



# Policy for Prevention and Redressal of Sexual Harassment of Women at Workplace

## Contents

1) INTRODUCTION .....	3
2) SCOPE .....	3
3) POLICY STATEMENT .....	4
4) DEFINITION.....	5
5) INTERNAL COMMITTEE.....	5
6) PROCEDURE .....	6
7) ROLE & RESPONSIBILITIES .....	10
8) ANNEXURE – I (IC PROCEEDINGS) .....	11
9) ANNEXURE – 2 (IC CONTACTDETAILS) .....	14

## 1) Introduction

In 1997, the Supreme Court of India delivered a landmark judgment on sexual harassment in work places in "Vishakha vs. State of Rajasthan." This has come to be known as the Vishakha Guidelines. In this case, the Supreme Court expressed grave concern over the fact that there is no legislation to protect victims. Relying on the international Convention for Elimination of Discrimination against Women (CEDAW), the Supreme Court issued a set of guidelines to be followed by all institutions until a law is enacted. Subsequently, the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" ("Act") and the Rules made thereunder ("Rules") and the Handbook has been released by Ministry of Women and Child Development in 2015.

It is meant to provide protection against sexual harassment of women at workplace and for the redressal of complaints of and prevention of sexual harassment and for matters connected therewith or incidental thereto. It aims to honor the fundamental right to equality, right to life and the rights to live and work with dignity. This policy, however, is not restricted to women and applies to all genders. For cases of sexual harassment of women, the rules and procedures as contained in the Act shall apply.

Everyone is urged to make themselves familiar with the said Act. For sexual harassment of other genders, the Act may not apply but other proceedings outlined in this policy will apply.

## 2) Scope

The Policy for Prevention and Redressal of Sexual Harassment of Women at Workplace ("Policy") is applicable to all full time employees, all contract employees, vendors, adhoc or daily wage basis, either directly or through an agent, with or without knowledge of the principal employer, whether for remuneration or not or working voluntary basis or otherwise, whether terms of employment are express or implied and includes co-worker, contract worker, probationer, trainee, interns or called by any other such name (here in referred to as associates) of Child Health Foundation (Organization)

This Policy acts as an information guide and a code of conduct related to cases of sexual harassment for all associates of the Organization.

**WORKPLACE:** For the purpose of this Policy the term 'workplace' includes:

- (i) All offices or other premises where the Organization's main or incidental activities are conducted;
- (ii) All the Organization related activities performed at any other site away from the Organization's premises;
- (iii) Any place visited by the employee arising out of or during employment including transportation provided by the employer for undertaking such journey.

### 3) Policy Statement

This policy aims to provide safe & secure working environment that assures an employee's dignity, free of any harassment, privacy, integrity and enables all the employees of the Organization to work without fear of prejudice irrespective of their gender.

Each employee, upon joining the Organization, is given an induction, and is required to read the Policy. This Policy will also be communicated regularly to all employees through the Organization. Employees are welcome to seek guidance, clarification and/or assistance at any time, from a supervisor, manager and/or HR representative.

The Organization's is committed towards providing a safe work environment and if the Organization determines that sexual harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Organization to be responsible for sexual harassment will be subject to appropriate disciplinary action, which may include termination.

The Organization will not retaliate against the Complainant for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers. The Organization encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. False and malicious complaints/evidence will invite strict disciplinary action.

The Organization shall organize workshops and awareness programmes at regular intervals for the employees to explain the provisions of the Act and orientation programmes for the members of the IC.

In case of any questions relating to what constitutes sexual harassment, or have any other questions or concerns pertaining to harassment, please do not hesitate to write to [chfcomplaintscommittee@gmail.com](mailto:chfcomplaintscommittee@gmail.com)

### 4) Definition

Sexual harassment means and includes any one or more of the following behaviors [whether directly or by implication] such as:

- Physical contact and advances
- A demand or request for sexual favors
- Sexually colored remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature
- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures

- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race, or any other protected basis
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
- Retaliation for reporting or threatening to report harassment
- Hostile work environment
- Humiliating treatment likely to affect health or safety

Sexual harassment is a form of unfair discrimination where even a single incident of unwelcome sexual conduct may constitute sexual harassment.

