

“POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE”



ASMITA

B.5/197 SHIVALA GHAT | Varanasi – 221001 | Uttar Pradesh, India.

Passed by the Governing Board in its meeting on 11, September 2021 and revised on 17/09/2023

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SECTION 1: THE ORGANIZATION

ASMITA stands for Association for the Socially Marginalized's Integrated Therapeutic Action. It is a registered charitable trust founded in 1998 in Varanasi in Uttar Pradesh (India). This organization caters to the needs of the underprivileged especially the women and children in the slums of Varanasi. It exists for the dignity and empowerment of the marginalized migrant laborers, widows, children engaged in hazardous situations in the slums, and children who need care and protection.

SECTION-2: INTRODUCTION & BACKGROUND

2.1 Definitions

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of sexual nature against any human being.

Sexual Harassment at the workplace includes:

1. Unwelcome sexual advances (verbal, written or physical),
2. Demand or request for sexual favors,
3. Any other type of sexually-oriented conduct,
4. Verbal abuse or 'joking' that is sex-oriented,
5. Any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

2.2 Scope

This policy applies to all categories of employees of ASMITA organization, including permanent employees, temporaries, and employees on contract, including the governing body members. The organization will not tolerate sexual harassment by its personal working in higher levels of the organization, subordinators, field s staff, volunteers and any employee associated with organization.

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The workplace includes:

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

2.3 Responsibilities Regarding Sexual Harassment

1. All employees of ASMITA have a personal responsibility to ensure that their behavior is not contrary to this policy.
2. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

2.4 Policy objectives

The broad objective of the policy is to set minimum standards and procedures on prevention of sexual harassment at workplace to maintain a safe environment for employees.

SECTION 3: POLICY GUIDELINES

3.1 Complaint Mechanism

An appropriate complaint mechanism in the form of “Internal Complaint Cell” has been created in the organization for time-bound redressal of the complaint made by the victim.

3.2 Training and Orientation

- 3.2.1 All existing staff shall be given training on this policy as part of ongoing training programmes at ASMITA.

3.3 Internal Complaint Cell

The organization has instituted an Internal Complaint Cell for the redressal of sexual harassment complaints (made by the victim) and for ensuring time-bound treatment of such complaints. The members until changed by the Board of Trustees from time to time, are –

1. Director/Secretary
2. Female Member from the Board of Trustees
3. Treasurer of the Trust

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4. Staff Member (Senior Staff worked with the organization for more than 3 years)

If the complaints are against any of the committee members, then the complainant can directly approach the President of the Trust. The President then will have the power to constitute a committee provided the committee shall have two female members.

The Internal Complaint Cell is responsible for:

1. Investigating every formal written complaint of sexual harassment
2. Taking appropriate remedial measures to respond to any Substantiated allegations of sexual harassment
3. Discouraging and preventing employment-related sexual harassment

3.4 Procedures For Resolution, Settlement or Prosecution of Acts of Sexual Harassment

ASMITA is committed to providing a supportive environment to resolve concerns of sexual harassment as under:

3.4.1. Resolution Options

When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.

If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Internal Complaint Cell for redressal of their grievances. The Internal Complaint Cell will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

3.4.2. Complaints

1. An employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of the Internal Complaint Cell constituted by the Management. The complaint shall have to be in writing and can be in form of a letter, preferably within 15 days from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email asmitaims@gmail.com. The employee is required to disclose

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their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.

2. The Presiding Officer of the Internal Complaint Cell will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint.
3. In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons and communicate the same to the complainant.
4. If the Presiding Officer of the Internal Complaint Cell determines that the allegations constitute an act of sexual harassment, he/she will proceed to investigate the allegation with the assistance of the Internal Complaint Cell.
5. Where such conduct, on the part of the accused, amounts to a specific offence under the law of the country, the Organization shall direct the complainant to initiate appropriate action in accordance with law by making a complaint with the appropriate authority such as police.
6. The Internal Complaint Cell shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Director as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint. The Director will ensure corrective action on the recommendations of the Internal Complaint Cell and keep the complainant informed of the same.
7. The Internal Complaint Cell will hold its meeting once in five months to see the women safety and review the measures put in place to eradicate sexual harassment.

Corrective action may include any of the following:

1. Formal apology
2. Counselling
3. Written warning to the perpetrator and a copy of it maintained in the employee's file.

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4. Change of work assignment / transfer for either the perpetrator or the victim.
5. Suspension or termination of services of the employee found guilty of the offence.
6. Legal actions against the employee if found guilty of the offence as per the decisions of the Management.
7. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

3.5 Ramifications of Misconduct

- a. Following completion of investigation, the Management will decide on appropriate action based on available evidence.
- b. This will be as per the ASMITA's disciplinary procedure as described in HR manual.

3.6 Statement of Commitment

Staff, interns, volunteers, consultants (as and when required), partner organizations have to sign statements of commitment attached to this policy document.

The level of detail in statements of commitment and expectations may vary depending on the contractual status of person and the nature of assignment.

3.7 Confidentiality

The Organization 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 the investigatory process to the extent practicable and appropriate under the circumstances.

3.8 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 Organization except where disclosure is required under disciplinary or other remedial processes.

3.9 Protection of Complainant

The Organization 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 Organization 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) will be subject to disciplinary action.

3.10 Conclusion

In conclusion, the Organization reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

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SECTION 4: ANNEXTURES

4.1 Employee Declaration Form

I have read and understood the guidelines, standards, and code of conduct as stated in the ASMITA's policy On Prevention of Sexual Harassment at Workplace. I agree with principles contained therein and undertake to uphold the policy principles while working with/for the ASMITA.

Title/Position:

Signature:

Program/Centre / Organization:

Date: