

## **SAKTHI – VIDIYAL**

**21, Kennet Nagar, Muthupatti, Madurai, Tamilnadu**

### **Policy on Prevention of Sexual Harassment (PoSH) at Workplace**

#### **1. Commitment**

Sakthi - Vidiyal, by virtue of its long traditional core values, ethical practices, integrity and honesty is committed to provide a safe and conducive work environment to its employees and towards this it is essential that each employee is dealt with full fairness, respect and dignity with a view to having a sense of security for its employees at workplaces.

Harassment in any form including sexual harassment is strictly prohibited in the organization. Every woman has the right to be protected against harassment, regardless of whether the accused consider his own behavior to be normal or acceptable and of whether the affected person has the opportunity to avoid the harassment.

Sakthi - Vidiyal is committed to provide a work environment free of sexual harassment. Sakthi - Vidiyal will ensure that adequate resources are available to promote a positive work environment and to prevent exercise of inappropriate behavior at any time in the workplace. Sexual harassment is a form of workplace harassment of sexual nature that affects the dignity of women at workplace. The policy has been formed to forbid, prevent or deter the commission of acts of sexual harassment at workplace and to provide a suitable mechanism for the redressal of complaints relating to sexual harassment.

Sakthi - Vidiyal is committed to address inappropriate behavior, including sexual harassment by providing respectful environment and strict enforcement of this policy. Sakthi - Vidiyal is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

This policy will be in congruence with The Sexual Harassment of Women at Workplace (Prevention, prohibition or Redressal) Act, 2013, along with its Rules. The provisions of the Act will prevail in case of conflict or discrepancy.

## **2. Scope**

This policy applies to all employees (full-time, part-time, probationers, volunteers, interns and those on contractual assignments) of the organization.

The workplace includes all offices, premises or other campuses where the organization's work is carried out. It also includes all programmes and activities of the organization implemented at any other location away from the organization's premises/campuses.

## **3. Prevention of sexual harassment**

Preventing Sexual Harassment is the priority of the organization. To achieve this:

- Training on Prevention of Sexual Harassment is mandatory for all the employees. Through periodical trainings, the Employees and Management clearly understand what 'Sexual Harassment at Workplace' is.
- Ensuring a Sexual Harassment-Free Workplace through constant Monitoring (24/7) by engaging surveillance method such as installing CCTV in the premises and campuses.
- Interrupting incidences of harassment or its warning signs.
- Making the reporting mechanisms visible and accessible.
- Key employees as peer influencers to support and promote a harassment-free environment.
- Have an anti-harassment undertaking and ensure that all employees sign it.

## **4. Rights and Responsibilities**

Every employee of Sakthi - Vidiyal has a right to harassment free, safe work environment. Everyone who works for Sakthi - Vidiyal has a responsibility to sustain a respectful work environment by upholding the highest standards of conduct and applying necessary confidentiality measures.

All employees of the Company have a personal responsibility to ensure that their behaviour is not contrary to this policy. Employees responsible for conduct which can be construed as harassment, sexual harassment or abuse of authority may be subject to appropriate administrative or disciplinary measures. Measures to deal with inappropriate behavior including sexual harassment will be based on the principles of impartiality, sensitivity and respect.

Staff members have the right to choose an informal or formal dispute resolution process. Sakthi - Vidiyal will provide appropriate mechanisms to prevent or deal with retaliation related to the reporting allegations of sexual harassment.

## **5. Definitions**

### **5.1 Sexual harassment**

“Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), but not limited to any unwelcome sexually determined behaviour or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:

- a) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
- b) Physical contact and advances including (but not limited to) touching, stalking, gestures, sounds which have explicit and /or implicit sexual connotation/overtones, molestation
- c) Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one’s will
- d) Demand or request for sexual favours
- e) Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body
- f) Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
- g) Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, memes, cartoons or other materials through email, SMS, MMS and other social media platforms etc.
- h) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person’s wish

- i) Giving gifts or leaving objects that are sexually suggestive
- j) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; persistent watching, following, contacting of a person; and
- k) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. 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.

