

## **PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE**

### **I. COMMITMENT**

India Shelter is committed to provide a work environment that ensures every Woman employee is treated with dignity and respect and afforded equitable treatment. The India Shelter is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity. The India Shelter will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

The Policy takes cognizance of, “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This Act is to provide protection against sexual harassment of women at workplace and for prevention and redressal of complaints of sexual harassment and for matters connected with or incidental thereto.

### **II. SCOPE**

This policy applies to all categories of employees of the India Shelter, including permanent management and workmen, temporaries, trainees and employees on contract at their workplace or at client sites. India Shelter will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

### **III. DEFINITION OF SEXUAL HARASSMENT**

“Aggrieved woman” means, 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.

“Complainant” means any aggrieved woman who makes a complaint alleging sexual harassment under this policy

“Internal Complaints Committee (ICC)” means the committee constituted by ISFC to investigate complaints of sexual harassment, in the manner prescribed under the law.

“Local Complaints Committee (LCC)” means the committee constituted by ISFC to investigate complaints of sexual harassment, at branches with staff of more than 10 employees, in the manner prescribed under the law.

“Respondent” means a person against whom a complaint of sexual harassment as set out in this policy has been made.

"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:--

- I. physical contact and advances; or
- II. a demand or request for sexual favors; or
- III. making sexually colored remarks; or
- IV. showing pornography; or
- V. Teasing, voyeurism, innuendos and taunts, physical confinement and / or touching against one’s will and likely to intrude upon one’s privacy
- VI. any other implicit or explicit unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:

- I. Implied or explicit promise of preferential treatment in their employment; or
- II. Implied or explicit threat of detrimental treatment in their employment; or
- III. Implied or explicit threat about their present or future employment status; or
- IV. Interferes with their work or creating an intimidating or offensive or hostile work environment for them; or
- V. Humiliating treatment likely to affect their health or safety.

#### **IV. EMPLOYEES RESPONSIBILITIES REGARDING SEXUAL HARASSMENT**

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- I. Employees should familiarize themselves completely with this policy as well as its contents.
- II. Cooperate with any measures introduced to promote equal opportunities.
- III. Make sure they understand and respect the sensitivities of co-workers and other people in the workplace.
- IV. Refrain from discriminatory, offensive or disrespectful behavior, or any behavior which is in contradiction to the letter or the spirit of this policy.
- V. Maintain confidentiality regarding any aspect of a complaint or an inquiry of which they may have information or may be included.

#### **V. COMPLAINT MECHANISM**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “Internal Complaints Committee” has been created in India Shelter for time bound redressal of the complaint made by the victim.

#### **VI. INTERNAL COMPLAINTS COMMITTEE**

As mandated by the Act, ISFC has constituted an ICC comprising of the members as required.

- a) The ICC shall be responsible for a fair and judicious enquiry into any complaint of sexual harassment in the workplace.
- b) A quorum of 3 members, including the Chairperson, is required to be present for the investigation proceedings to take place.
- c) The tenure of the ICC members shall be 3 years.

The India Shelter has instituted a Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints. Initially, and till further notice, the Internal Complaints Committee will comprise of the following four members out of which at least 2 members will be women:

Area	Presiding Officer	Employee 1	Employee 2	NGO
Head Office, CPU, UK & UP	Madhu Sharma	Yogesh Jain	Ravi Shankar	Manasi Gupta
Rajasthan	Ritika Soni	Nitin Singh	Ajay Bhardwaj	Manasi Gupta
Gujarat	Tejal	Sachin Chaudhary	Jignesh Khachariya	Manasi Gupta
Madhya Pradesh & Chattisgarh	Mukti Chaplot	Asad Qureshi	Sachin Kumar	Manasi Gupta
Maharashtra & Odisha	Prerna Singh	Nishant Borkar	Sunil Kumar	Manasi Gupta

