

We have



for Sexual Harassment
at the Workplace

REACH out to

any of the members of the
Internal Complaints Committee:

- **Ms. Sheela Augustine, Deputy Director (Presiding Officer), Chennai**
- **Ms. Thamizhselvi, Sr. Finance and Admin Manager, Chennai**
- **Ms. Anuradha Panda, Sr. Operations Lead, New Delhi**
- **Mr. Vikash Chaurasiya, District Programme Coordinator, Vaishali, Bihar**
- **Mr. Joseph, DR-TB Coordinator, Chennai**
- **Ms. Sethulakshmi, External Member**

Write to

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IMPLEMENTED IN ACCORDANCE WITH
THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
(PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

**Resource Group for Education and Advocacy for
Community Health
(REACH)**

Standard Operating Procedures

**Policy for Prevention of and Response to
Sexual Harassment at the workplace**



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Background:

REACH is committed to providing a healthy, safe and secure working environment free from all forms of sexual harassment thus enabling employees to deliver their best without fear of prejudice, gender bias or sexual harassment. Sexual harassment at the workplace is a form of discrimination and misconduct and therefore unacceptable and punishable as per this policy. This Policy is also gender and sexuality neutral, and all employees will be covered under the ambit of this Policy.

Sexual harassment instances and incidents can be reported without fear of reprisal or retaliation. Allegations of sexual harassment will be promptly and discreetly investigated and the disciplinary action will be initiated as per the details provided in this policy.

This is in keeping with the Vishakha judgement of 1997 by the Supreme Court of India as well as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013.

As per the Act, it is the duty of every organisation to prevent or deter acts of sexual harassment and provide procedure and guidelines for resolution, settlement, redressal or prosecution.

I. Objectives of the policy

- To express zero tolerance to sexual harassment at workplace
- To prevent and deter acts of sexual harassment and provide procedure for resolution, settlement or prosecution
- To ensure a healthy working environment free from fear, reprisal, coercion, discrimination and harassment.
- To provide a clearly stated codified redressal for any form of sexual harassment occurring at the workplace.
- To enable all those working with REACH to raise their concerns and complain without any fear.
- To conduct fair investigation and reach reasonable decision in a timely manner.

II. Application of the policy

This policy is applicable to all employees, regardless of seniority or contractual status, that is permanent, short-term contract, and casual employees.



III. Key Definitions

(a) What Constitutes Sexual Harassment?

- What one employee may find innocuous behaviour (i.e. not intended to cause offence) may be deeply offending to another employee. What is central to this policy is how the recipient i.e. the receiver of the behaviour feels or experiences the behaviour and impact of the behaviour on the recipient.
- There will be no scope for perception or interpretation of such alleged harassment. In other words, the intention of the person who allegedly harassed another is irrelevant. If the harassed person was offended, humiliated or intimidated by the behavior of the person or even felt so, it will be within the scope of the policy.
- The behaviour may be any single communication, or multiple communications, which may be physical, verbal, or non-verbal. The behaviour may be meted out in person and / or via documents, or by telephone, cell- phone messages, web site communication, emails or other forms of communication.

(b) Definition of sexual harassment:

The Supreme Court of India (1997) has defined sexual harassment as any such unwelcome sexually determined behavior whether directly or by implication. The content of the behaviour may be but is not limited to:

- Sexually coloured remarks and verbal sexual innuendos, such as: jokes, suggestions, or hints about sexual behaviour, comments about physical appearance, particularly in front of others in a group, and particularly where there is a gender imbalance in the group such as a single woman in a group of men
- Physical contact such as holding onto a hand or arm longer than is necessary, or touching particularly sensitive parts of the body
- Non-verbal communication such as staring, gestures of a sexual nature, removal of clothing to display parts of the body (flashing).
- Display, giving or sending of pornography in the form of pictures, books, magazines, postcards, photos, sculpture, drawing, painting, animation, sound recording, film, video, and video games or offensive and / or abusive language.
- Demands and /or offers and / or requests, such as for sexual favours, sexual attention, or to spend time together, both during and outside of office hours.
- Following, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy. This will include physical confinement against one's will.
- A c t or conduct by a person such as spreading rumours about sexuality, gender and / or character of a person which creates the environment at workplace hostile or intimidating to a person.
- Any other physical, verbal and non-verbal behaviour which is sexual in nature.