**5.2 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.

**5.3 Complainant:** Any aggrieved woman who makes a complaint alleging sexual harassment under this policy

**5.4 Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman under this policy

**5.5 Employer:** The Executive Director with the powers entrusted by the Managing Committee of the Organization. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

## **6. Redressal Mechanism**

In compliance with the Act, any complaint under this policy shall be followed by a formal redressal mechanism as described in this Policy.

### **6.1 Internal Complaints Committee (ICC)**

#### **a. Purpose / Objectives**

- Preventing instances of sexual harassment and to receive complaints
- Providing protection to women against sexual harassment at the workplace

- Effectively deal with complaints pertaining to sexual harassment

At Sakthi – Vidiyal the Internal Complaints Committee (ICC) has been constituted.

The constitution of the committee comprises of:

Director- Child Protection as the Chairperson, senior women employees from each Department / Project as members, the Director - Child Development as the male representative and one external member from any voluntary organization committed to the cause of women. The members in the ICC will have tenure of three years after which the committee will be reconstituted with change in leadership and membership if required.

#### **b. Functions of the Committee**

The Internal Complaints Committee's major functions are:

##### **Prevention**

- Forceful implementation of the guidelines relating to the prevention of sexual harassment
- Giving awareness of the Rights of female employees
- Giving awareness about the guidelines and the measures in the legislation
- Conducting trainings and workshops and educational programmes related to Sexual harassment to avoid such situations.
- The detail of the committee is notified to all covered persons at the registered office, programmes office and project office locations.
- Create awareness at the workplace by way of documents, notices, workshops, seminars, etc.
- Implementation of the Anti–Sexual Harassment Policy at the workplace

##### **Complaint Redressal**

- Receiving complaints of sexual harassment at the workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the Executive Director in implementing appropriate action

- Counselling to aggrieved employees.
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting Annual Report in the prescribed format

#### **c. Removal from the Committee**

The following actions of the members of the ICC will result in removal

- Disclosing of confidential information. For example, details of proceedings in case of an inquiry.
- If there is a conviction, or inquiry into an offense under law against the member.
- If the person is found guilty or disciplinary proceedings are pending against him.
- If the person has abused the position which is prejudicial to the public interest.

#### **d. Lodging a Complaint**

An aggrieved woman employee may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee within a period of 3 months from the date of 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 within the period.

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

1. If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:

- a. her relative or friend; or
- b. her co-worker; or
- c. an officer of the National Commission for Women or State Commission for Women; or
- d. any person who has knowledge of the incident, with the written consent of the Aggrieved Woman

2. If the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.

#### **e. Receiving a Complaint**

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

The following points are to be kept in mind by the receiver of the complaint:

- Complaints are listened to and the complainant informed that the Organization takes the concerns seriously.
- Complainant is informed that these concerns will be reported to the ICC and follow up will be done promptly.
- Situations are not to be pre-judged. Written notes are to be taken while listening to the person. When taking notes, complainants own words, where possible, are to be used accurately. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity
- Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

#### **f. Procedure of formal inquiry into complaint**

- Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
- The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.

- At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, or digital material, etc., to substantiate her complaint.
- The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 days of receiving the complaint.
- Respondent shall reply with all supporting documents within 7 days of receiving the copy of the complaint.
- Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to him to give an explanation, where after, an inquiry shall be conducted and concluded.
- The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- If the Complainant or the respondent desires any witnesses to be called, they shall communicate in writing to the Committee the names of witnesses that they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- No lawyer / advocate can represent any party at any stage of the inquiry procedure.
- If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case the



complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

- The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- In conducting the inquiry, a minimum of three committee members including the Chairperson are to be present
- In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.
- Any such inquiry is completed, including the submission of the Inquiry Report, within 30 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

#### **g. Interim relief**

During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:

- Transfer the complainant or the respondent to any other workplace / project
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate
- Once the recommendations of interim relief are implemented, the same is informed to the committee.

