



**SOUTH INDIA AIDS ACTION PROGRAMME**

**POLICY FOR PREVENTION OF SEXUAL HARASSMENT (PoSH)  
OF WOMEN AT THE WORKPLACE**

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# **SIAAP POLICY FOR PREVENTION OF SEXUAL HARASSMENT (PoSH) OF WOMEN AT THE WORKPLACE**

## **1. PURPOSE:**

To create an ambience of safe work environment with an aim to adopt zero tolerance attitude against any kind of sexual harassment and discrimination for all its associates. As per the guidelines of "The Sexual harassment of women at workplace (prevention, prohibition & redressal) Act, 2013, and rules framed thereunder (hereinafter "the Act").

## **2. SCOPE:**

This policy applies to all associates of the Organisation including all affiliated organisations and partners at their workplace or at client sites.

### **✓ Where the workplace includes:**

1. All offices or other premises where the Organisation's operations are conducted.
2. All organisation-related activities performed at any other site away from the Organisation's premises.
3. Any transportation provided by SIAAP for undertaking a journey for official purpose .
4. Any premises where the associate is required to stay during the course of employment including hotel / guest house.
5. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

### **✓ Where the associate includes:**

Associate would include a person employed at SIAAP for any work on –

1. Full Time ( On-Role / Off – Role )
2. Part Time ( On-Role / Off Role )
3. Associate in Probation
4. Consultants
5. Trainees
6. Interns
7. Freelancers

Whether Direct / Indirect , Paid / Unpaid , or working on a voluntary basis or otherwise, whether the terms of employment are express or implied.

✓ **Where the Employer includes :**

A person responsible for management, supervision and control of the workplace

✓ **Where the Aggrieved woman includes :**

In relation to a workplace, a woman/transgender, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by any person who may/may not be a full time staff, contractual, temporary, and includes visitors.

✓ **Where the Respondent includes :**

A person against whom a complaint of sexual harassment has been made by the aggrieved woman

### **3. DEFINITION:**

includes any one or more of the following **unwelcome acts\*** or behavior (whether directly or by implication) namely;

- i. Physical contacts and advances; or
  - ii. A demand or request for sexual favors; or
  - iii. Any rumors/talk at workplace with sexually colored remarks; or
  - iv. Showing/seeing pornography; or
  - v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or
  - vi. Any of the following circumstances if they occur in relation to or connected with (i) to (v) above:
    - implied or explicit promise of preferential treatment in her employment;
    - implied or explicit threat of detrimental treatment in her employment;
    - implied or explicit threat about her present or future employment status;
    - interference with her work or creating an intimidating or offensive or hostile work environment for her; or humiliating treatment likely to affect her health or safety.
    - Physical and/or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, SMS or emails, gestures; or
4. When any associate uses with a sexual purpose, the body or any part of it or any object as extension of body in relation to another person without his/her consent or against his/her will, such conduct shall amount to sexual assault; or
  5. Spreading rumors about an associate's sexual relationship; or
  6. Abetment to any or all of the above

**“Sexual Harassment”** shall include any one or more of the following unwelcomed acts\* or behavior (whether directly or by implication) namely:

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. Quid Pro Quo in the sexual context - Demand or request for sexual favors;
- iii. Any rumors/talk at workplace with sexually colored remarks;
- iv. Displaying pornography, making or posting sexual pranks, teasing, jokes, 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. Spreading rumors about an associate's sexual relationship;
- x. Abetment to any or all of the above
- xi. Any other unwelcome physical or any other type of sexually-oriented conduct verbal or non-verbal or written conduct of a sexual nature .

**\*Unwelcome Acts** – In determining whether the behaviour or act complained of, is an unwelcome act / or is sexual harassment, one of the factors to be given due weight shall be the subjective perception of the complainant.

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

### **Zero Tolerance Policy:**

SIAAPhas a Zero Tolerance towards any discrimination and/or harassment and aims to promote a work environment that encourages mutual respect , promotes respectful and congenial relationships between associates and is free from all forms of sexual harassment to any associate or applicant for employment by anyone including any external stakeholder

- All associates of the Organisation, both the management and non-management, are responsible for assuring that a workplace free of sexual harassment is maintained.

