

Policy and Guidelines to deal with Sexual Harassment at the Workplace

MANUVIKASA®

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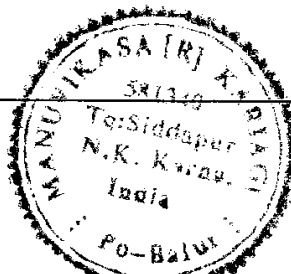
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Policy and Guidelines

This policy guideline is adapted from the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redress) Act, 2013 ('Act') which was made effective on April 23, 2013 by way of publication in the Gazette of India. It is an Act to provide protection against sexual harassment of women at the workplace and for the prevention and redress of complaints of sexual harassment and for matters connected therewith or incidental thereto.

Background

Sexual Harassment infringes the fundamental right of a woman to gender equality under Article 14 and 15 of the Constitution of India and her right to life and to live with dignity



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under Article 21 of the Constitution which includes a right to a safe environment free from sexual harassment.

The right to protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by the Government of India.

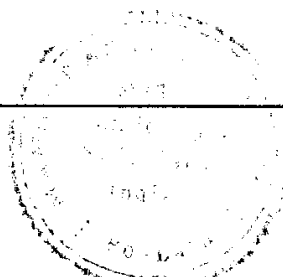
This policy intends to give effect to the above in MANUVIKASA. The organization has introduced this policy to cover harassment of both genders by a person of either gender. The policy shall apply to all 'specified individuals' wherein specified individuals shall mean CEOs, staff, beneficiary, trainees, and contract workers engaged by the organization and its associate concerns. The policy shall be binding on the associate concerns in the event of opting for the same

What is sexual harassment?

- 'Sexual Harassment' includes such unwelcome sexually determined behavior (verbal/non-verbal), direct or by implication, such as physical contact and advances, sexually coloured remarks, showing pornography and demand or request for sexual favors, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the individual has reasonable grounds to believe that an objection would disadvantage the individual in connection with his/her employment including promotion, threat to present or future employment status, or when it creates a hostile working environment. Sexual harassment can be perpetrated upon members of the opposite gender or one's own gender
- Sexual harassment includes third party sexual harassment that occurs as a result of an act or omission by any third party or outside.
 - Workplace includes the following:
 - Premises occupied by MANUVIKASA or client, or any other premise visited by the specified individual during the course of employment
 - Transportation provided by the group either booked by any entities of the group or specified individual for official purposes and includes transportation provided by client

Steps Taken by MANUVIKASA

- The organization has taken all reasonable steps to ensure prevention of sexual harassment at work. Such steps include
 - Circulation of policy on sexual harassment to all specified individuals by or in any way acting in connection with the work and/or functioning of group or its associate concerns
 - Constitution of an Internal Complaints Committee (ICC), comprising of individuals referred in Annexure 1 to this policy document, as amended from time to time

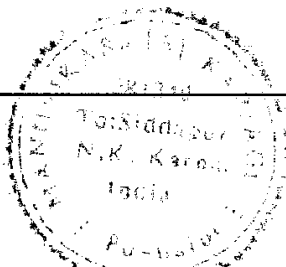


- Affirmative discussion on sexual harassment, at periodic meetings, workshops etc.
 - In-house training on sexual harassment and addressing complaints to staff/beneficiary
 - Creating the awareness that sexual harassment is unlawful
 - Making specified individuals aware of their rights, in this regard
 - Assisting individuals affected in cases of sexual harassment by outsiders
 - Assisting the affected person in terms of support and preventive action in case of third party sexual harassment
- The organization considers sexual harassment to be a zero-tolerance act i.e., sexual harassment of any degree will not be tolerated and stringent and prompt action will follow a harasser Policy Guidelines & Procedures (Anti Sexual Harassment)

Appointment of Internal Complaints Committee

The ICC consists of the following members:

- A Presiding Officer, who is a woman employed at a senior level for group amongst the employees.
 - Other members from amongst the women employees with a minimum of two members and male employees with a minimum of one, as provided in the to this policy document subject to amendment from time to time.
 - One member from an NGO or associations (external member) committed to the cause of women or a person familiar with the issues relating to sexual harassment.
 - Not less than one-half of members of the ICC, including the external member, shall be women.
- The committee members at the commencement of the policy shall be nominated by the MANUVIKASA based on their experience in the organization and their representation for women welfare. Subsequently, the committee members can be appointed by nomination from MANUVIKASA or by the remaining committee member through voting, as may be decided from time to time.
- The appointment of the members shall be valid for a year and subject to rotation. However, such tenure shall not exceed three years from the date of their nomination as may be specified by MANUVIKASA.
 - The period of appointment shall be April to March. On need basis, the committee may also induct members as alternate members or members for a specified tenure within the year.
 - MANUVIKASA may remunerate the members for their contribution in holding the proceedings of the ICC and such amount shall be decided from time to time.
- Presiding Officer or any member of ICC shall be removed in the following cases:



