

**Policy Against
Sexual Harassment
at Workplace**

TOPICS

SL NO	PARTICULARS	PAGE NO
I	POLICY	3
II	OBJECTIVES	3
III	DEFINITION	3
IV	INTERNAL COMPLAINTS COMMITTEE	4
V	COMPLAINT REDRESSAL MECHANISM	5
VI	ACTION	7
VII	AWARENESS	7
VIII	FALSE ACCUSATIONS	7
IX	CONFIDENTIAL	7
X	MISCELLANEOUS	8

I. POLICY – Prevention of Sexual Harassment at the Workplace

Coverage

The Policy highlights the following points:-

1. CRACR & PD strongly opposes all forms of sexual harassment,
2. It includes such behavior by or against employees/ consultants/ nodal officers /vendors or agents is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as “Act”) and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 as well as in the light of terms of employment,
3. Commission of any act of sexual harassment as defined in this Policy shall result in strict disciplinary and/or criminal action, after the process of fair hearing as laid down in this policy,
4. The Policy defines the Prevention, Prohibition & Redressal of Sexual Harassment which may arise in the workplace. The workplace is defined as places of geographical location viz. Organization’s offices and branches, any location where the CRACR & PD team is deployed on work, the transport on duty, and any place or situation related to the work of the organization or that is accessed through work,
5. CRACR & PD’s Policy against sexual harassment includes sexual harassment by fellow employees, consultants, vendors, agents, volunteers, partners and any third party agency,
6. Sexual harassment as addressed in this Policy is irrespective of gender, is applicable to male, female and third gender employees and other individuals involved in dispensing the duties of the organization, irrespective of hierarchy, nature of work and other such categories.

II. OBJECTIVE:

CRACR & PD is committed to creating and maintaining a secure and safe work environment where it’s employees, consultants and agents, Vendors and Partners can pursue their work together in an atmosphere free of sexual harassment and exploitation,

CRACR & PD values each and every employee, consultant and agent working with us and wish to protect their dignity and self respect. In doing so, we are determined to promote a working environment in which persons of every gender complement each other as equals in an environment that encourages maximum productivity and prioritizes respect and personal dignity.

III. DEFINITION:

- a. “Aggrieved Person” means a person employed or consultant or agent, who alleges to have been subject to any act of sexual harassment by the Respondent,
- b. “Organization” means CRACR & PD
- c. “employee” includes person employed at a workplace regular, temporary, *ad hoc* or daily wages basis, either directly or through an agent, contractors volunteers interns trainees, whether for remuneration or otherwise, co-worker , contract workers, probationers, trainees, apprentices or called by any other such name;
- d. “Internal Committee” (IC) means a committee constituted by Organization as per this Policy,
- e. “Respondent” means a person against whom the aggrieved person has made a complaint,
- f. “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:
 - 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. Any other unwelcome physical, verbal or non - verbal conduct of sexual nature;

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation to or connected with any act or behavior of sexual harassment:

- i. implied or explicit promise of preferential treatment in their employment;
- ii. implied or explicit threat of detrimental treatment in their employment;
- iii. implied or explicit threat about their present or future employment status;
- iv. interfering with their work or creating an intimidating or offensive or hostile work environment;
- v. humiliating treatment likely to affect their health or safety.

It must be understood that any such act that has a sexual connotation and is unwelcome, causes discomfort to an employee, where intentional or otherwise, shall be termed harassment

g. “workplace” includes any disciplines, undertaking, establishment, enterprise institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey, locations & accommodation which is work related and any instance that is related to and has access due to work.

IV. INTERNAL COMMITTEE:

- Internal Committee (IC) has been constituted of the following members as nominated by the Organization keeping in mind the constitution as detailed under the Prevention of Sexual Harassment statutes
- Every complaint received under this policy shall be forwarded to Internal Committee formed under the policy for redressal.

The investigation shall be carried out by Internal Committee (IC) constituted for this purpose.

- The IC will also plan and implement such programs that will create awareness about Sexual Harassment at the Workplace and the redressal mechanism available

V. COMPLAINT REDRESSAL MECHANISM

1. Should an employee perceive that an act of harassment has taken place, he/she must make, a complaint in writing to the committee at IC@ info@cracr&pd.org giving details of the sexual harassment meted out to her/him within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident
2. The Presiding Officer or any Member of the Internal Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
3. On receipt of complaint, the Internal Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent.
4. Where the affected employee is unable to make a complaint on account of their physical incapacity, or in the unfortunate incident of a death a complaint may be filed by either a relative/ friend or a co-worker; who has knowledge of the incident, with the written consent of the aggrieved person or by any person who has knowledge of the incident jointly with any of the above.