Everyone in the workplace should contribute towards creating and maintaining an environment in which discrimination, including sexual harassment, is regarded as unacceptable and eliminated. Unacceptable behavior on part of others should be discouraged and standards of personal conduct should be such that it does not cause any offence.

## **5) Internal Committee**

An Internal Committee (“IC”) has been constituted for redressal of complaints pertaining to sexual harassment. The committee shall have at least four (04) members, half of which shall be women. The IC shall be constituted at all offices or administrative units of the Organization. The names of the IC members are annexed in Annexure- 2.

## **6) Procedure**

### **Overview in case for submitting complaints, role of manager and IC**

#### **a) Lodging Complaints**

Complaint regarding sexual harassment at workplace should be submitted to any member of the IC. (Refer to Annexure-2 for the IC member names and contact details). Complaint has to be in writing before it can be acted upon by the IC. The Presiding Officer of the IC will assist the aggrieved woman (“Complainant”) in making a written complaint if the Complainant so requires.

If the Complainant believes that she has been harassed (or have information of any harassment), a written complaint has to be submitted to the IC at [chfcomplaintscommittee@gmail.com](mailto:chfcomplaintscommittee@gmail.com) within three (03) months from the occurrence of the incident and in case of a series of incidents, within three (03) months from the date of the last incident.

The complaint should include details of the incident/s, name(s) of the individual(s) involved, and name(s) of witness(es), if any. The IC will immediately undertake an effective, thorough, and objective inquiry of the harassment allegations.

In respect of complaints of sexual harassment against any Board of Directors of the Organization or any IC member, the complaint may be made to the external advisor of the IC. If the complaint has been made against any member of the IC, then that person against whom the complaint has been filed, would have to resign from the IC.

When an employee makes a formal (written) complaint to their reporting manager, the Manager shall forthwith transfer the complaint directly to the IC and apprise the IC of any action taken, failing which such Manager shall be deemed to be violating this Policy. In case of informal/verbal (unwritten) complaint received by the manager the manager will advise/counsel the employee and request them to discuss the matter with any of the members of the IC and send a written complaint to the IC.

The law also makes provisions for friends, relatives, co-workers, psychologists & psychiatrists etc. to file the written complaint on behalf of the Complainant, only under exceptional circumstances/situations where the aggrieved woman is unable to make the complaint on account of physical incapacity or mental incapacity.

If the Complainant is unable to make a complaint due to any other reason, then the complaint may be filed by her legal heir or any person who has knowledge of the incident, with her written consent. If the Complainant has deceased, then the complaint may be filed by any person who has knowledge of the incident with the written consent of her legal heir.

#### **b) Conciliation or Inquiry proceedings**

Before initiating an inquiry, the IC may, where required by law and at the request of the Complainant, take steps to settle the matter through conciliation. However, no monetary settlement shall be made as a basis of conciliation. Where a settlement has been arrived under conciliation, the IC shall record the settlement so arrived and forward the same to the employer to take an action so specified in the recommendations.

The IC shall provide the copies of the settlement as recorded to the Complainant and the Respondent. Where a settlement is arrived between the Complainant and the Respondent, no further inquiry shall be conducted by the IC. For all other cases, the IC shall promptly and thoroughly enquire into complaints referred to it and submit a report of its findings within two (2) weeks from the date of the complaint being referred to it. Every employee needs to cooperate with the IC in its inquiry proceedings and any failure to co-operate will be deemed as a contravention of this Policy. The IC shall document all enquiries and findings.

#### **c) Inquiry into complaint**

Where no settlement is arrived, IC shall, where the Respondent is an employee, proceed to make an inquiry into the complaint in accordance with the Organization's policies related to sexual harassment. If IC considers it to be prima facie case, then it will forward the complaint to the police, within a period of 07 (seven) days for registering the case under section 509 of the Indian Penal Code and any other applicable provisions of the said code. Provided that if the Complainant informs the IC

that any term or condition of the settlement arrived at has not been complied with by the Respondent, the IC shall make an inquiry into the complaint or forward the complaint to the police. Provided further that both the parties shall, during the course of inquiry, be given an opportunity of being heard. A copy of the findings shall be made available to both the parties enabling them to make the representation against the findings before the IC. The inquiry shall be completed by the IC within a period of ninety (90) days.