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- Contravenes any provisions of this guidelines or the provisions of the Policy and guidelines to deal with sexual harassment at the workplace formulated by MANUVIKASA or
- Has been convicted for an offence or an enquiry into an offence under any law for the time being in force is pending against him/her or
- Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her or
- Has so abused his/her position as to render his/her continuance in office prejudicial to the public interest or
- Casual vacancy on account of removal or resignation shall be filled by the other members of ICC. The tenure of each member shall not be beyond the ensuing March

➤ **Proceedings of ICC**

- ICC shall abide with the procedures laid down in policy and guidelines to deal with sexual harassment at the workplace.
- ICC shall record details of settlement arrived and forward the same to the employer or the District Officer to take action as specified in the recommendation.
- ICC shall provide copies of such settlement to the aggrieved person and the respondent.
- ICC shall not conduct further enquiries on agreement for settlement by the parties.
- ICC shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable.

➤ **Actions taken by ICC**

- ICC shall issue warning letters to individual/s to prevent any discomfort to any specified individuals, as defined in MANUVIKASA's policy and guidelines to deal with sexual harassment at the workplace. Such action could be initiated suo-moto by ICC or on receipt of a complaint from any specified individuals.
- In the event MANUVIKASA fails to act in accordance with recommendations of the ICC, ICC shall be at liberty to approach any other authority which it deems fit, including but not limited to, an appeal to Appellate authority.
- If the allegation is proved, the Committee can recommend to take any action against the perpetrator, including:
 - Written apology
 - Warning
 - Reprimand or censure
 - Withholding of promotion
 - Withholding of pay rise and increments Policy Guidelines & Procedures (Anti Sexual Harassment) 8 | P a g e
 - Termination of service
 - Undergoing counseling session or carrying out community service.
- For false or malicious compliant or false evidence, the committee may recommend to take any of the above actions against the defaulter.
- Victim's compensation to be computed having regard to



- Sufferings.
- Medical expenses required.
- Income and financial status of the respondent.
- Feasibility in lump sum or instalments.

➤ Annual report

,The policy and guidelines to deal with sexual harassment at the workplace framed by MANUVIKASA, covers harassment of both genders by a person of either gender. However, requirement to file annual report as per The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redress) Act, 2013, is restricted to sexual harassment of women employees. Accordingly, annual report shall also be restricted to cases relating to women employees.

- ICC to submit annual report to MANUVIKASA in each calendar year for the purpose of onward forwarding to the District Officer within the due date as specified from time to time in the respective regulation.
- The annual report shall be prepared in accordance with the prescribed format. In the absence of any specified form to contain the following prescribed details, shall be submitted to MANUVIKASA:
 - Number of sexual harassment complaints received during the year.
 - Number of complaints disposed of.
 - Number of pending cases for more than 90 days.
 - Number of workshops and awareness programs carried out.
 - Nature of action taken by the employer.

➤ Miscellaneous.

- In the event of this policy being silent on any of the provisions relating to sexual harassment or are contrary to the provisions of the Act, such provisions of the Act shall apply / override the policy specified above.

Actions a Victim Shall Consider Taking

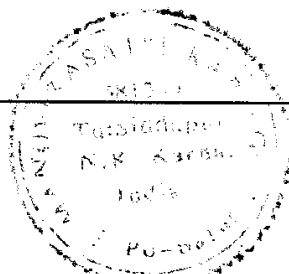
- Tell the harasser his/her behavior is unwelcome and ask him/her to stop. If an individual believes s/he is the victim of sexual harassment or retaliation, s/he is encouraged to report such complaint immediately to ICC.
- Keep a record of incidents (date, time, locations, possible witnesses, what happened, your response). Aggrieved person need not have a record of events in order to file a complaint, but a record can strengthen the case, besides being more reliable than memory.
- A complaint, containing all material and relevant details concerning the harassment, may be lodged with the ICC in writing in the prescribed format at the earliest point of time and in any case within 90 days of occurrence of the alleged incident. In case of series of incidents, the complaint may be lodged within 90 days from the last incident. ICC may also help, where required, in filing a written complaint.



- If the complainant feels that their identity should not be disclosed for any reason, the complainant shall address the complaint to trustees and hand over the same in person or in a sealed cover.
- Complainant shall retain the original complaint with him and send a gist of the complaint to the ICC.
- Within 1 week of receipt of the complaint by the ICC, it shall initiate the inquiry.
- The matter will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. After reviewing the evidence, a determination will be made concerning whether reasonable grounds exist to believe that harassment has occurred. It is the obligation of all specified individuals to cooperate fully in the investigation process.
- Management of the organization will take action to deter any future harassment. In addition, disciplinary action will be taken against any specified individual who attempts to discourage or prevent another specified individual from bringing harassment to the attention of management. The persons involved will be advised of the determination, if appropriate.
- The organization assures all of its specified individuals that measures will be undertaken to protect those who complain about harassment from any further acts of harassment, coercion or intimidation, and from retaliation due to their reporting an incident or participating in an investigation or proceeding concerning the alleged harassment.