The following circumstances along with other circumstances, if present or connected with specific acts or behavior may be considered to amount to sexual harassment:

- Implied or explicit promise of preferential treatment in his/her employment.
- Implied or explicit threat of detrimental treatment in his / her employment.
- Implied or explicit threat about his / her present or future employment status
- Interferes with his / her work or creating an intimidating or offensive work environment for him / her; or
- Humiliating treatment likely to affect his/ her health and / or safety. (recruitment, promotion / demotion / termination / suspension, achieving / denying a privileged position such as a board member, or special committee member, positive / negative performance appraisal result, or career advancement, threats to spoil career, increased / decreased remuneration, or bonus, or allowances, and / or issuing / denying any other form of benefit or enhancement such as travel, particularly overseas, or training, or conference attendance or entertainment)
- The behaviour may be a single incident or continuous unwelcome behaviour.
- The behaviour will be more seriously regarded if it is by a senior person to a more junior person, and particularly if it suggests any outcome following the behaviour.
- The behaviour will be definitely held as unwelcome, if the receiver of the behaviour has made it clear that the behaviour is offensive and unwelcome. Alternatively the person responsible for the behaviour should have known that the behaviour would be unwelcome or unacceptable, particularly where the receiver of the behaviour is junior and indicating that the behaviour is unwelcome to a senior would be difficult.
- As technology advances, there are increased opportunities for the communication of sexually offensive verbal and visual images, therefore this policy anticipates a range of communication, all of which will be regarded as offensive regardless of the format or style of the communication, or whether the technology exists at the time of the publication of this policy.

(c) Definition of workplace:

- As per the POSH ACT, a workplace is "any place visited by the employee arising out of or during the course of employment including the transportation facilities provided by the employee". This includes offices as well as remote sites or other locations visited for work, during working hours.
- This also includes digital workspaces including but not limited to communication over email, Whatsapp, virtual meetings or calls and other social media platforms.

Note: while this policy is applicable only to REACH employees, the organization notes that any sexual contact with a minor is a punishable offense, and will require mandatory reporting to the authorities.



IV. Complaint Mechanism

- As a first step, the recipient of the behaviour should possibly attempt to indicate to the person indulging in the behaviour both verbally and non-verbally that the behaviour is considered offensive and is unwelcome, and specifically request the person responsible to stop the behaviour.
- Where the receiver feels that they cannot do this, or they have done this but the behaviour continues, a complaint can be filed with the Internal Committee.
- Confidentiality will be maintained throughout the process. Appropriate steps will be taken to ensure that retaliation will not be done against any complainant or person who, in good faith, has participated in or provided information pertaining to an investigation, regardless of whether the complaint was upheld.

(a) Formal Procedure Complaint Resolution Procedure

- An Internal Committee (IC) is a mechanism / forum available to all the employees and persons who fall within the scope of the policy to hear, redress and offer resolution of the complaints.
- The Committee shall be headed by a woman as Chairperson and not less than half of its member shall be women. Further, to prevent the possibility of any undue pressure or influence from senior level, the Committee shall involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.
- The committee shall meet at least once a year and carry out discussions regarding preventive activities in the context of sexual harassment and / or any such relevant topics at that point in time. Discussions shall be documented by the Committee in the form of minutes of the meeting.
- A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include either the Chairperson, at least two members one of whom shall be the external member.
- The Committee shall maintain and submit to the management an annual report of the reported cases, action taken by them and preventive activities carried out during the year.

(b) How to report a complaint to the IC

- Anyone wishing to report an incident(s) of sexual harassment at the workplace may do so via email to the IC or by sending a written communication to the IC.
- A written complaint must be given, preferably within three months of the occurrence of the last incident of sexual harassment.
- The IC may extend the time limit by recording the reasons in writing for exceeding three months if it is established that the circumstances were such that they prevented the employee from filing the complaint within three months.
- In the event the Management receives the complaint and the complaint is not made with



the IC, the same will be immediately handed over to the IC.

- When the complaint is received, it will be promptly investigated in a fair and expeditious manner. In the event of a written complaint received by the committee, the committee shall look into the complaint within 7 working days of receipt of complaint. The committee will maintain a register to endorse the complaint received by it.
- The committee will have the right to ask any of the employees to appear before it.

After examining all concerned, the committee will prepare a report and can also recommend the action to be taken. The committee, depending upon the situation and circumstances, can recommend to the management that the person charged with sexual harassment is to be kept under suspension / or sent on transfer from the time it was decided to have a formal enquiry till the time such enquiry is completed to avoid tampering of documents and pressure on the witnesses and the receiver.

