



## **ANTI SEXUAL HARASSMENT POLICY**

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## **ANTI-SEXUAL HARASSMENT POLICY**

### **1 Policy Overview**

Policy title	Anti-Sexual Harassment Policy.
Description	This document describes IIMPACT's policy against sexual harassment and the process for handling sexual harassment related incidences at the workplace.

### **2 Scope**

This Anti-Sexual Harassment Policy applies to all employees of IIMPACT based in India, as defined under Section 2(f) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (as amended from time to time).

The purpose of this policy is to facilitate a gender sensitive and congenial working environment at IIMPACT so that its employees are not subjected to gender-specific discrimination or harassment at the workplace.

IIMPACT will strive towards an anti-sexual harassment policy to be adopted along similar lines by organizations who independently work in a professional capacity with IIMPACT and/or act as its delivery partners at various locations within India. [Please see 3.11.]

Towards the above, this Policy is guided by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the "Act") and the rules framed thereunder.

### **3 Policy Guidelines**

#### **3.1 IIMPACT's Commitment**

IIMPACT strives to maintain an environment free from discrimination and harassment, where employees and volunteers treat each other with respect, dignity, and courtesy. It recognizes that workplace sexual harassment is a serious offence, and will not tolerate it at its offices and workplace. It is committed to providing a gender sensitive and congenial work environment wherein all employees, irrespective of sex, do not feel harassed or discriminated against. Should such instances occur, IIMPACT is committed to providing a mechanism to address sexual harassment related complaints in a fair and equitable manner, and hence this policy. At the same time, IIMPACT will take steps to ensure that the contents of this Policy are not exploited for personal vendetta.

## **3.2 Nature of Sexual Harassment**

3.2.1 Sexual harassment means unwelcome conduct of a sexual nature, whether direct or indirect, and includes:

- Physical conduct and advances, or
- Demands or requests for sexual favours, or
- Sexually coloured remarks, or
- Showing pornography, or
- Any other unwelcome verbal or physical conduct of a sexual nature.

3.2.2 Such conduct as outlined in clause 3.2.1 above directed at an employee of IIMPACT at the workplace (as defined in Section 2(o) of the Act) by any person will constitute actionable 'sexual harassment' by itself or in connection with any of the following:

- Submission to such conduct is made either explicitly or implicitly a term, condition, or incentive in the employee's employment or business or professional relationship with IIMPACT; or
- Submission to or rejection of such conduct by the employee is used as the basis for employment, business, or professional decisions adversely affecting the employee; or
- Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or business/professional relations with IIMPACT or of creating an intimidating, hostile or offensive work/business/professional environment.

3.2.3 Specific examples of sexual harassment as defined in clause 3.2.1 may include, but are not limited to, the following conduct:

- Sexual advances, flirtations, or propositions.
- Verbal abuse or impropriety of a sexual nature.
- Sexually graphic comments about the employee's body.
- Innuendo about sexual relations.

Display of pornographic, sexually derogatory, or sexually explicit materials, whether in physical form, online, or on a device such as a mobile phone, camera, or tablet, including but not limited to videos, photographs, text messages, computer images, GIFs, memes, cartoons, drawings etc.

Sexually coloured communication in writing, in physical form, online, or on a device such as a mobile phone, camera or tablet, such as notes, letters, e-mails, invitations etc.

3.2.4 Sexual harassment includes harassment by persons belonging to the same sex as the employee, or a different sex, including but not limited to the harassment of female employees by males, female employees by females, male employees by females, and male employees by males.

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

3.3.1 IIMPACT has setup an Internal Complaints Committee (ICC) to be known as Anti-Sexual Harassment (“ASH”) Cell. ASH Cell is responsible for addressing any complaints filed/reported by the employees about sexual harassment at the workplace. The ASH Cell will assist IIMPACT in fulfilling all its obligations employer under the Act.

3.3.2 The ASH Cell will consist of three members, namely:

- A presiding Officer: A senior women employee in the workplace of IIMPACT.
- One member from within IIMPACT: Not less than one member from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- One member from amongst NGOs or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment.
- At least one half of the total members so nominated shall be women.