**d) Action during pendency of inquiry**

During the pendency of the inquiry, on a written request made by the Complainant, the IC may recommend to the Organization to:

- (i) Transfer the Complainant or the Respondent to any other work place; or
- (ii) Grant leave to Complainant up to a period of three (03) months; or
- (iii) Restrain the Respondent from reporting on the work performance of the Complainant or writing her performance appraisal report (confidential report) and assign the same to another employee.

The leave granted to the Complainant shall be in addition to the leave, the Complainant would be otherwise entitled to.

On the above recommendations of the IC, the Secretary shall implement the recommendations and shall send a report of such implementation to the IC.

**e) Inquiry report**

On completion of the inquiry, IC shall provide a report of its findings to the Organization within a period of ten (10) days from the date of completion of the inquiry along with the recommendations and report should be made available to the parties concerned.

Where the IC arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Organization that no action is required to be taken in the matter with respect to the complaint.

Where the IC arrives at the conclusion that the allegation against the Respondent has been proved, then the IC has the authority to recommend to the Organization –

- (i) to take action for sexual harassment as a misconduct in accordance within the provisions of the Organizational policies related to sexual harassment applicable to the Respondent or where there are no such service rules then the IC shall recommend to the Organization to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the Respondent from service or undergoing a counselling session.

- (ii) to deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to her legal heirs as it may determine in accordance with the provisions of section 15 of the Act. If the Organization is unable to make such deduction from the salary of the Respondent due to the absence of the Respondent from duty or cessation of employment, IC may direct the Respondent to pay such sum to the Complainant. If still the Respondent fails to pay the sum as mentioned above then the IC may forward the order of recovery of the sum as an arrear of the land revenue to the concerned District Officer.

If the IC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant or any other person making the complaint had made the complaint knowing it to be false or the Complainant or any other person making the complaint has produced any forged or misleading document, it may recommend to the Organization to take action against the woman or the person who has made the complaint and such action shall be in accordance with the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed in the Act. However, a mere inability to substantiate a complaint or provide an adequate proof need not attract action against the Complainant. Also, the malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed in the Act, before any action is recommended.

If the IC arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rules exist, in such manner as may be prescribed in the Act.

**f) Proceedings and Communication of findings**

Based on the report of the inquiry, the Organization will act upon the recommendations within sixty (60) days of its receipt.

Annual report (for each calendar year) to be submitted to the Organization and the District Officer. The IC shall in each calendar year prepare in such form and at such time, an annual report and submit the same to the Organization and the District Officer. The District Officer shall forward a brief report on the annual reports received to the State Government. The Organization shall include the number of complaints of sexual harassment received in a year; number of complaints disposed off during the year; number of cases pending for more than ninety (90) days; number of workshops or awareness programmes against sexual harassment carried out and the nature of action taken by the Organization.

If any of the parties are not happy with the recommendation with the IC, they can follow an appeal process the details of which are in Annexure -1



**g) Confidentiality**

All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action as per the Organization service rules.

The identity and address of the Complainant, Respondent, and witnesses, contents of the complaint, any information relating to conciliation and inquiry proceedings, recommendations of the IC and the action taken by the Organization shall not be published, communicated or made known to the public, press and media in any manner. Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the Act without disclosing the name, address, identity or any other particulars which may lead to the identification of the Complainant and witnesses.

**7) Roles & Responsibilities**

The IC of the Organization is responsible for reviewing and approving this Policy from time to time. Presiding Officer of the IC is responsible for ensuring that the content of this Policy is accurate, ensuring changes are made in a timely manner, obtaining appropriate approvals, and maintaining evidence of those procedures.

**Annexure-1**  
**(IC Proceedings)**

**a) Presiding Officer**

Presiding Officer shall be a woman employee at a senior level from amongst the employees in the Organization. Provided that in case a senior level woman employee is not available at each office, the Presiding Officer shall be nominated for all other offices

**b) External Advisor/Expert**

The IC shall also have an advisor who is working with a Non-Governmental Organization or association committed to the cause of women or a person familiar with the issues related to sexual harassment. The Advisor has been nominated for all our office locations in India.

**c) At least two (2) other members** amongst employees preferably committed to the cause of women or who have experience in social work or have legal knowledge.