(c) Steps during Investigation

- On receipt of the complaint, the IC will organise a meeting with the complainants to enquire into the matter and intimate date, time and place of enquiry to the complainant.
- At the first meeting, the IC members shall hear the complainant and record their allegations. The complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. This proof should preferably be submitted along with the original complaint.
- The Committee shall prepare and hand over the statement of charges to the person against whom complaint is made and give him / her an opportunity to submit a written explanation if he / she so desires within 10 days of receipt of the same.
- Thereafter, the person against whom complaint has been received will be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation.
- The complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- If the complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call. The IC shall call upon all witnesses mentioned by both the parties.
- If the complainant desires to provide any documents by way of evidence before the Committee, he / she shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to provide any documents in evidence before the Committee he / she shall supply original copies of such documents wherever possible. In the case of electronic evidence, screenshots or forwarded emails or other relevant proof will be accepted.
- The Committee shall provide every reasonable opportunity to the complainant and to the person against whom complaint is made, for putting forward and defending their respective case.
- The Committee is free to obtain such information in the form of written communication,



witnesses, previous records which may be helpful for the investigation from HR department or from the division. All employees and the organisation are required to cooperate in this regard.

- Respect of all the persons involved and confidentiality will be maintained throughout the investigation process.
- On completion of an investigation a report would be made at the end of 90 days. The report will contain outline of the case, investigation process, conclusion and recommendations by the IC.
- The report shall be submitted to the management with the recommendations of resolution within 10 days of the conclusion of the inquiry. The Committee shall also share findings of the investigation with the complainant and the person charged with sexual harassment.
- The Management is required to act on the recommendations of the IC within 60 days of receipt of the report.
- The Committee shall keep complete and accurate documentation of the complaint, its investigation and the resolution thereof.
- In the event, the complaint does not fall under the purview of sexual harassment; the same would be closed after recording the reasons thereof.

Note: During the investigation period, or once a complaint has been filed, the respondent may not contact the complainant in any way. The management may in addition explore additional forms of interim relief such as work from home, transfer to other departments etc., based on the specific situation.

V. Management Responsibility

- The Management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
- The Management has the responsibility to ensure that all allegations of sexual harassment are handled in a sensitive manner, with respect for the dignity of the persons involved.
- The Management has the duty to ensure a safe and secure workplace, and if there is any indication that there may be a physical threat of danger to any person, professional advice should be sought from internal persons responsible for safety and security, and where appropriate from external authorities and professional persons.
- The Management is responsible for ensuring that the allegations are dealt with timely, with due seriousness and confidentiality; and that the allegations are dealt with in a manner which achieves a resolution of the behaviour, rather than in a mechanistic procedural manner.
- Leave of absence may also be necessary, and the Management will give permission for this, and if the complainant's sick leave entitlement is exhausted, additional sick leave may be granted.



VII. Disciplinary Action

- Where the behaviour was not intended to cause offence, and is of a less serious nature, such as use of inappropriate words, or jokes, or simple contact cell-phone messages, or invitations, counseling of the person responsible for the behaviour may be appropriate.
- Repeated incidents of less serious behaviour, or more serious behaviour may lead to a final warning in writing.
- Serious incidents of sexual harassment may lead to summary dismissal.
- Where appropriate and where possible with the company structure, and depending upon the nature of the work undertaken by the complainant and the person responsible for the behaviour, sanctions to avoid dismissal such as transfer to a different position or department may be considered.
- In all situations, behaviour of the person charged with sexual harassment will be strictly monitored by the committee and / or by the HR department during the post enquiry phase.
- The above disciplinary mechanism would be used judiciously to ensure fair and healthy working environment within the organisation and keep the morale of the employees high.

VIII. Criminal Proceedings

- Where such conduct amounts to a specific offence under the IPC or under any other law, there is nothing to prevent an employee from filing a complaint with the police.

IX. Mala Fide Complaints

- If the investigations reveal that the complaint is unjustified or complainant had raised the concern with ulterior motives, necessary disciplinary action may be taken. The individual who provided the false information will be subject to disciplinary action, up to and including termination of employment.
- (Mala Fide means in bad faith; with intent to deceive).
- Based on the provisions in the act, proportionate punishment may be necessitated.

X. Sensitisation and Training

- It is the responsibility of the HR team and Management to conduct regular sessions / training programs on sexual harassment and create a comfortable work environment for the employees.
- All Senior Management are required to attend such trainings and also understand their legal duties and responsibilities in the handling of sexual harassment allegations.
- All Management and Supervisors are required to attend the training on how to handle allegations of sexual harassment brought to their attention, either non formally, or as part of the formal Grievance Procedure.
- All new employees are required to be made aware of this policy and to be encouraged to ask questions and to seek clarification on any aspect of the policy which is not clear.



- Skills training is also be required for those who may receive the complaints, not only on how to deal with the complaints, but also mediation and conflict resolution skills.

Conclusion

REACH is committed to the implementation of the objectives of this policy, of procedures laid down, to the training of all employees in what constitutes sexual harassment, how complaints may be lodged, and how the complaints should be dealt with by supervisors, managers and members of the complaints committee.

This sexual harassment policy is subject to change periodically, and as and when necessary.

For Resource Group for Education and
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