3.3.3 ASH Cell members will familiarise themselves with the Principles of Natural Justice.

### **3.4 Filing a Complaint**

3.4.1 The employee should promptly report the sexual harassment by any of the following methods:

- Contact the HR Representative & Supervisor of IIMPACT.
- Contact any member of the ASH Cell in person, *via* text message or phone.
- Send an e-mail to ashcell@iimpact.net.
- Send an e-mail to any member at their individual e-mail address provided in pursuance to this Policy.
- Provide a written note to any member of ASH Cell.

3.4.2 As mandated by the Act, all formal complaints of sexual harassment must be made in writing. It is clarified that a written complaint is not a precondition for the employee to come forward with a complaint of sexual harassment; however, the ASH Cell will commence enquiry into the allegations only upon receiving a written complaint.

- 3.4.3 The employee must file a written complaint within 3 months from the date of the sexual harassment incident. Where there has been a series of incidents, the written complaint must be made within 3 months of the last incident of sexual harassment and, within a reasonable period from the date of the first incident of sexual harassment.
- 3.4.4 The complaint shall include the name of the complainant, complete details of the incident, including date, time and place of the incident(s), identity of the respondent, name(s) of all persons involved, and a detailed report of relevant facts.
- The complaint should disclose all material facts and particulars that would be relevant for the ASH Cell to enquire into the incident(s) and make recommendations.
  - The complaint should be accompanied by clear and legible copies of all evidence in support upon which the employee/complainant seeks to rely, including documents, photographs, videos etc. Translations, if required, may be provided at the earliest.
  - The complaint should be accompanied by a list of witnesses, if any, to the incident(s) or facts alleged.

3.4.5 Independent persons / consultants having a professional relationship with IIMPACT should also promptly report any incident of sexual harassment to the ED of IIMPACT.

3.4.6 The ED or any other person in IIMPACT who receives report of such sexual harassment must notify the ASH Cell within 72 hours of receiving the complaint.

### **3.5 Investigation of a Complaint**

3.5.1 The ASH Cell will follow the principles of natural justice.

3.5.2 Once a complaint is received, the ASH Cell will conduct a prompt, thorough and objective investigation of all complaints received, in the following manner, subject to some variation as required on a case to case basis:

- It will set up a meeting with the complainant to obtain more details about the complaint. It will ask the employee/complainant to comply with the requirements of clause 3.4.4 to the extent possible and provide reasons for non-compliance wherever possible.
  - a. To maintain objectivity and neutrality, the ASH Cell may assign a representative to assist the employee/complainant. Such representative shall be equally bound by the confidentiality requirements contained in clause 3.6 as well as the Act.
- It will provide a complete copy of the complaint and all accompanying materials to the respondent for its response under a notice to show cause within the statutory time frame. The respondent will be equally bound by the requirements of clause 3.4.4 as regards the reply.
- Upon receiving the respondent's reply, it will provide a copy alongwith all accompanying materials to the employee/complainant and seek its rejoinder within a period of 1 week of receipt.
- It will conduct an enquiry to corroborate the facts if the sexual harassment is not fully admitted by the respondent.
- As part of the enquiry, it will interview the employee/complainant, the respondent, and the persons named in the list(s) of witnesses on oath.
- In case of an admission or finding of sexual harassment, it will recommend appropriate disciplinary action against the respondent to IIMPACT in the report.
- It will maintain minutes of all its meetings.

3.5.3 The ASH Cell will send its report to the President, Secretary, and the ED of IIMPACT within the statutory timeline.

### **3.6 Confidentiality of Complaints**

- The ASH Cell will maintain confidentiality of all matters related to a complaint of sexual harassment to the extent it can, without compromising the integrity of its investigation. The ASH Cell will make best effort to balance between the privacy needs of all parties involved in a complaint and the requirement of conducting a fair and effective investigation.
- IIMPACT will make best efforts to ensure that raising a *bona fide* complaint about sexual harassment at workplace will not lead to reprisals or retaliation towards the complainant or the witnesses.

### **3.7 Recommendations by the Committee**

- If the ASH Cell finds that sexual harassment has occurred, it will recommend disciplinary action to be taken by IIMPACT against the respondent, in proportion to the gravity and severity of the conduct, and of such nature as provided in the statutory framework.
  - If the ASH Cell finds that the complaint has not been proved or there is no conclusive determination of sexual harassment, it will state the same in its report and not make any recommendations against the respondent.
- If the ASH Cell finds that the complaint or any accusation made by either party has been manipulated, fabricated, or concocted and/or made with malicious intent, it may recommend appropriate disciplinary action against the alleger and/or any witness who has been found to have given false evidence.
- IIMPACT will act on the recommendation within 60 days.