#### **h. Termination of Inquiry**

Committee may terminate the inquiry or give ex-parte decision, if the complainant or the respondent respectively is absent for 3 consecutive hearings, without sufficient reason. 15 days written notice is to be given to the party, before termination of enquiry or ex-parte order.

**i. Action to be taken after inquiry**

Post the inquiry, the committee submits its report containing the findings and recommendations to the employer, within 10 days of the completion of the inquiry.

**j. Complaint unsubstantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will face any hindrances within the Organization.

**k. Complaint substantiated**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable policy framework, and this may include:

- i. Counselling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the employer may deem fit.

The Organization is required to act upon the recommendations within 30 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behaviour has in fact stopped.

## **I. Penal Consequences of Sexual Harassment**

In case the Committee finds the degree of offence comes under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC) Section (S.354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

### **m. Malicious Allegations**

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

### **n. Confidentiality**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media.

Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

### **o. Appeal**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

**p. Legal Compliance**

The ICC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the Executive Director and the District Officer (as defined in the Act). The report shall have the following details:

- Number of complaints of Sexual harassment received in the year
- Number of complaints disposed of during the year
- Number of cases pending for more than 90 days
- Number of workshops or awareness program conducted on 'Protection from Sexual Harassment at workplace'
- Nature of action taken by the employer or District Officer

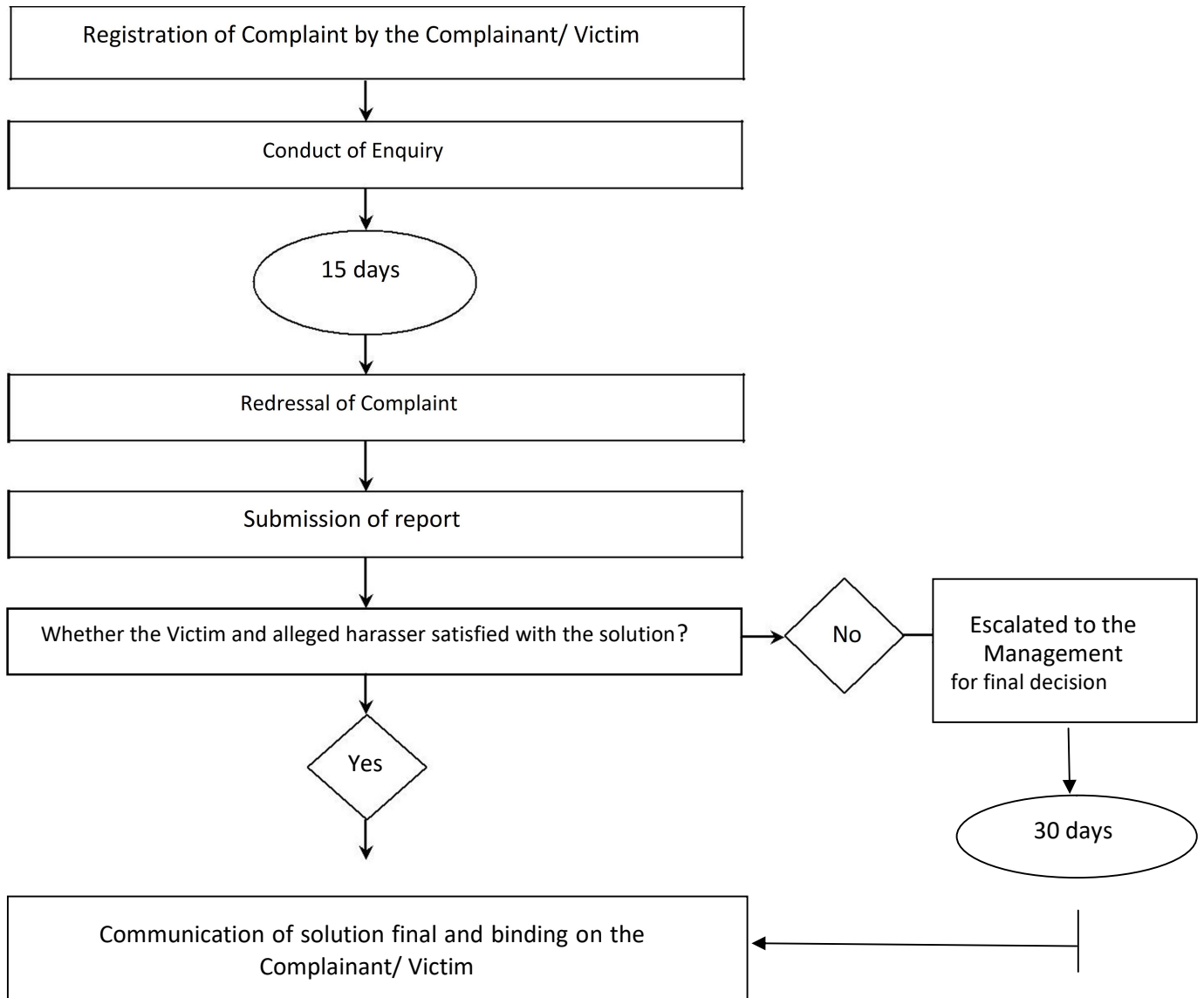
The Policy will be reviewed after a period of five years.