**d) Working of the IC**

- (i) Members shall be liable to rotation no later than three (03) years from date of nomination to the IC.
- (ii) All information regarding complaints, identity and details of the complainant, respondent and witnesses, information regarding conciliation and inquiry proceedings, recommendations and action taken would need to be kept confidential. Any breach of confidentiality shall make the member liable for removal from the IC.
- (iii) Presiding Officer to ensure that the IC should meet every six (06) months even if there is no complaint. During such meetings IC will review the work environment, any other issues related to sexual harassment and suggest measures for improvement of work environment.
- (iv) Minutes of all the meetings of the IC will be recorded in writing by any of the IC member (appointed/delegated responsible by the Presiding Officer) and shared with the Secretary. Record will include names of the attendees and detailed report about the matter discussed in the meeting. The minutes will be kept in the custody of the IC members/Presiding Officer

**e) Manner of inquiry into complaint**

The Complainant is expected to submit to the IC, six (06) copies of the complaint along with the supporting documents, if any and the names and addresses of the witnesses.

On receipt of the complaint, the IC shall send one of the copies received to the person against whom the complaint is filed (“Respondent”) within a period of seven (07) working days.

The Respondent shall file his or her reply to the complaint along with the list of documents or evidence, names, and addresses of witnesses within a period not exceeding ten (10) working days from the date of receipt of the complaint.

The IC shall make inquiry into the complaint in accordance with the principles of natural justice i.e., in an unbiased and fair manner.

The IC shall have the right to terminate the inquiry proceedings or to give an ex-prate decision on the complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three (03) consecutive hearings/meetings convened by the IC. However, termination or ex-prate order may not be passed without giving a notice in writing, fifteen (15) days in advance to the party concerned.

The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the IC.

In conducting the inquiry, a minimum of three members of the IC including the Presiding Officer in which 50% shall always be women, shall be present.

#### **f) Determination of compensation**

For the purpose of determining the sums to be paid to the Complainant, the IC shall have regard to:

- (i) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (ii) The loss in the career opportunity due to the incident of sexual harassment;
- (iii) Medical expenses incurred by the victim for physical or psychiatric treatment;
- (iv) The income and financial status of the Respondent; and
- (v) Feasibility of such payment in lump sum or in instalments.

#### **g) Appeal**

Any person aggrieved from the recommendations that:

- no action is required or action is taken as per disciplinary rules or;
- to deduct wages or;
- the IC concludes that the complaint is false/malicious and has provided forged documents or;
- the witness has given false evidence or;
- a person has provided confidential information or;
- non-implementation of such recommendations

may prefer an appeal to the Court or Tribunal as per the law for the time being in force within a period of ninety days (90) of the recommendations. Court shall take cognizance of an offence only on a complaint made by the Complainant or any person authorized by the IC.

Any Complainant, from the recommendation made by the IC shall have the right to appeal before the Appellate Authority

**h) Documentation of IC Matters**

The IC shall keep complete and accurate documentation of the Complaint, its investigation and the resolution thereof. The incident would be documented in both the Complainant's and the Respondent's personnel files with the full report of the IC.

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**Annexure - 2**

**(IC Contact Details)**

The Internal Committee in Child Health Foundation has following members:

		<b>CONTACT DETAILS</b>
<b>Presiding Officer</b>	Lincy Sobin	<a href="mailto:lincysobin2013@gmail.com">lincysobin2013@gmail.com</a>
<b>External Advisor</b>	Mita J Soni	<a href="mailto:dvsoni21500@yahoo.co">dvsoni21500@yahoo.co</a>
<b>Member</b>	Monika Thakwani	<a href="mailto:monikathakwani371@gmail.com">monikathakwani371@gmail.com</a>
<b>Member</b>	Prashanti Surada	<a href="mailto:prashanti.surada@gmail.com">prashanti.surada@gmail.com</a>

**Note:**

(a) Term of the above IC Members: August 2021-July 2024

(b) Complaints if any, need to be addressed to the Presiding Officer/IC Members on [chfcomplaintscommittee@gmail.com](mailto:chfcomplaintscommittee@gmail.com). This is a confidential email id with access available only to the IC members

(c) The IC members can also be contacted on their local office address as mentioned below:

**Gandhidham Office Address:**

Secretariat Cum Field Office,  
Plot No.- 208, Sector 1A,  
Gandhidham-370201,  
Kutch, Gujarat

**Additional Resources:**

For more information related to acts/rules/advisories/judgement and for awareness material please visit: <http://www.shebox.nic.in/home/notification>