### **3.8 Protection Against Retaliation**

- Any employee who files a complaint of sexual harassment or other discrimination in good faith will not be adversely affected in terms and conditions of employment and will not be retaliated against or discharged because of the complaint even when s/he is unable to substantiate her/his complaint or provide adequate proof in support of her complaint.
- IIMPACT will not tolerate retaliation against any employee who in good faith uses this reporting procedure or files, provides a statement, testifies, assists, or participates in a sexual harassment investigation, proceeding or hearing. IIMPACT also prohibits retaliation against any employee who opposes harassment of others.
- Any employee who believes that they have experienced or witnessed retaliation must immediately report such conduct to the ED of IIMPACT. Reports of retaliation will be promptly and thoroughly investigated. If IIMPACT determines that an employee has

engaged in retaliation, it will take appropriate disciplinary action against the employee, up to and including termination of employment.

### **3.9 Personal Liability for Sexual Harassment**

IIMPACT will aid the aggrieved person, 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. The form of assistance can be in the form of help to connect with a lawyer, prepare for the case, financial assistance to fight.

### **3.10 Preventive Measures**

**1** IIMPACT will take steps to create awareness of the contents of this Policy among all employees.

**2** The ED of IIMPACT, along with active participation from ASH Cell will take up the following activities to create awareness of sexual harassment and this policy:

- Publicize the Anti Sexual-Harassment policy to all employees
- Ensure the new employees are made aware of this policy at the time of induction
- Conduct counseling sessions, if needed
- Periodically communicate the names and contact details of the ASH Cell members

### **3.11 Applicability of this Policy to delivery partners**

1. This Policy does not apply to entities that work independently and in a professional capacity with IIMPACT and/or act as its delivery partners at various locations within India, or to the employees of such entities.
2. IIMPACT may request or require an anti-sexual harassment policy to be adopted along similar lines by such entities.
3. IIMPACT will notify such entity in writing of this request/demand and provide a clear and legible copy of this Policy, as updated from time to time, for reference. Such entity will undertake to adopt and implement an anti-sexual harassment policy along similar lines in relation to its own employees.
4. It is clarified that IIMPACT does not bear any responsibility for or relation to the adoption or implementation of an anti-sexual harassment policy by any such entity.

### **3.12 Filing Annual Return**

1. The ASH Cell shall submit its annual report to IIMPACT and/or to the district officer as required under the Act. Responsibility of placing the annual report before the Board of the Company will be that of ED / HR Division on an annual basis.
2. The prescribed format is given in Appendix A to this Policy.

## **4. Safeguarding interest of project staff / consultants working under NGO recruitment policy**



- As IIMPACT works through the modality of partnership with local NGOS across the country, for the purposes of the employees/ consultants hired by NGO for delivery of IIMPACT projects on the ground, the following measures will be undertaken
- Each partner organization will give an undertaking in writing that it has the sexual harassment policy in place alongside the duly constituted Internal Compliant committee. NGO partner must also ensure orientation of staff hired on IIMPACT project on regular basis around the policy.
- As the Learning centers are the workplaces for teachers 'the poster on moot points on the policy would be displayed in the LCs alongside the full connect of members' of ICC formed by the partner
- IIMPACT may also periodically assess the execution of the policy on ground to ensure proper knowledge and needed protection of IIMPACT project staff against any incidence of sexual harassment at work - place.
- No partner organization will be taken on board who doesn't have the said policy and Internal Complaint Committee in place, and it is within the full knowledge and reach of the employees.

**I, hereby, confirm that I have read and understood the content of the document**

**Signature**

Name

Date

Designation

**Anti-Sexual Harassment Policy**

**Appendix A**

Date: \_\_\_\_\_

**Subject: Prevention of Sexual Harassment – Annual Return** \_\_\_\_\_

In accordance with section 21(1) of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, we are submitting the following information for your reference and record.

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/awareness program against sexual harassment carried in	
Nature of action taken by the employer	

Yours Sincerely,

(Chief Functionary)