**Constitution of Internal Complaints Committee 2020 – 2023**

S.No	Name	Designation	Role	Contact Number
1	Dr. G. Sharmila Jim	Director -Child Protection	Chairperson	94437 74707
2	Mr. D. Arockiam	Director- Child Development	Representative	94438 32255
3	Mrs. S.Petciammal	Street Educator- Child Development	Representative	94882 89656
4	Mrs. B. Mareeswari	Team Member-Childline	Representative	93429 23883
5	Ms. S. Kowsalya	Counsellor-Shelter Home	Representative	76398 60815
6	Mrs. V. Anusuya	Accountant- Administration	Representative	97891 58542
7	Ms.P.Nandheeswari	Head Volunteer- Volunteer Forum	Representative	73054 16203
8	Mrs. Elamathi Arul	Director - VAPS, Madurai	External Member	94423 26238

- As per Laws of the country, the Members of the Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified.

## Complaint Redressal Flow Chart



**ROLES AND RESPONSIBILITIES:****ROLES & RESPONSIBILITIES COMMITTEE MEMBERS**

- The committee should notify the time and date of the meetings to be held, to the complainant /victim and the alleged harasser.
- Enquiry to be conducted in a neutral location which provides a conducive environment, for both the victim and the alleged harasser.
- Should maintain confidentiality during the whole course of investigation.
- Appropriate recordings of each enquiry are to be maintained.
- No members of the Redressal Committee should disclose any of the information about the employee to other staff in the hospital.
- The contents of the complaint, details of the alleged harasser, information, and reports of the committees should not be communicated, published or made known to the public, press and media despite the provision of Right to Information Act 2005.
- The ASHRC at the request of the aggrieved person, before initiating the enquiry, can take steps to settle the matter through conciliation. However, it has been made clear that no monetary settlement should be made as basis of conciliation.

**ROLES & RESPONSIBILITIES OF HR DEPARTMENT:**

- Conduct necessary communication and training across the organization with respect to sexual harassment at the workplace.
- Ensure that the policy, procedures and the penal consequences is communicated and explained during Induction of all new joiners.
- Any act of sexual harassment to be notified as misconduct under the Standing Order of the hospital.
- Provide sufficient protection for employees who work and transport in late shifts hours.
- Maintain records of all Sexual Harassment cases and findings.
- Clarify to employees on any queries related to this policy where ever required.
- Ensure that the solutions provided are of unbiased nature.