

Samaj Pragati Sahayog

Policy on Sexual Harassment at the Workplace

Introduction

Samaj Pragati Sahayog (SPS) is committed to upholding the dignity of every woman and ensuring that the work environment at all our locations is **fair, safe and congenial**. SPS considers **any sexually coloured remarks or actions as a serious offense**, and takes stringent action against the offenders when found guilty. This policy articulates a uniform procedure for dealing with any incidence of sexual harassment. The policy has been drafted as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The policy is applicable to all female employees working in SPS as also to third parties. Third parties include female volunteers, interns, and visitors etc. who are associated with SPS. Workplace includes any place where work is carried out, to further SPS's the organizational goals and objectives.

What is Sexual Harassment?

“Sexual harassment includes such **unwelcome sexually determined behaviour** (whether directly or by implication) as:

- a) Physical contact and advances;
- b) A demand or request for sexual favours;
- c) Making sexually coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature”

Who can file a complaint?

Aggrieved woman

“An aggrieved woman, in relation to a workplace, is a woman, of any age, any work status, who alleges to have been subjected to any act of Sexual Harassment.”

Rights of all female employees whether in the capacity of regular, temporary, ad hoc, or daily wages basis are protected under this policy. Further, interns, contract workers, trainees, students, probationers, SHG members, Kumbaya producers, women farmers or any other female visiting SPS are also protected under the Act.

Filing of Complaint

Further, “if the aggrieved woman is unable to make a complaint on account of **physical incapacity**, a complaint may be filed by

- Complainant's relative or friend
- Co-worker
- Officer of National Commission of Women or State Commission of Women
- Any person who has knowledge of the incident with the written consent of the individual

If the aggrieved woman is unable to make a complaint on account of **mental incapacity**, a complaint may be filed by

- Complainant's relative or friend
- Special Educator

- Qualified psychiatrist/therapist
- Guardian/ authority under whose care the complainant is receiving treatment/care
- Any person with knowledge of the incident, jointly with any person mentioned above

If the aggrieved woman is **unable to make a complaint** on account of any other reason, a complaint may be filed by

- “Any person who has knowledge of the incident with her written consent”

What is a Workplace?

Workplace includes any place where women go in performance of their duties at SPS. This includes transportation to reach or to come from such workplaces.

Policy against Sexual Harassment at SPS

SPS is committed to providing a work environment that is free from sexual harassment. Any incident of sexual harassment will be viewed extremely seriously. A complaint or report will be investigated immediately and appropriate action will be taken against the offending employee (s). Such action will depend on the nature and seriousness of the offense and will include strict disciplinary action including termination of service.

Preventive Action

SPS is responsible for complying with prohibition, prevention, and redress of workplace sexual harassment. In addition to having a policy that (1) prohibits unwelcome sexual behaviour at workplace (2) provides means for redress against sexual harassment, SPS is committed to (3) preventing workplace sexual harassment through orientation, workshops, and sessions on issues of sexual harassment, including educating the employees on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Posters in both English and Hindi that brief describing the provisions of this policy are displayed prominently at all SPS offices and location. The appointment letter of SPS employees mandatorily include a clause making this sexual harassment policy binding on the employee.

Internal Complaints Committee

SPS has established a Complaints Committee (hereafter referred to as the “CC” in short) for grievance redressal. The Committee consists of the following members:

	Name	Designation	Phone Number	Email Address
1	Nivedita Banerji	Founder Member/ Presiding Officer, CC	9669848112	banerji.nivedita@gmail.com
2	Jyotsna Jain	Founder Member	9669260877	jyojyojain@gmail.com
3	Shobhit Jain	Founder Member	9589882767	shobhit68@gmail.com
4	Shubha Pande	Founder Member	9810368333	slp_27@yahoo.com
5	Mekhala Krishnamurthy	Executive Committee Member	9920379656	mekhala.krishnamurthy@gmail.com
6	Anu Gupta	Executive Committee Member	9406661177	anuarvindbali@gmail.com
7	Avantika Srivastav	Gender Expert	9450026179	avantikasri@gmail.com
8	Darshana Goswami	Senior Programme Executive	8109427787	darshana@samjpragatisahayog.org

The Committee may, at its discretion, co-opt any other person into the Committee who it deems fit and finds helpful to arrive at the right decision.

Redressal Process

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the redressal process for handling complaints against sexual harassment at SPS is as follows-

- As per the Act, any aggrieved woman who alleges sexual harassment should complain in writing within three months from the date of incident and in case of series of incidents, within a period of three months from the date of last alleged incident, to the Internal Complaints Committee whose contact details are provided above. The SPS Policy permits complaints even beyond the timeline specified above. Therefore, complain anytime, without hesitation. Where such complaint cannot be made in writing, the CC shall render all reasonable assistance for making the complaint in writing.

A format in which the complaint may be made is attached as Annexure 1 to the policy. However, any written complaint received in any form other than the form prescribed as Annexure 1 shall also be accepted.

- Upon receipt of a complaint, the CC shall inform the complainant about the ensuing process and the formal and informal options available for redress.

Informal option: If the complainant so decides that an informal redress process be taken, the CC must explore enabling ways to address the complaint. This can include counselling, educating, orienting, or warning the respondent to promptly stop the unwelcome behaviour or appointing a neutral person to act as a conciliator between the two parties to resolve the complaint through conciliation.

However, if the complainant informs the CC that any terms and conditions of the settlement have not been complied with by the Respondent, the CC may proceed to make an inquiry into the complaint, or as the case may be, forward the complaint to the Police.

Importantly, in instances of conciliation, the CC must assess the severity of the situation and if necessary, advise and enable the complainant to opt for formal route.

