

Policy on Prevention of Sexual Harassment



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I. PREFACE

The workplace is an environment where it is imperative to make everyone feel comfortable and safe to ensure the expected work is delivered, while the staff/employees, volunteers, consultants, and visitors or any associate/partners enjoy spending time in the office and the field as well. As there have been numerous cases where women have been mistreated by their colleagues or clients, it is extremely important to ensure it does not happen with any woman, who comes to TRCSC office or to the work area/field with the expectation that she is at a place where she is safe.

This POSH policy aims to ensure a safer environment for women within the organization by preventing, prohibiting and redressing acts of sexual harassment against them.

II. CONTEXT

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, commonly known as the 'POSH Act', was passed by the Parliament with an intention to make the workplace safer for women by preventing, prohibiting and redressing acts of sexual harassment at the workplace.

This Act recognizes that sexual harassment violates fundamental rights of a women to equality, to live with dignity and practice any profession or occupation which includes a right to safe environment free from sexual harassment.

Adhering to the mandate and provisions of the said Act, this organizational policy of TRCSC on Prevention of Sexual Harassment has been formulated. All board and staff members, employees, volunteers, consultants, and associates/partners are bound to act in accordance to the Act and Rules, and will be guided by this Policy.

III. OBJECTIVES

TRCSC is committed towards creating and maintaining environment wherein its board and staff members, employees, volunteers, consultants, and associates/partners can work, collaborate and pursue their job together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises, program implementation area and other locations directly related to the organization's work.

All parties concerned should take cognizance of the fact that TRCSC strongly opposes all nature of discrimination and sexual harassment, and that such behaviour against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed there under.

IV. SCOPE

TRCSC's Policy with regard to Prevention, Prohibition and Redressal of Sexual Harassment encompasses all of its board and staff members, employees, volunteers, consultants, and associates/partners across the organization and its branches. TRCSC encourages every woman employee who believes they are sexually harassed to use the redressal mechanism as provided in

this policy. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

V. POLICY AND ITS EFFECT

TRCSC's Policy on prevention of Sexual Harassment at Workplace includes sexual harassment by fellow employees, employees, volunteers, consultants, and associates/partners and visitors including employees of outsourced entities. Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent.

This Policy has been in force effectively from 1st April 2024 and shall be amended from time to time to accommodate required changes as approved by the Board of Trustees of the organization.

VI. DEFINITIONS

- a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b) "Internal Complaints Committee" means a committee constituted by TRCSC as per this Policy.
- c) "Respondent" means a person against whom the aggrieved person has made a complaint.
- d) "Sexual Harassment" includes Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- Physical violence, including sexual assault;
- Physical contact, e.g. touching, pinching; and
- The use of job-related threats or rewards to solicit sexual favours.

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.;
- Sexual comments, stories and jokes;
- Sexual advances;
- Repeated and unwanted social invitations for dates or physical intimacy;
- Insults based on the sex of the worker;
- Condescending or paternalistic remarks; and
- Sending sexually explicit messages by any means, e.g. phone, email, etc.

Non-verbal conduct

- Display of sexually explicit or suggestive material;
- Sexually-suggestive gestures;
- Whistling; and

- Leering.

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment which includes implied or explicit promise of preferential treatment in their employment/contract, threat about their present or future employment/contract status, interfering with their work or creating an intimidating or offensive or hostile work environment and humiliation treatment likely to affect their health or safety. In addition to the instances mentioned hereinabove, any other acts or behaviour, which outrages the modesty of a female employee, will be considered as sexual harassment.

VII. INTERPRETATION

Terms which have not been defined in this policy shall have the same meaning as assigned to them in the Act as amended from time to time.

VIII. INTERNAL COMPLAINTS COMMITTEE

To consider and redress complaints of Sexual Harassment, an Internal Complaints Committee (Hereinafter “the Committee”) shall be constituted at the organization’s Registered Office level as per Section 4(1) of the Act by the Board of Trustees of TRCSC consisting of five members of which at least three will be woman in senior position and one external person who is committed to the cause of protection of women. This Committee shall be chaired by a senior woman member of it.