5. Where the complaint is recorded by/ or against a member of a third party organization, vendor or partner, the investigation process can be conducted at either premises under the constituent IC of that organization, and the other party must accord all support and collaboration to the conduct of the investigation
6. Internal Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment
7. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
8. Internal Committee shall investigate in detail into the matter of the complaint. The Internal committee shall have the right to call the person against whom the complaint is made or any other witnesses as and when necessary. The Complainant or person authorized on their behalf as per above provision, shall be required to submit to the Internal Committee any supporting documents and names and address of witnesses, if any to Internal Committee
9. If the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause, the IC may decide the case ex-parte
10. The Internal Committee must complete its investigation within a period of 90 days.
11. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
12. For conducting the enquiry the quorum of the Internal Committee can constitute a sub-committee as per law
13. The Internal Committee may before or during the pendency of an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Committee shall ensure that:
 - a. Monetary settlement will not be made as a basis of conciliation.
 - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and each shall be provided with a copy of it.

Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Committee.

14. The Internal Committee during such investigation may exercise the power of a civil court, vested in it, in respect of:

- a. summoning and enforcing the attendance of any person and examining him under oath;
- b. requiring discovery and production of documents;
- c. May ask the parties to make submissions by way of affidavit
- d. any other prescribed matter

15. Principles to be followed while investigating a Sexual Harassment Complaint:

- Principles of natural justice
- Comfort of the aggrieved party
- Uphold fairness and Impartiality
- Uphold Objectivity
- Avoid Power play bias
- Strict compliance of Confidentiality

VI. ACTION:

1. The Committee shall on completion of the enquiry provide a report of its findings within 10days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. 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 Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Director of Human Resource/ one of the founding members of CRACR & PD for suitable action under the Act. Such recommendations must be consistent with the Disciplinary procedures of the organization and may involve a stern warning

 ,a written reprimand or an immediate dismissal depending on the severity and impact as discussed by the committee.
3. The committee shall document for the records as per this statute and in the employee records, any such action that has been taken
4. If either party is unhappy with the resolution of the IC they may approach an appellate authority in the organization for a further hearing. The appellate authority may refer back to the IC for a re-look or may endorse the findings of the IC. Such endorsement will be final and binding for the organization
5. If either party is unhappy with the resolution, they can approach a higher court of law for a hearing

VII. Responsibilities of the Employer :

1. All the Employees, Consultants, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the Human Resource team.
2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in Organization 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 employees are provided with the safe working environment at the workplace.
4. Organization shall display the notice showing the name of the Internal Committee members at its every establishment at a conspicuous place.

VIII.FALSE ACCUSATIONS:

1. There shall be zero tolerance for any false accusation.
2. If the Internal Committee comes to a conclusion that the allegation was made with malicious intent the Internal Committee may recommend action to be taken against the person who has made the complaint, including termination of service.
3. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein.
4. A similar recommendation for taking action would be recommended against any witness whom the Internal Committee concludes, that he/she has given false evidence or produced forged or misleading documents.

IX. CONFIDENTIALITY:

1. It shall be the duty of the IC and all the persons and authorities designated to ensure that all complaints lodged, and proceedings of any investigations arising out of the complaint, shall be confidential. All members of the Internal Committee should sign a declaration stating that the confidentiality of the case as well as those involved will be maintained while investigating a case. Such an action, be also brought into the purview of all other persons involved in the case as investigations processes and case closure gets addressed.
2. The name of the aggrieved party or the respondent or witness nor their identity shall be revealed by any member of the committee or any other persons whilst reporting any proceedings, case, order or judgment under this policy.

X. MISCELLANEOUS:

1. 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, consultants, agents etc.

2. 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.

3. The Internal Committee shall prepare an annual report with the following details and shall submit the same to the Organization to include in its Annual report:

- a. Number of complaints of sexual harassment received during the year;
- b. Number of complaints disposed off during the year;
- c. Number of cases pending for more than 90 days;
- d. Number of workshops or awareness program against sexual harassment carried out;
- e. Nature of action taken by the employer.

Any person aggrieved by any order passed by the IC can file an appeal against the order before the Appellate Authority consisting of two trustees, one of them being a female. The order by the Appellate Authority shall be the final order.