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SEXUAL HARASSMENT OF WOMEN AT WORKPLACE POLICY 2013

SHORT POLICY



HARYANA STATE COMMISSION FOR WOMEN PANCHKULA

BAYS 39-40, CADA BHAWAN, SECTOR 4 PANCHKULA

Contact no: 0172-2584039, 2583639, 9560080115 (Whatsapp only)

Email: ayogmahila@gmail.com, Mahilaayoghry@gmail.com

Website: hscw.in

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PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

I. COMMITMENT:

Name of Company/Institution is committed to provide a work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

Name of Company/Institution (*hereafter referred to as the 'Company' or 'Institution'*) is also committed to promote a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

The **Company/Institution** will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees (men or women) are not subjected to any form of harassment.

II. SCOPE:

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, trainees and employees on contract at its workplace or at client sites.

The Company will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices, factories or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

III. DEFINITION OF SEXUAL HARASSMENT:

What is Sexual Harassment?

Sexual Harassment includes such unwelcome sexually determined behaviour, as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands whether by words, gestures or actions.

Such conduct can be humiliating and may constitute a health and safety problem.

It is discriminatory when the complainant has reasonable grounds to believe that his or her objection would disadvantage them in connection with employment, including recruiting or promotion or when it creates a hostile working environment.

Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- (a) Physical contact and advances;
- (b) A demand or request for sexual favors;
- (c) Sexually colored remarks;
- (d) Showing pornography;

(e) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance.

(f) Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;

(g) Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;

(h) Conduct of such an act at work place or outside in relation to an employee of **Company/Institution** or vice versa during the course of employment; and

(i) any unwelcome gesture by an employee having sexual overtones.

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories:

- quid pro quo and creation of a hostile working environment.

(a) Under the **quid pro quo (meaning - this for that)** form of harassment, a person or authority, usually the superior of the victim, demands sexual favors for getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.

(b) **A hostile work environment** arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity.

For example: an employee tells offensive jokes.

No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co-workers.

However, an employee who is sexually harassed can complain about the same even if there is no adverse job consequence.

IV. COMPLAINT PROCESS

Whether or not such conduct constitutes an offence under law and a breach of the employment rules, an appropriate complaint mechanism in the form of "Complaints Committee" has been created in the company for time-bound redressal of the complaint made by the complainant.

Name of Company/Institution will ensure that any Complainant will not suffer adverse job consequences as a result of any complaint being made.

Complaints Committee:

The Company has formed a Internal Complaints Committee for redressal of harassment complaints and for ensuring time bound treatment and resolution of such complaints.

Initially, and till further notice, the Internal Complaints Committee will comprise of the following four members:

1. Head HR – Chairperson – Woman (*atleast ½ of the members should be women*)
2. Member - Employee
3. Member – Employee
4. Member – a person from ngo / social worker / person having knowledge of sexual harassment issues eg. Advocate.

(To be appointed by the person nominated by the Board for the purpose)

The Internal Complaints Committee is responsible for:

- Investigating every formal written complaint of harassment
- Taking appropriate remedial measures to respond to any substantiated allegations of harassment
- Discouraging and preventing any harassment at work place.

Procedures For Resolution, Settlement of Acts Of Harassment:

The Company is committed to providing a supportive environment in which to resolve concerns of harassment as under:

Informal Resolution Options:

When an incident of harassment occurs, the victim of such conduct can communicate her/his disapproval and objections immediately to the harasser and request the harasser to desist from such conduct in the future.

If the harassment does not stop or if the victim is not comfortable with addressing the harasser directly, she/ he can bring the concern to the attention of the Complaints Committee for redressal of grievances. The Complaints Committee will thereafter provide advice or extend support as requested and will do the needful to resolve the matter.

It is advisable that the victim keeps a record of incident i.e. date, place, possible witness and file a complaint as soon as possible.

Procedure for complaints in occurrence of sexual harassment:

1. Any **Name of Company/Institution** employee with a harassment concern, who is not comfortable with the informal resolution option or has exhausted such option, may make a formal complaint to the Chairperson or any member of the Internal Complaints Committee. The victim should make a complaint within three months from the date of occurrence of the event or in a case of series of incidents, within a period of three months from the date of the last occurrence.

2. The complaint should be submitted in writing for it to be considered as formal and for the committee to probe and take the necessary actions. The victim may submit the complaint in the form of a written letter, duly signed by the victim and submitted in a sealed envelope to the Chairperson/Member of Internal Complaints Committee. Alternatively, the victim may also send in a written communication through email to the Chairperson/Member of Internal Complaints Committee. The victim should disclose their name, department, date of occurrence, place of occurrence in the complaint letter.

3. If any complaints are received by any of the Members of the Internal Complaints Committee, the member is obliged to bring it to the notice of the Chairperson within three working days from the receipt of the complaint.

4. The Internal Complaints Committee should meet within 7 working days from the date of receipt of the complaint by the Chairperson to decide on the proceedings and the course of investigation.

5. A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson and at least two members, one of whom shall be a lady.

6. Once the complaint is received by the Internal Complaints Committee, the alleged accused should be informed regarding the complaint. It should also be made clear that no act of retaliation or unethical action by the accused shall be tolerated and that the accused should extend full support during the investigation of the case.

7. The Internal Complaints Committee shall ensure that a fair and just investigation is undertaken immediately.

8. Both the victim and the alleged accused will be questioned separately by the Internal Complaints Committee with a view to ascertain the authenticity of their contentions.

9. Witnesses named if any, shall also be questioned separately.

10. The victim and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 90 days of the receipt of the complaint. If the investigation reveals that the victim has been sexually harassed as claimed, the accused will be disciplined accordingly.

Disciplinary action may include any of the following:

- Formal written apology
- Suspension from services
- Transfer
- Withholding promotion
- Termination
- Police Complaint

11. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Internal Complaints Committee and the Management.

The final decision shall be communicated to the victim and the alleged harasser.

V. CONFIDENTIALITY:

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

VI. ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

VII. PROTECTION TO COMPLAINANT / VICTIM:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that 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) will be subject to disciplinary action.

VIII. COMPLAINTS MADE WITH A MALICIOUS INTENT

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual / tarnishing his/her image in the company and to settle personal/professional scores, strict action will be taken against the complainant.

The Committee may also take suo motu action, if any incident of harassment is brought to its attention, without any formal complaint being made in this regard.

IX. RESPONSIBILITY OF EMPLOYEES REGARDING SEXUAL HARASSMENT

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. This policy is deemed to be a part of the terms of employment of every **Company/Institution** employee.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

X. DISSEMINATION OF THE POLICY

A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

This Policy is as per the applicable laws of India including The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 as well as any other applicable law governing sexual harassment, for the time being in force in India.