

# SEXUAL HARASSMENT POLICY

*(Perspective, Concept & Action)*



**SUPPORT**

*Support to Development.....*

(Society for upliftment of people with people's organization and Rural Technology)

DVC Colony, Behind Hanuman Mandir, Hazaribag, Jharkhand

Phone : 06546 – 266742 (O), 9431185632 (M)

Email : [bsguptahzb@rediffmail.com](mailto:bsguptahzb@rediffmail.com) / [supporthzb@gmail.com](mailto:supporthzb@gmail.com)

Website: [www.supportjharkhand.org](http://www.supportjharkhand.org)

## **SUPPORT Policy on Prevention of Sexual Harassment (PoSH) of women at workplace**

### **1. Introduction**

This policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules framed thereunder (hereinafter "the Act"). Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

The Support provided is an equal employment opportunity and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin or disability. We treat each other with respect and dignity and expect everyone to promote a sense of personal responsibility.

We recruit competent and motivated people who respect our values, provide equal opportunities for their development and advancement; protect their privacy and do not tolerate any form of harassment or discrimination. At Support all employees are expected to uphold the highest standards of ethical conduct

#### **This means that employees have a responsibility to**

- Treat each other with dignity and respect
- Follow the letter and spirit of law
- Refrain from any unwelcome behaviour that has sexual connotation (of sexual nature)
- Refrain from creating hostile atmosphere at workplace via sexual harassment
- Report sexual harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of the company.

at the workplace and in all their interactions with organizational work.

Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable

This Policy extends to all employees of SUPPORT. It is deemed to be incorporated in the service conditions of all employees of the organization.

This version of the policy is effective from 1st September 2022 and supersedes all prior policies and communication on this matter.

## 2. Objective:

To create a work environment where safety and dignity of women Employees is ensured and they are protected from Sexual Harassment as envisaged by Supreme Court of India Guidelines on Sexual Harassment, August 1997, "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013"

## 3. Scope:

The Policy intends to ensure that no woman Employee is subjected to sexual harassment and it is applicable to all Employees of SUPPORT at all locations. All workers, at every level of SUPPORT. "Employee" as referred to in this Policy covers all employees of SUPPORT, whether permanent or temporary, probationary or part-time or working as a consultant or on a voluntary basis or engaged through a contractor or agent, including employees at SUPPORT's Village/Block/District/Regional Offices/Centres.

Where Sexual Harassment occurs against any female Employee as a result of an act by a third party or outsider while on official duty, during or outside of work hours, SUPPORT will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider. This Policy shall be applicable to any allegation of Sexual Harassment at SUPPORT premises including any place visited by an Employee arising out of or during the course of employment and/or transportation provided by SUPPORT.

## 4. Definitions :

- A. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers.
- "Sexual Harassment"** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):
- a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- I. Physical contact and advances;
- ii. Demand or request for sexual favors;
- iii. Sexually colored remarks or remarks of a sexual nature about a person's clothing or body;
- iv. Showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc.;
- v. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
- vi. Giving gifts or leaving objects that are sexually suggestive;
- vii. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- viii. Persistent watching, following, contacting of a person; and
- ix. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b) The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment.
- Implied or explicit threat of detrimental treatment in employment.
- Implied or explicit threat about the present or future employment status.
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved woman.

**B. Aggrieved woman:** In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.

- C. Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman
- D. Employee:** A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other such name.
- E. Workplace:** In addition to the place of work [Head office / Branch offices premises or outside, including at social events, business trips, training sessions etc. sponsored or organised by SUPPORT it shall also include any place where the aggrieved woman or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with SUPPORT, including transportation provided for undertaking such a journey.
- F. Employer:** A person responsible for management, supervision and control of the workplace

## 5. Internal Complaints Committee

The Internal Complaints Committee shall comprise of:

- a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;
- b) Not less than 2 (two) members from amongst Employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- c) One member from amongst top management who is committed to the cause of women or a person familiar with the issues relating to sexual harassment.

**The Internal Complaints Committee will operate on the following guidelines:-**

- a) the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman Complaints Committee shall meet as and when any instance of violation of the policy is referred to the committee and in any case at least once in a year.

- b) Internal Complaints Committee shall prepare the annual report and submit the report pertaining to number of cases filed and their disposal under the act to the Board.
- c) The Presiding Officer and the members of the Internal Complaints Committee will hold the position up to three years from the date of their nomination.

## 6. Functioning of Committee

### A. Lodging a Complaint

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. SUPPORT recognizes that sexual harassment may occur in unequal relationships and that it may not be possible for the victim to inform the alleged harasser.

The complainant needs to submit a detailed complaint, along with any documentary evidence available or names of witnesses, to any of the committee members at the workplace.

The complaint must be lodged within 3 months from the date of incident/ last incident. The Committee can extend the timeline by another 3 months for reasons recorded in writing, if satisfied that these reasons prevented the lodging of the complaint.

Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

If the aggrieved woman is unable to lodge the complaint in account of her incapacity, the following may do so on her behalf, with her written consent.