Formal option: If the complainant opts for formal redress, then within **seven days** of receiving a complaint, the CC will inform the respondent in writing that a complaint has been received. The CC shall share with the respondent a copy of the complainant's statement, along with any supporting documents and names and addresses of the witnesses so mentioned in the complaint. The respondent will have an opportunity to respond to the complaint in writing within **ten days**.

Interim Measures: The CC should inform the complainant that it is within her rights to request the CC to restrain the respondent from reporting on her work performance. It is essential to take these actions to prevent potential on-going sexual harassment.

Inquiry Process

- The CC shall immediately proceed to investigate fully all relevant details of the matter. It will do so with all possible care, sensitivity, and discretion in protecting the confidentiality and sensibilities of the aggrieved woman. Following the principles of natural justice, the person(s) who have allegedly committed the offense, would be given all reasonable opportunity to be heard by the Committee.
- For the purpose of making an inquiry, the CC shall have the same powers as vested in a civil court under Code of Civil Procedure, 1908, when trying suit in respect of the following matters namely-
 - Summoning and enforcing the attendance of any person and examining him under an oath
 - Requiring the discovery and production of documents
 - any other matter which may be prescribed
- A team of two or more CC members will travel to the location in question to ascertain the facts based on which the committee would discuss and assess the complaint in question. The committee shall also call upon the witnesses mentioned by both parties.
- The CC shall complete the enquiry process within reasonable period but **not later than three months**, and formally submit its report to the Secretary, Samaj Pragati Sahayog, along with recommendations for appropriate action. The enquiry report shall also be made available to the concerned parties.
- Based on its findings, the CC shall make appropriate recommendations which may include:
 - Where the CC is unable to uphold the complaint, it shall suggest no action.
 - Where the CC upholds the complaint the CC shall recommend to Secretary, SPS, to take any action including a written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
 - The CC shall also recommend financial damages to the complainant while deciding the amount they shall take into consideration:
 - Mental trauma, pain, suffering, emotional distress, medical expenses incurred, income and financial status of the respondent, feasibility of such payments in lump sum or in instalments.
- SPS shall act upon the recommendations of the CC as soon as possible and certainly **not later than 60 days**.
- Any person aggrieved from the recommendations made by the CC or non-implementation of such recommendations may prefer an appeal in an appropriate court or tribunal. The appeal shall be made **within a period of 90 days** of the recommendations.
- Finally, the contents of the complaint, the identity and addresses of the complainant, respondent and witnesses, any information relating to informal settlement, inquiry proceedings, recommendations of the CC, action taken by the employer shall not be published, made known to the public, co-workers, press, and media in any manner.

Other Points to be Considered

- Where such conduct amounts to a specific offense under the Indian Penal Code or under any other law, SPS shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority. In particular, SPS will ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment will also have the option to seek transfer of the perpetrator or their own transfer.

- **SPS will ensure that the career interests of the complainant are not adversely affected within the organization by virtue of the individual having drawn attention to such an offense. The complainant shall not be victimized for anything said or done in relation to any complaint(s). SPS will also make every effort to protect the career prospects of the complainant outside of SPS.**
- Where the CC arrives at a conclusion that the allegation against the respondent is malicious and the aggrieved woman or the person who has made the complaint has made it knowing it to be false or she has in the process presented forged or misleading documents, it may take any action against the woman or complainant, including a written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the complainant from service or undergoing a counselling session or carrying out community service.
- Provided that a mere inability to substantiate a complaint or provide inadequate proof need not attract action against the complainant.
- And provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.
- To ensure that the important issue of sexual harassment is not trivialized, any complaint, which, in the opinion of the Committee, is blatantly false or frivolous or has been motivated by reasons that are clearly unconnected with gender issues, would be viewed very seriously by SPS and appropriate action taken against such complainants.
- If the Committee receives an anonymous reference related to sexual harassment, it will draw the attention of the Programme Head/Location In-charge of the concerned location. The matter will be examined fully by Programme Head/Location In-charge and if found genuine, their conclusions and plans for necessary action will be communicated to the Committee. The Committee will then take action as per the steps outlined above.
- Programme Head(s), Location In charge(s) and all employees of SPS are expected to be sensitive to any circumstances or behaviour among their colleagues which appear to go against SPS's policy on sexual harassment at the workplace. In case they become aware of any such incident, they will immediately inform the CC and take appropriate action as advised.
- A record of proceedings and decisions of the CC will be maintained in a separate register at SPS headquarters at Village Jatashankar, Tehsil Bagli, District Dewas, Madhya Pradesh. Under any circumstances, the confidentiality of the complainant in every case will always be maintained.

Timelines as per the Policy

1	Notice to the Respondent	Within 7 days of receiving copy of the complaint
2	Completion of Inquiry of the complaint	Within 90 days
3	Submission of Report by ICC	Within 10 days of completion of the inquiry to SPS
4	Implementation of Recommendations	Within 60 days

Rights of Women at SPS

- Work with dignity in a safe and secure environment
- Protection from sexual harassment

- Obtain hearing and relief from the Complaints Committee (CC)
- Victims or witnesses shall not be victimized or discriminated against while dealing with complaints of sexual harassment
- Please know that your identity will be kept strictly confidential
- Complaints will be acted upon within the timelines of the Act
- Where warranted, criminal action will be initiated as per the law
- Copies of this Policy are available in all offices of SPS

Appendix (Confidential)
SAMAJ PRAGATI SAHAYOG
COMPLAINT FORM

(In case of sexual harassment)

Name of the complainant: _____

Designation: _____

Location: _____

Complaint against: _____

Designation: _____

Date, Time of incident: _____

Date, Time of complaint: _____

Narration of Incident:

(Please use extra sheet if needed)

Signature of Complainant: _____

Name of Witnesses (if any): _____

Signature of Witnesses: _____

Date: _____

Place: _____