

Prevention of Sexual Harassment at the Workplace

Object of the Policy:

Point of View (POV) seeks to create a work environment that is free from and does not tolerate any form of sexual harassment in physical or digital spaces and takes strong steps towards the redressal of any sexual harassment complaint. The purpose of this policy is to define what amounts to sexual harassment and the procedure for dealing with instances of sexual harassment.

Sexual harassment is not gender specific and is applicable to any gender that an individual identifies with. Everyone has the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, and disruptive, including sexual harassment. Anyone engaging in harassing conduct shall be subject to action, ranging from a warning to termination. Sexual harassment at work is not a 'personal problem'; it is rather a form of violence. It is a violation of any individual's human rights and an infringement of freedom and personal dignity.

POV's policy with regard to Prevention of Sexual Harassment is broader in purview than the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. POV is an inclusive organisation hence, the policy on prevention of sexual harassment at the work place covers all genders and sexualities. It covers every volunteer, intern, employee, agent, vendor, and partner not just within but also without the organisation's premises.

This policy includes a definition of sexual harassment, the constitution of the Internal Complaints Committee (ICC), procedures for complaints, enquiries, and appeals, and disciplinary actions that the organisation can take. POV periodically updates itself on changes in the legislative framework and relies on it for reference in situations where certain terminologies and processes require clarification or strengthening. The policy is open to regular review, re-assessment and improvement.

Definitions:

1. "Aggrieved Person" means a person in relation to work place who alleges to have been subjected to any act of sexual harassment by the Respondent. The respondent can be of any gender or sexuality.
2. "Authorised Representative" means:
 - Relative, or
 - Legal heir in case of death of aggrieved person

- Friend, or
 - Co-worker, or
 - Any person who has knowledge of the incident.
3. “Internal Complaints Committee” means a committee constituted by Point Of View as per this Policy.
 4. “Respondent” means a person against whom the Aggrieved Person has made a complaint.
 5. “Sexual Harassment” includes any such unwelcome sexually determined behaviour (whether direct or by implication) as:
 - Physical contact and advances; or
 - A demand or request for sexual favour; or
 - Sexually coloured remark; or
 - Showing pornography or offensive/derogatory pictures, representations, sayings; or
 - Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
 - Sexual harassment may also include stalking and persistent efforts, to meet outside of the office premise, through social media by sending private messages, WhatsApp, or other means such as SMS, emails and social media.

Unwelcome sexual advances (either verbal or physical), requests for favors and other verbal or physical conduct of a sexual nature constitute sexual harassment if it occurs in relation to:

- Implied or explicit promise of preferential/detrimental treatment in employment; or
- Implied or explicit promise about future employment status; or
- Creating hostile or intimidating working environment; or
- Humiliating treatment is likely to affect health and safety.
- Unwelcome act of physical intimacy, like grabbing, brushing, touching, pinching
- A senior to make intrusive inquiries or remarks in to the private lives of their team members
- Group of workers to joke and snigger amongst themselves about sexual conduct in an attempt to humiliate or embarrass another person
- The policy treats all social media sites and Apps used by the organisation for official purposes as part of the workplace.

Implementation Guidelines:

Sexual Harassment Internal Complaints Committee

POV has constituted an ‘Internal Complaints Committee’ (ICC) with 60 percent of its members being women, in accordance with law. A minimum of one member from the

panel of members is a person with expertise on women's rights, social issues and/or legal knowledge. Further, to prevent the possibility of any undue pressure or influence from senior levels, the ICC involves an external member/third party, who is familiar with the issue of sexual harassment or is on other similar panels for other organisations.

POV shall also provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace. POV shall also provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry; assist in securing the attendance of respondent and witnesses before the Internal Committee.

The objectives of the Committee are to:

1. Prevent discrimination and sexual harassment against staff, by promoting gender equitability among staff members.
2. To make gender just rules for all working with POV in any and all capacities
3. Deal with cases of discrimination and sexual harassment against any gender, in a time bound manner.
4. To ensure support services to the complainant and resolve the issue in a fair and just manner.
5. Meet six monthly to discuss, update and plan training for themselves and the POV team.

Inquiry Process:

1. The Aggrieved Person is required to provide a written complaint to any of the members of the Committee at the earliest point of time and in any case within three months from the date of occurrence of the alleged incident. In case of a series of incidents, within three months from the date of the last incident. The complaint shall include date, timing, respondent's name and working relationship between the parties.
2. He/she/they may also contact the Programme Lead directly or his/her/their immediate Supervisor.
3. Where the aggrieved person is unable to file a complaint on account of their physical/mental incapacity, an authorised representative may file the complaint.
4. The complaint should contain all the material and relevant details concerning the alleged harassment including the name of the respondent.
5. The identity of the parties involved will be kept confidential by the ICC to the extent possible given the legitimate needs of law and the investigation.
6. Upon receiving the complaint, the ICC needs to submit the same to the respondent within 7 days along with all documents. The respondent is required to file a response within 10 days upon receipt of the complaint from the ICC.

