

Institute of Development, Education, Action, and Studies (IDEAS)
Policy on Prevention of Sexual Harassment of Women at Workplace

1. PREAMBLE

The Supreme Court of India in its judgment in Vishaka and others vs. State of Rajasthan and others (1997), made it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment of women in the workplace. Subsequently, the Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Recognizing that sexual harassment results in violation of the fundamental rights of a woman to equality and her right to life and live with dignity and right to practice any profession or to carry on any occupation which includes a right to safe environment; upholding the protection against any sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments, IDEAS has evolved 'Policy on Prevention of Sexual Harassment of Women at Workplace'.

2. OBJECTIVE & SCOPE

- a. To uphold Women's Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women
- b. To evolve a permanent mechanism for the prevention, prohibition, and redressal of sexual harassment of women at workplace within the jurisdiction of IDEAS.
- c. To fulfill the requirement in law enjoining all employers to develop and implement a policy against sexual harassment of women at the workplace.
- d. To actively promote a social, physical, and psychological environment that will raise awareness about and deter acts of sexual harassment of girls and women.

This Policy extends to all employees of the Organization and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

3. DEFINITION

- a. "Aggrieved Woman" means in relation to a workplace, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- b. "Organization" means IDEAS or Madurai Jesuit Social Education Trust.
- c. "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- d. "Internal Complaints Committee" means a committee constituted by the organization as per this Policy.
- e. "Respondent" means a person against whom the aggrieved woman has made a complaint.
- f. Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- (a) physical contact and advances.
- (b) a demand or request for sexual favours;
- (c) sexually coloured remarks.
- (d) showing pornography.
- (e) any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

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 favours 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.

4. If you are being harassed:

- a. Tell the one harassing that his / her behaviour is unwelcome and ask him/her to stop.
- b. Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember the details over time, in case the complaint is not filed immediately.
- c. File a complaint as soon as possible. If after asking the one who is harassing to stop his/ her behaviour, the harassment continues, report the abuse to the Complaints Committee formed for this purpose.

5. The Internal Complaints Committee

An Internal Complaints Committee (ICC) has been formed consisting of the following:

| S No | Name | Membership | Contact Details |
|------|------------------|------------------------------|---|
| 1. | Ms. Jenova Mary | Presiding Officer / Convenor | 9786569546 - jenom2000@gmail.com |
| 2. | Ms. R. Ruby | Member – Psychologist | 7826967926 |
| 3. | Ms. B. Priya | Member – Social Worker | 8220309396 |
| 4. | Sr. Lourdhu | Member – Counsellor | 7010514638 |
| 5. | Adv. Karunanidhi | Member – Advocate | 9994513250 |

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

The Presiding Officer and every Member of the ICC shall hold office from the date of their nomination for three years or as may be specified by IDEAS.

6. Dealing with the Complaint

- a. It is the obligation of all employees to report sexual harassment experienced by them personally. A concerned co-worker may also inform the Internal Complaints Committee of any instance or behaviour of sexual harassment by a co-worker towards another employee.
- b. The aggrieved woman shall make the complaint in writing to the Presiding Officer/ Chair of the Committee giving details of the incident within a period of three months from the date of the last incident; Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the ICC or the Chairperson shall render all reasonable assistance to the woman for making the complaint in writing; Provided further that the ICC may for the reasons to be recorded in writing, extend the time limit not exceeding 90 days, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- c. Once the complaint is received, it will be kept strictly confidential.
- d. The person accused will be informed that a complaint has been filed against him/her and no unfair acts of retaliation or unethical action will be tolerated.
- e. The Committee shall ensure that a fair and just investigation is undertaken immediately.
- f. Both the complainant and the alleged accused initially will be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
- g. The complainant 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 complainant has been sexually harassed as claimed, the accused will be disciplined accordingly.
- h. The inquiry report has to be issued within 10 days from the date of completion of the inquiry.
- i. Appeal against the decision of the Committee is allowed within 90 days of the date of the recommendations to the President of the Governing Board or a person designated by him.
- j. The victim of sexual harassment has the option to seek transfer of the accused or his/her own transfer.

7. Disciplinary Action

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include transfer, withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant. The employer is required to act on the recommendation of the Committee within 60 days of receipt of the inquiry report.

8. Confidentiality

All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action.

9. Protection against retaliation

Regardless of the outcome of the complaint made in good faith, the employee lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the Committee shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the accused against the complainant while the investigation is in progress should be reported by the complainant to the Complaints Committee as soon as possible. Disciplinary action will be taken by the Complaints Committee against any such complaints which are found genuine.

10. Documentation

The Committee 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 accused's files with the full report of the Complaints Committee.

11. 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.

12. 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 organization and to settle personal/professional scores, strict action will be taken against the complainant. The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under the various laws for the time being in force.

Sahaya Philomin Raj SJ

Director

23 July 2022

**RECEIPT AND ACKNOWLEDGEMENT
FOR
POLICY ON ANTI-SEXUAL HARASSMENT**

This is to acknowledge that I have received a copy of the Policy on Sexual Harassment of Women at Workplace. This policy sets forth the policies and the modalities for administering those pertaining to sexual harassment. I understand and agree that it is my responsibility to read and familiarize myself with all the provisions of the policy.

I understand that under the provisions of this policy, the Organization reserves the right to amend, modify, rescind, delete, supplement, or add to the provisions of this policy as it deems appropriate from time to time in its sole and absolute discretion. The Organization will provide notification of any other changes as they occur.

I am committed to abide by the policy and to act in a Professional manner that will respect the dignity of our colleagues, seniors, subordinates & visitors.

The policy has been explained to me in English and local language and I have understood it completely.

Date: _____

Signed: _____

(Employee/ Third Party)

Name: _____