- Any associate, irrespective of any gender or sexual orientation may file sexual harassment complaint regarding incidents experienced personally or incidents observed in the workplace

## **ROLES AND RESPONSIBILITIES:**

### **1. Responsibilities of Individual associates:**

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

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

### **2. Responsibilities of Managers:**

All managers must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all associates understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

## **V. PROCEDURES AND GUIDELINES:**

### Composition of the Internal Complaints Committee:

An Internal Complaints Committee has been constituted in the organisation for redressal of the complaint made by the victim .The ICC Team details at SIAAP are as mentioned below:

INTERNAL COMPLAINTS COMMITTEE				
S.NO	NAME	PROFESSION	CONTACT NO.	E MAIL ID
1	Ms. B S Ajeetha	Advocate	9444050215	<a href="mailto:bsajeetha@yahoo.co.in">bsajeetha@yahoo.co.in</a>
2	Ms. Sudha	Activist	9500057212	<a href="mailto:sudhathirunangai@gmail.com">sudhathirunangai@gmail.com</a>
3	Mr. A. Bhaskaran	Auditor	9841028258	<a href="mailto:abn@bhaskarandramesh.com">abn@bhaskarandramesh.com</a>
4	Anu Aaron	Administrator	9940304546	<a href="mailto:admin.siaap@siaapindia.org">admin.siaap@siaapindia.org</a>

### Grievance Mechanism - Raising a Complaint:

- i. It is the obligation of all associates to report sexual harassment experienced by them personally. A concerned co-worker may also inform of any instance or behavior of sexual harassment by a co-worker towards another associate.
- ii. The complainant/concerned co-worker shall give their complaint within 90 days in writing (6 copies) to the Internal Complaint Committee concerned either by letter or by e-mail to the following email id [admin.siaap@siaapindia.org](mailto:admin.siaap@siaapindia.org) giving details of the incident within a week of its occurrence.
- iii. The concerned associate may also contact their Reporting Manager, HR Manager, or any other associate. Upon being intimated, the Reporting Manager or the HR Manager or any other associate shall send an email communication to the Internal Complaints Committee, providing all the necessary details of the Complaint. The Complainant must be copied on such emails.
- iv. The person accused will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
- v. The Committee shall ensure that a fair and just investigation is undertaken immediately. Both the complainant and the respondent shall be initially enquired separately with a view to ascertain the veracity of their contentions.
- vi. The complainant and the respondent shall be informed of the outcome of the investigation. The investigation shall be completed in not more than 90 days from receipt of the complaint.

## **Redressal Mechanism:**

### **Resolution Procedures through Conciliation:**

Before the ICC initiates an inquiry, the complainant may request the ICC to take steps to resolve the matter through conciliation, provided, no monetary settlement shall be made as a basis of conciliation.

If a settlement has been arrived, the ICC shall record the same and provide copy of the settlement to the aggrieved individual and the respondent. In such cases, no further inquiry shall be conducted by the ICC.

### **Resolution Procedures through Inquiry:**

- i. In case a settlement is not feasible or could not be arrived at through conciliation, the ICC will conduct an inquiry into the complaint. Additionally an inquiry may also be initiated if the aggrieved person informs the ICC that any terms of settlement has not been complied with, by the respondent.
- ii. The ICC within seven (7) working days of receiving the complaint shall forward one copy thereof to the respondent for obtaining a response
- iii. The respondent within ten working days of receiving a complaint shall file his / her reply to the complaint along with list of supporting documents, names and addresses of witnesses.
- iv. The ICC shall consider the reply from the respondent and initiate an inquiry. The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them at any stage of the proceedings before the ICC. ICC shall hear both the complainant and the respondent on date(s) intimated to them in advance and the principles of normal justice will be followed accordingly.
- v. In the event of failure to attend personal hearing before ICC by the complainant or the respondent on three consecutive dates (intimated in advance), the ICC shall terminate the inquiry proceedings or give an ex-parte decision. However the ICC shall serve a notice period in writing to the party fifteen days in advance, before, such termination or the ex-parte order
- vi. The inquiry process shall be completed maximum within the period of ninety days from the date of receipt of the complaint.
- vii. The ICC within ten days from the date of completion of inquiry shall provide a report of its findings to the HR Director and the report shall be made available to the complainant and respondent
- viii. Where the conduct of Sexual Harassment amounts to specific offence under IPC (45/1860) or under any other law; it shall be the duty of ICC to immediately inform the complainant of his/her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same. Any such actions or proceedings initiated shall be in addition to proceedings initiated and / or any action taken under this policy

