspicuous place.
- 13.3** Organize workshops and awareness programs for sensitizing Staff with the provisions of this policy.
- 13.4** Include briefing of the policy as part of all inductions for new Staff.
- 13.5** Mandate all Staff to attend a refresher training course on the content of this policy every year.
- 13.6** Organize orientation and skill-building programs for the members of the Internal Committee.
- 13.7** Extend all support to Internal Committee in the investigation of the complaint.
- 13.8** Provide assistance to the Complainant, in case the Complainant desires to lodge an FIR with police against the respondent.
- 13.9** Provide assistance to the Internal Committee, in case the Internal Committee decides to lodge a complaint with the police under its own discretion.
- 13.10** The Employer shall act upon the recommendation given by the Internal Committee within sixty days of receipt of the recommendation.
- 13.11** The Employer shall be responsible for timely submission of reports as per **Annexure V** of the policy to the government as notified by the respective states.

14. Appeal by the person aggrieved

- 14.1** The copy of the findings of the Internal Committee shall be given to both the Respondent and the Complainant. The Respondent or the Complainant if aggrieved with the findings of the Internal Committee may represent against the same to the appellate authority notified under the law.

15. Amendment

- 15.1** Organization may make any amendments to the policy as and when it finds it necessary to do the same in accordance with the Law. Any such amendments will be intimated to all Staff.

16. Annexures

ANNEXURE I

INTERNAL COMMITTEE: CONTACT INFORMATION

Complaint email ID: posh@leadershipforequity.org

<i>Name</i>	<i>Position</i>	<i>Phone number</i>	<i>E-Mail ID</i>
<i>Ms. Damini Mainkar (Presiding Officer)</i>	<i>Program Lead</i>	<i>84519 28864</i>	<i>damini.mainkar@leadershipforequity.org</i>
<i>Ms. Anamta Farook</i>	<i>Project Manager</i>	<i>70281 12953</i>	<i>anamta.farook@leadershipforequity.org</i>
<i>Ms. Ashwini Maslekar</i>	<i>Project Associate</i>	<i>99699 79747</i>	<i>ashwini.maslekar@leadershipforequity.org</i>
<i>Mr. Moiz Shaikh</i>	<i>Program Lead</i>	<i>98191 17826</i>	<i>moiz.shaikh@leadershipforequity.org</i>
<i>Dr. Sadhna Natu</i>	<i>HoD Psychology Department, Modern College</i>	<i>98903 77533</i>	<i>sana.psychologist@gmail.com</i>

ANNEXURE II

SEXUAL HARASSMENT INCIDENT REPORT/COMPLAINT FORM

Instructions: Complete form and submit to the Internal Committee

The information provided on this form will assist in the investigation of a complaint of Sexual Harassment.

Please feel free to attach as many additional sheets of information as necessary. Any member of the Internal Committee may assist you in completing this form.

Reporting Person

Staff Name			
Vertical		Designation	
Age			

Incident Details

Date of Incident		Time of Incident	
Name(s) of the Person		Contact Details	
Position/Title			

Please describe the incident in detail:

--

Please include your reaction to incident:

--

<i>Person(s) who witnessed the incident, if any:</i>	
<i>Position/Title</i>	

<i>Additional notes:</i>	
--------------------------	--

I understand that this matter will need to be investigated by the Internal Committee. I offer full cooperation and agree to keep all information confidential throughout the duration of the inquiry.

Date

Staff Signature

**If we have received the complaint through email, the Internal Committee to take a print out and get it signed by the Complainant before the start of the inquiry*

ANNEXURE III

SEXUAL HARASSMENT COMPLAINT: CONCILIATION AGREEMENT

Date:

To:

The Chief Executive Officer

Leadership for Skilled Education Foundation

Re: Declaration of Settlement

Ref.: Sexual Harassment Incident Report/Complaint date / / made to the Internal Committee

Dear _____ ,

With reference to the captioned subject, we would like to settle all controversies between us, including any and all related claims bearing to the complaint dated / / submitted to the Internal Committee. All parties acknowledge that the merits of the controversy are not in dispute anymore and have been fully adjudicated and that no party admits any liability to any other.

Thank You Sincerely,

Date

Complainant Signature

Date

Respondent Signature

Date

Signature of the Presiding Officer(IC)

ANNEXURE IV

SEXUAL HARASSMENT COMPLAINT: INTERNAL COMMITTEE REPORT

1. Background of the Complaint	
1.1 Content <i>Internal Committee's overall understanding of the complaint</i>	
1.2 Supplements- <i>Annexure II- Sexual Harassment Incident Report/Complaint Agreement</i> <i>No conflict of interest disclaimer signed by Internal Committee members</i>	
2. Preliminary Investigation	
2.1 Content <i>Internal Committee's findings of the preliminary investigation process (If any)</i>	
3. Conciliation Process Sought	(Yes/No)
3.1 Content <i>Resolution of the conciliation process (If any)</i>	
3.2 Supplements <i>Annexure III- Sexual Harassment Complaint: Conciliation Agreement</i>	
4. Inquiry	
4.1 Content <ul style="list-style-type: none"> · <i>Summary of findings of the inquiry</i> 	
4.2 Supplements <ul style="list-style-type: none"> · <i>Six copies of Complaint along with supporting documents</i> · <i>List of witnesses submitted by the Complainant</i> · <i>Copy of Complaint served on Respondent within 7 working days of receipt of complaint</i> · <i>Respondent's reply to the complaint along with supporting documents</i> · <i>List of witnesses submitted by the Respondent</i> · <i>Recording of Evidence of the Complainant done on oath</i> · <i>Summary of all cross examinations between members of the Internal Committee and the Complainant, Respondent and the witnesses</i> 	
5. Recommendation of Action	
5.1 Content <ul style="list-style-type: none"> · <i>Recommendations of the actions or penalty to be imposed on the Respondent if the charges are proved.</i> · <i>Rationale for the recommended action</i> 	

ANNEXURE V

SEXUAL HARASSMENT ANNUAL REPORT

<i>Number of complaints of Sexual Harassment received during the year</i>	
<i>Number of complaints disposed of during the year</i>	
<i>Number of cases pending for more than 90 days</i>	
<i>Number of workshops or awareness program conducted for the Staff</i>	
<i>Nature of recommendations given by the Internal Committee</i>	
<i>Nature of recommendations taken by the Employer</i>	



info@leadershipforequity.org