7. The ICC will hold an inquiry into the matter and shall reserve the right to call upon any person against whom a complaint is made or is witness thereof. The ICC would be entitled to elicit all forms of evidence in this regard and the concerned parties would be required to cooperate.
8. This procedure consists of an initial interview with the aggrieved person (plaintiff), followed by the accused (respondent). The committee will take testimonies of other relevant persons and review the evidence wherever necessary. If required testimonies would be recorded again for enquiry purpose, they may be called again.
9. The quorum for inquiry shall be 3 members of the ICC including the presiding officer.
10. The ICC shall complete the investigation within 90 days of receiving the complaint and submit a report to the Programme Lead within 10 days of completion of the investigations. The Programme Lead may wish to present the same to the Board.
11. The Programme Lead/Board is obliged to act on the recommendations within 60 days of receiving the report from the ICC.
12. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
13. As per the POSH Act there is the possibility for the ICC to initiate reconciliation. When there is no option for reconciliation or settlement through reconciliation process fails, an inquiry needs to be instituted.
14. Provision for monetary compensation is given in Section 13(3) (ii) and section 15 of the POSH Act. For the purpose of determining the sums to be paid to the aggrieved person, the ICC as the case may be, shall consider:
 - mental trauma, pain, suffering and emotional distress caused to the aggrieved person
 - loss in the career opportunity due to the incident of sexual harassment;
 - medical expenses incurred by the victim for physical or psychiatric treatment;
 - income and financial status of the respondent;
 - feasibility of such payment in lump sum or in instalments.
15. Provision of interim support or relief may also be offered to an aggrieved person during the course of inquiry. During the pendency of an inquiry on a written request made by the aggrieved person, the ICC, may recommend to the employer to:
 - transfer the aggrieved person or the respondent to any other workplace; or

- grant leave to the aggrieved person up to a period of three months; or
- grant such other relief to the aggrieved person as may be prescribed.

The leave granted to the aggrieved person under this section shall be in addition to the leave he/she/they would be otherwise entitled.

16. The ICC reserves the right to dismiss the investigation at any time if required. Where a dismissal has been made, the committee shall record the reason for the same.
17. The ICC also reserves the right to terminate the enquiry or give ex-parte decision if the respondent is absent for 3 or more consecutive hearings.
18. Zero tolerance for false complaints and/or accusations. If the ICC has reason to believe that the complaint made was false, it can recommend to the management to take any action against the person, including termination of service.
19. While maintaining confidentiality of all reports of inquiries conducted by the ICC and dealing with a complaint, key recommendations for action are shared with the Programme Lead and /or the Board.
20. A compiled report shall be shared in the organisation's Annual Report along with details of the activities and number of complaints received and disposed of; inquiries conducted, number and ageing of inquiries pending.
21. It will be the responsibility of the ICC to submit an Annual Report as per Section 21 of POSH Act and Rule 14 of POSH Rules to the District Officer.
22. Possible outcomes of an inquiry if the respondent is found guilty, depending on the nature of the offence can be:
 - Termination/dismissal from service
 - Fine equivalent to 1-3 months' salary
 - Stoppage of increment with or without cumulative effect as determined by the ICC
 - Permanent transfer or suspension without pay, or both.
 - Written apology

Guidelines:

The primary focus of this policy is to ensure a congenial work environment that is free from threat or fear. POV encourages a respectful relationship between all staff members and

implements a policy for prevention and redressal of sexual harassment at workplace.

The policy is backed by a commitment from POV for necessary investment of time and resources for the development and implementation of the policy and to ensure that those who are responsible for effecting positive change can access specialist advice, support, information and tools they need.

There are a few things employees/consultants can take note of to help translate the policy into day-to-day practices.

1. Sexual harassment can take many forms - spoken, unspoken, written, unwritten or physical.
2. Sexually explicit jokes, sexually tinted conversations and sexual innuendo may also be construed as sexual harassment.
3. Disrespectful and inappropriate gender-based remarks fall under the ambit of sexual harassment.
4. Remember that touching someone else's body or making comments that are sexual in any way are inappropriate behaviours, both in and out of the workplace.
5. Recognize that you may be conditioned to accept behaviours that infringe on your rights and discriminate against you, based on your gender or sexual orientation, as normal workplace conduct.
6. Should any situation make you feel uncomfortable, remove yourself from the situation, raise an objection, or make a complaint to a supervisor or bring it up with the ICC.
7. While it is possible that the offender does not know that their behaviour is unacceptable, such ignorance does not excuse sexual harassment.
8. Where possible let the offender know immediately that their behaviour is unacceptable to you. Failure to do so however, does not constitute consent.
9. Staff are also encouraged to discuss any issues they may have in this area with their supervisor/SMT/Programme Lead or any member of the ICC.
10. If staff believe that they have been a victim of sexual harassment, or know of another staff member who has been, report it immediately.
11. Staff can raise concerns and make reports without fear of reprisal.
12. Retaliation against an individual for bringing or corroborating harassment or discrimination allegations is strictly prohibited, so long as such allegations or corroboration are made in good faith and are not knowingly false.

Recruitment and Staff Capacity

1. POV shall recruit staff, both permanent and contract, only after carrying out background verification/checks from references and POV's own sources for any history of exploitation, neglect and abuse.
2. Ensure additional capacity building in the form of regular training is provided by POV where necessary, to ensure that protocols are adhered to by staff and consultants.
3. Regular training will be conducted for all employees on gender, women's rights, sexual violence and the policy on prevention of sexual harassment at the work place.

4. All persons entering into a service contract or formal agreement with POV, written or implied, including third parties such as service providers and vendors, clients, visitors or volunteers, are required to sign and adhere to the organization’s anti-sexual harassment policy as a condition of employment or association.

5. Ensure that POV representatives exercise behaviour protocols consistent with the policy.

6. Ensure additional capacity building in the form of regular training is provided by POV where

necessary to ensure that protocols for prevention of sexual harassment are adhered to by staff and consultants.

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