An Appellate Committee pool consisting of Presiding Officers of each state & male officers who are part of Internal Complaints Committee, and Board representative to which an appeal can be made by any party dissatisfied with the decision of Internal Compliant Committee is constituted consisting of members:

Members	Designation
Mrs. Anisha Motwani	Board Representative
4 other members	Equal number of male & female members from amongst ICC members

The Complaints Committee is responsible for:

- I. Investigating every formal written complaint of sexual harassment
- II. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- III. Discouraging and preventing employment related sexual harassment

## **VII. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT**

India Shelter is committed to providing a supportive environment in which to resolve concerns of sexual harassment as under:

### **A. Informal Resolution Options**

- i. When an incident of sexual harassment occurs, the victim of such conduct

- can communicate her disapproval and objections immediately to the harasser and request the harasser to behave decently.
- ii. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, she can bring her concern to the attention of the Internal Complaints Committee for redressal of her grievances by giving formal written complain. The Internal Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

## **B. Complaints**

- i. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the ICC / LCC constituted by the Management.
- ii. An aggrieved woman can make a complaint of sexual harassment in writing to ICC / LCC, within a period of three months from the date of incident or in case of series of incidents within a period of three months from the date of last incident. The ICC / LCC may, for the reasons recorded in writing extend the time limit, if it is satisfied that the circumstances were such which prevented the aggrieved woman from filing the complaint within said period.
- iii. If aggrieved woman is not in a position to make a complaint, then some other individual, with written permission of ICC / LCC, may make a complaint on her behalf.
- iv. The Complainant shall submit three copies of complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of respondent and name and address of witnesses, if any.
- v. The Committee will maintain the record of the complaints received by it and keep the contents confidential. However, it may use the information in discreet manner for investigation purposes.
- vi. The committee will hold a meeting with complainant within 7 days of receipt of complaint but in no way more than 10 days.
- vii. At the first meeting the complainant shall narrate her complaint to the Committee and may present additional corroborative evidence. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not mean an offence of Sexual Harassment, s/he will record this finding with reasons and communicate

- the same to the complainant. If the Internal Complaints Committee determines that the allegations constitute an act of sexual harassment, they will proceed to investigate the allegation.
- viii. Respondent shall be provided with the allegation against him in advance. Thereafter, the respondent shall be called for a hearing where an opportunity shall be given to him for an explanation.
- ix. If the committee deems that the complaint has merits and the explanation provided by respondent is not sufficient then they will conduct an enquiry.
- x. The findings of enquiry shall be shared with respondent and opportunity shall be provided to him for a rebuttal.
- xi. After rebuttal, ICC / LCC shall arrive at the decision. If complaint is found to be frivolous / vexatious then committee shall recommend to Management to take decision on the appropriate disciplinary action.
- xii. Further, if ICC / LCC find merit in the complaint then committee shall recommend to Management to take decision on the appropriate disciplinary action. Where conduct on the part of the respondent amounts to a specific offence under the law, the India Shelter shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
- xiii. The Management will ensure corrective action on the recommendations of ICC / LCC and will keep the complainant informed of the same.
- xiv. Corrective action may include any of the following:
- Formal apology
  - Counseling
  - Written warning to the perpetrator and a copy of it maintained in the employee's file
  - Change of work assignment / transfer for either the perpetrator or the victim
  - Suspension or termination of services of the employee found guilty of the offence

## **VIII. CONFIDENTIALITY**

India Shelter understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will

be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

#### **IX. ACCESS TO REPORTS AND DOCUMENTS**

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by India Shelter except where disclosure is required under disciplinary or other remedial processes.

#### **X. PROTECTION TO COMPLAINANT / VICTIM**

The India Shelter is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. India Shelter will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

#### **XI. CONCLUSION**

In conclusion, India Shelter reiterates its commitment to providing its women employees, a workplace free from harassment/discrimination and where every employee is treated with dignity and respect.

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