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident.

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee

When SUPPORT Sexual Harassment Complaint Committee receives a complaint of sexual harassment, will:

- Immediately record the dates, times and facts of the incident(s)
- Ascertain the views of the victim as to what outcome he/she wants.
- Ensure that the victim understands the Organization's procedures for dealing with the complaint.
- Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome.
- Keep a confidential record of all discussions.

Throughout the complaints procedure, a victim is entitled to be helped by a SUPPORT Sexual Harassment Complaint Committee within the organization. SUPPORT will form a Sexual Harassment Complaint Committee to assist victims of sexual harassment. SUPPORT recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. SUPPORT understands the need to support victims in making complaints.

#### **B. Informal complaints mechanism**

If the victim wishes to deal with the matter informally, the designated person will:

- Give an opportunity to the alleged harasser to respond to the complaint.
- Ensure that the alleged harasser understands the complaints mechanism.
- Facilitate discussion between both parties to achieve an informal resolution which is
  - acceptable to the complainant, or refer the matter to a designated mediator within the
  - Organization to resolve the matter.
- Ensure that a confidential record is kept of what happens.
- Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped.
- Ensure that the above is done speedily.

#### **C. Formal complaints mechanism-**

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

##### **Enquiry into complain**

The Sexual Harassment Complaint Committee who initially received the complaint will refer the matter to instigate a formal investigation. The Committee may deal with the matter him/herself,

refer the matter to an internal or external investigator in accordance with this policy.

The person carrying out the investigation will:

- Interview the victim and the alleged harasser separately.
- Interview other relevant third parties separately.
- Decide whether or not the incident(s) of sexual harassment took place.
- Produce a report detailing the investigations, findings and any recommendations.
- If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- 
- Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome.
- If it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace.
- Keep a record of all actions taken.
- Ensure that all records concerning the matter are kept confidential
- Ensure that the process is done as quickly as possible.

**While preparing the findings/recommendations, following are considered:**

- Whether the language used (written or spoken), visual material or physical behavior was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses, and evidence
- Other similar facts, evidence, for e.g., if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings.

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

#### **D. Enquiry Report :**

On the completion of such inquiry, the internal committee shall provide the report of its findings to the **Board Members of the SUPPORT** within a period of 10 days from the date of completion of enquiry and such report be made available to the concerned parties. The Board Members of the organisation shall act upon the recommendation within 60 days of its receipt.



In the event that the Internal Complaints Committee arrives at the conclusion that there is no case for Sexual Harassment, then the complaint may be dropped by the Internal Complaints Committee, and it shall notify the management of SUPPORT of the same.

## 7. Penalties to Respondent:

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

### Sanctions and disciplinary measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- Verbal or written warning
- Adverse performance evaluation
- Reduction in wages
- Withholding promotion and/or increments
- Transfer
- Demotion
- Suspension
- Dismissal
- Or any other action that the Management may deem fit.

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

The employer /SUPPORT acts upon the recommendations within 60 days and confirm to the committee.

## 8. Punishment for false complaints:

Where the Internal Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, appropriate punitive action may be taken by **the Board of the organisation** as per service rules applicable on recommendations of the committee

## 9. Confidentiality

Notwithstanding anything contained in the Right to Information Act, 2005, contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints committee and the action taken by SUPPORT shall not be published, communicated or made known to the public, press and proceedings media in any manner. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

## 10. Implementation of this policy

SUPPORT will ensure that this policy is widely disseminated to all relevant persons. All new employees must be trained on the content of this policy as part of their induction into the origination.

It is the responsibility of every Manager to ensure that all his/her employees are aware of the policy.

**It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by**

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint

intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

## 11. The Management Policy Statement and Assurance to Employee:

SUPPORT is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. SUPPORT will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

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.

Employer/management of SUPPORT must ensure that nobody is subject to harassment and there is equal treatment.

- a) Express prohibition of sexual harassment will be notified and circulated.
- b) Prohibition of sexual harassment is included in the Service and Conduct rules of the company.
- c) As far as possible, care is taken to see that lady colleagues if sitting very late i.e. beyond 9.30 p.m. for official work, are escorted home or some arrangements are made for them to reach home safely.
- d) Complainants or witnesses will not be victimised or discriminated against while dealing with complaints.

### **Monitoring and evaluation**

SUPPORT recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. Sexual Harassment Complaint Committee and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the organization will evaluate the effectiveness of this policy and make any changes needed.

### **List of members in Sexual Harassment Complaint Committee:**

1. Presiding Officer – Ms. Anita Gupta
2. Member - Ravindra Kr. Singh
3. Member - Ms. Sujata Prasad
4. Member – Ms. Archana Lal
5. Member - Ms. Geeta Devi
6. External Member – Ms. Thalma Jaiswal
7. External Member – Shiv Bachan singh

# for more details, please refer to the Act and the Rules issued thereunder.

\*The Management reserves the right to modify / change/ withdraw any part or whole of the Policy contents without assigning any reason with or without notice at any time at their sole discretion.



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