It is at the discretion of the Board of Trustees to make changes in the composition of the complaints committee from time to time, based on availability of members. Any casual vacancy shall be filled by fresh nomination in accordance with the provisions of section 4(5) of The Act.

This Committee shall be empowered to receive complaints, conduct enquiries and recommend appropriate actions for redressal and punishment. In case, a complaint is received against a member of the Complaints Committee itself, the concerned individual shall be required to step down, and shall be replaced by another person from the same category by the Board of Trustees.

IX. COMPLAINING PROCEDURE

Any aggrieved woman may make a complaint of sexual harassment in writing to the Committee within a period of three months from the date of incident. If the aggrieved woman is not in position to write the complaint, any member of the Committee, shall provide all reasonable assistance to the woman for making the complaint in writing. The Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section.

X. COMPLAINT REDRESSAL MECHANISM

Any aggrieved person may make a complaint, in writing of sexual harassment at workplace to the Committee giving details of the sexual harassment meted out to her within a period of 3 months from the date of incident.

- 1) On receipt of complaint, the Committee will decide the place and time for hearing the complaint and intimates the date, time and place of hearing to the Complainant and Respondent. The Committee follows principle of Natural Justice while handling such complaints.

- 2) Inquiry into complaint: the Internal Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent.
- 3) The Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses.
- 4) The Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or Complainant remains absent for 3 consecutive hearings, without sufficient cause.
- 5) The Committee may before initiate an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation.
- 6) The Committee may during such investigation exercise the power of a civil court.
- 7) The inquiry by Internal committee shall be completed within a period of ninety days.

XI. ACTION

The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.

If the allegation against the Respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.

If the Committee arrives at the conclusion that the allegation against the Respondent has been proved, it shall recommend to the Secretary of TRCSC to take action for sexual harassment as misconduct. Such action will be taken within 60 days of the receipt of report.

XII. AWARENESS/NOTIFICATION

- 1) All the board and staff members, employees, volunteers, consultants, associates/partners and visitors shall have access to this Policy at all times and clarification(s) related to this Policy shall be addressed by the Secretary.
- 2) A brief shall be given to all existing staff members regarding the features of this Policy immediately on formulation of the Policy and to the new staff members in TRCSC during their initial Induction.
- 3) The Organization shall comply with all other details as set out under Section 19 of the Act to ensure that all board and staff members, employees, volunteers, consultants, associates/partners, and visitors are provided with the safe working environment at the workplace.
- 4) The Organization shall display the notice showing the name of The Committee members at its every establishment at a conspicuous place.
- 5) Assistance would be provided to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- 6) Sexual harassment will be treated as misconduct under the service rules and appropriate action will be initiated for such misconduct.
- 7) Awareness generation to be done for all the staff members on the constitution of ICC at the organization's Registered Office and how to raise a harassment complaint to Internal committees and its role in dealing with complaints of sexual harassment.

XIII. FALSE ACCUSATIONS

Any staff member who knowingly makes an allegation of sexual harassment to the Committee shall be subject to disciplinary action, including termination of employment/contract, in accordance with the Organization's rules, policies and procedures. Further, this policy may not be used as a defense by an employee/staff member against whom an adverse action has been taken by the Organization independent of any disclosure of information and for legitimate reasons or cause under Organization's rules and policies.

XIV. MISCELLANEOUS

The Organization may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee(s).

Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

The Committee shall prepare an annual report and shall submit the same to the Board of Trustees to include in its Annual report detailing number of complaints of sexual harassment received during the year, disposed-off and pending cases.

XV. CONCLUSION

This policy outlines the spirit behind the TRCSC's approach in bringing absolute transparency in communication as regards its policies. Therefore, personnel covered by this policy are expected to respect the rules and standard procedures governing this policy. Where circumstances are abnormal or situations not anticipated or defined in this policy arise, such matters should be referred to the Board of Trustees for resolution in a matter that is consistent with the whole aim and spirit of this policy.

Deviation to this policy in any form will not be entertained and will be viewed seriously.

This policy superseded all other policies, procedures and practices prevalent on this subject till date. The Organization reserves the right to add to, alter to, amend or cancel this policy at its discretion.

The Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of Investigation. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of the Committee shall be final and binding on all. However, the same is without prejudice to any recourse that the Organization or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or the Organization to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.