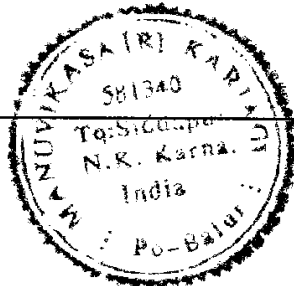
Role of ICC

- To formulate and/or conduct programs to spread the awareness of the policy amongst the specified individuals.
- Dispute resolution – The ICC may, if and only if, so requested by the aggrieved person, try to resolve the matter informally by intervening and thereby permitting the parties to resolve the matter mutually before the commencement of the formal inquiry proceedings. The person to carry out the Dispute Resolution Process shall be chosen from the ICC by the aggrieved person.
- Where conciliation is arrived at, no further inquiry or actions shall be taken by the ICC unless the complainant or respondent has not complied with the terms and conditions of the conciliation.
- Confidentiality of complaints
- All complaints of sexual harassment shall be confidential and the name of the victim or the witness shall not be referred to in any records of proceedings, orders or judgments under this guideline. The name of the harasser shall be kept similarly confidential. Such confidentiality shall include non-communication with public, press and media in any manner.
- Improper complaints
- This policy shall not be used to bring frivolous or malicious complaints against anyone. However, failure to prove a claim of sexual harassment does not constitute proof of a false and / or malicious accusation. Prohibition of victimization



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- No person shall be victimized for anything said or done in relation to any complaints or proceeding under this act.
- A person victimizes another person if the person subjects the other person or threatens to subject the other person to any detriment in connection with employment or recruitment or promotion because the other person
 - has brought proceedings under this Act against any person.
 - associates with the complainant.
 - has given evidence or information or produced a document, in connection with any proceedings under this Act.
 - has otherwise done anything in accordance with this Act in relation to any person.
 - has alleged that such person has contravened a provision of this Act
- Where no Dispute Resolution process has been requested by the aggrieved person, or if requested and carried out, has not been successful, the ICC as the case may be, shall within a period of two weeks from the completion of any mediation process held, or if not held, within two weeks of its receipt of the complaint, proceed to conduct a full inquiry into the allegation of sexual harassment, in accordance with the rules and regulations governing misconduct for the group and as per the procedures set out below:
 - Both the complainant and the alleged harasser will be interrogated, as will any individual/s who may be able to provide relevant information. All information will be kept confidential.
 - ICC will issue the charge sheet to the respondent and complainant by hand delivery duly acknowledged or by Registered post within three days prior to the commencement of the inquiry.
 - The ICC shall give 7 days' notice by hand delivery duly acknowledged or by registered Post to the complainant and the respondent to appear for the first date of the inquiry which shall be specified in the notice. The notice shall state that the complainant and respondent shall be given an opportunity of producing evidence/witnesses etc., if any.
 - At the commencement of the inquiry, the ICC shall explain to both the complainant and respondent the procedure which will be followed in the inquiry.
 - The inquiry shall be conducted in English.
 - The ICC shall see that every reasonable opportunity is extended to the complainant and to the respondent, for putting forward and defending their case.
 - The venue of the inquiry shall be in Bangalore at a place convenient to the ICC.
- Inquiry to be completed within 90 days
 - Notwithstanding anything contained in any law for the time being in force, an inquiry under this chapter shall be completed, including the submission of the Inquiry Report, within a period of 90 days from the date on which the inquiry is commenced and provide the recommendations. Any delay in completion shall be done for reasons given in writing.



- Group will act as per the recommendation received by ICC within 60 days of receipt.

Management's Role for Registered Complaints:

- Management shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy. Management shall implement the ICC's decisions, including interim relief measures, expeditiously.
- The support to be provided to ICC includes:
 - Secretarial and administrative support for training and other preventive actions.
 - Secretarial support during the inquiries.
 - Adequate financial resources for all activities.
- In case such behavior falls under criminal law, management may assist the complainant or the respondent (where ICC has reason to believe that such person is not guilty) to make a criminal complaint to the Police.
- Group's management will provide necessary support in terms of assistance/guidance to the complainant/respondent (where ICC has reason to believe that such person is not guilty) to go to Court.

Complaint Closure:

- If the ICC arrives at a conclusion that the allegation against the respondent has been proved, management shall take the following action/s:
 - Construe the same as misconduct in accordance with the provisions of the service rules applicable to the respondent.
 - Promptly and expeditiously implement the recommendations of the ICC.
- If the allegation against the respondent has not been proved to the ICC by the complainant, the case shall be dismissed and no further action shall be required to be taken in this regard.

Further, if the allegation against the respondent is malicious or falsified or the evidences produced are forged or misleading (either by the complainant or witness), ICC may recommend management to take disciplinary action against the complainant/witness, in accordance with the actions or punishments decided by the ICC in this regard.

Miscellaneous:

In the event of this policy being silent on any of the provisions relating to sexual harassment or are contrary to the provisions of the Act, such provisions of the Act shall apply / override the policy specified above.