**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 aggrieved individual or the respondent to any other workplace; or
- Grant leave to the aggrieved individual of maximum 3 months , in addition to the leave they would be otherwise entitled ; or
- Grant such other relief to the aggrieved individual as may found to be appropriate ; or
- Restraint the respondent from reporting on the work performance of the complainant

Once the recommendation(s) of interim relief are implemented, Admin/Executive Director shall inform the committee regarding the same.

**Termination of Inquiry:**

Committee may terminate an inquiry or give ex-parte decision, if a complainant or respondent respectively is absent for 3 consecutive hearings, without reason. Committee should give fifteen days written notice to the party before termination or ex-parte order.

**Protection to Complainant:**

The organisation is committed to ensuring that no associate who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will subject to disciplinary action. The organisation will ensure that the 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 and / or produces any forged or misleading document) will be subject to applicable disciplinary action which may range from censure or reprimand, written warning, withholding of promotions and/or increments, to suspension or termination.

**Inquiry Procedures:**

- All proceedings of the inquiry is documented. The Committee interviews the respondent separately and impartially.
- Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence etc. Detailed notes of the meetings are prepared which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed & statements are taken.
- If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements.
- In case 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.

- Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure ensures absolute fairness to all parties.

### **Considerations while preparing Inquiry Report :**

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

### **Action to be taken after inquiry:**

- Post the inquiry, the committee submits its report containing the findings and recommendations to the Executive Director, within **10 days** of completion of the inquiry.
- The findings and recommendations are reached from the facts established and is recorded accurately.
- If the situation so requires, or upon request of the complainant, respondent or witness, the management at SIAAP may decide to take interim measures such as transfer, changing of shift, grant of leave etc. to protect against victimization or distress during or subsequent to the course of inquiry, pending the final outcome.

### **Complaint Unsubstantiated:**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the Executive Director 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 be disadvantaged within the organisation.

### **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 service rules and policies, and this may include:

- i. Counseling
- 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 Management may deem fit.

SIAAPacts upon the recommendations within **60 days** and confirm to the committee. Post implementation of the actions; follow up with the complainant to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. This follow up is undertaken by the complainant's Line Manager supported by admin in-charge.

#### **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 person or any other person making the complaint has produced any forged or misleading document, it may recommend to the Executive Director to take action against the complainant or the person making the complaint.
- The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.
- 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.

#### **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 strict disciplinary action by the Organisation, which may involve lodging of complaint with Police, termination from services, or both.

#### **Appeal:**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority (District Level Body) in accordance with the Act and rules, within **90 days** of the recommendations being communicated.

#### **Prohibition on disclosure of information:**

The law prohibits any person including ICC members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings or recommendations of the ICC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to strict disciplinary action as outlined earlier. Further Executive Director, shall impose monetary sanctions as per provisions of the Act and Rules.

## Referral and Linkages of Victims for Services

Psychological services	Dr. Rangarajan Dr. Lakshmi Ravikanth Dr. HemaTharoor Ms. Anuza
Healthcare & treatment	Dr. AmuthaHari
Essential Services (Food, shelter, clothing)	One Stop Center Child line International Foundation for Crime Prevention and Victim Care Child Protection Unit
Legal	Ms. Geetha Ramaseshan Ms. Angelin
Safety and security	Police Department, Crime Against Women and Children Unit