

# T4G Impact Tech Foundation

## Prevention of Sexual Harassment in the Workplace Policy

Document Release Notice	
Document Title	POSH Policy
Version No.	1.0
Release Date	01/04/2024
Policy Owner	Board

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## 1.0 Introduction

At T4G Impact Tech Foundation (T4G), we are committed to provide and promote a productive and fulfilling work environment in which employees can realize their maximum potential in the workplace to maintain a safe, congenial, positive and productive working environment by making the workplace free from sexual harassment. The spirit of mutual trust and respect and an environment free from sexual harassment is central to this policy.

T4G is committed to protect the dignity and respect of every employee (men and women). At T4G, we have zero tolerance for sexual harassment at the workplace.

This policy is in compliance with the spirit and requirements of the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and Rules framed thereunder (hereinafter referred to as “**Act**” and “**Rules**” respectively) as well as the terms of employment. Though the Act and Rules govern the prevention, prohibition and redressal guidelines for women employees of an organisation, this policy is applicable to and covers preventive, prohibitive and redressal guidelines against sexual harassment at workplace for all employees, irrespective of gender.

## 2.0 Purpose

The purpose of this document is:

1. To ensure the safety of all employees from all forms of sexual harassment,
2. To provide guidelines to employees for the prevention, redressal of and action against any sexual harassment within the organisation,
3. To actively promote a social, physical and psychological safe environment that will raise awareness about and deter acts of sexual harassment of any employee,
4. To ensure the implementation of this policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of gender sensitisation and to conduct enquiries into complaints of sexual harassment.

## 3.0 Definitions

- **Sexual harassment** may occur not only where a person uses sexual behaviour to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an employee and someone that employee deals within the course of the person’s work who is not employed by the Organisation.

“Sexual Harassment” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), but not limited to:

Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely

- a. Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit
- b. Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation

- c. Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will
- d. Demand or request for sexual favours
- e. Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body
- f. Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
- g. Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc.
- h. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
- i. Giving gifts or leaving objects that are sexually suggestive
- j. Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person; and
- k. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

(Refer to Appendix A for more details)

The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:

- a. Implied or explicit promise of preferential treatment in employment
- b. Implied or explicit threat of detrimental treatment in employment
- c. Implied or explicit threat about the present or future employment status
- d. Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- e. Humiliating treatment likely to affect health or safety.

An alleged act of sexual harassment committed during or outside of office hours falls under the purview of this policy. Further, it is important to note that whether harassment has occurred or not does not depend on the intention of the people but on the experience of the aggrieved complainant.

- **Aggrieved Individual:** In relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.
- **Complainant:** Any aggrieved individual who makes a complaint alleging sexual harassment under this policy.
- **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved person or the complainant under this policy.
- **Employee:** A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage 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.

- **Employer:** Any person responsible for management including the person or board or committee responsible for formulation and administration of policies for T4G, supervision and control of the workplace and the person discharging contractual obligations with respect to their employees.
- **Workplace:** The main office and/or any of the branch offices of the organization, and/or any place at which any work of the organization is undertaken as well as any place visited by the employee arising out of or during the course of employment including any transportation if provided by the employer for undertaking such a journey. It also includes electronic spaces used during the course of employment, including video conferencing, teleconferencing instant messaging, SMS and web forums.
- **Quorum:** A simple majority of members will be required to conduct meetings.
- **Internal Complaints Committee (ICC):** ICC refers to committee constituted by T4G according to this policy.

#### 4.0 Preventive Measures

1. All contracts and service rules will carry a clause on the workplace intolerance to sexual harassment
2. This policy shall be shared with all employees and consultants and all new recruits at the time of joining.
3. Employees will be trained on this policy, gender issues and their responsibility in making T4G a harassment free environment.
4. Notices & other posters will be put up on notice boards in all the offices; where applicable.
5. The management will seek inputs from employees to update this policy and preventive measures from time to time.

#### 5.0 Responsibility of Stakeholders

##### Employer

1. Provide a safe working environment.
2. Display at the workplace the penal consequences of sexual harassments and the details of the ICC members.
3. Treat sexual harassment as misconduct under its service rules and take action for such misconduct.
4. Conduct awareness programs and workshops for the employees and orientation programs for the members of the ICC.
5. Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
6. Assist in ensuring the attendance of the respondent and witnesses before the ICC.
7. Provide the necessary information as required by the ICC to conduct its inquiry.
8. Implement the recommendations of the ICC.

9. Provide support to the complainant if the person chooses to file a complaint under Indian Penal Code or under any other relevant law if the complainant desires to do so.
10. Monitor the timely submission of reports by the ICC.
11. Include in the Annual Compliance Report filed by T4G (before the District Officer appointed under the Act), the number of cases of sexual harassment filed in the year and their status; and provide the list of programs and communication on gender sensitization at the workplace

### **Employees**

1. All employees must attend trainings, workshops on awareness, education and refresher in e-learning and/or classroom formats. Repeated non-attendance or participation will be construed as misconduct.
2. Contribute to creating a conducive and safe workplace by attending training sessions on gender sensitivity and incorporating such training in their workplace conduct.
3. Make recommendations to create a safe workplace free of bias, prejudice and preference.
4. An employee who believes they or any other employee is a victim of sexual harassment must immediately report such incident to the designated ICC.
5. Refuse to participate in any activity that constitutes sexual harassment and support any person to reject unwelcome behaviour, which constitutes sexual harassment as per the law.
6. Extend support as a witness or to provide any information that the ICC would require in conducting enquiries.

### **Board**

1. The Board of T4G plays a key role in ensuring that the Act is followed in letter and spirit.
2. The Board will also seek regular updates on the functioning of the ICC & the periodic reports that the ICC will provide.

## **6.0 Redressal Mechanism – Formal Intervention**

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

## **7.0 Internal Complaints Committee**

### **Membership**

1. The management of T4G shall constitute a committee to be known as the Internal Complaints Committee (henceforth ICC) in any or each of its offices with 10 or more employees to address and redress complaints of sexual harassment. The ICC shall comprise of:
  - i. A Presiding Officer ("**Presiding Officer**"), who shall be a woman employee at a senior level in T4G.
  - ii. Not less than two Members ("**Members**") from amongst employees preferably committed to or who have had experience in social work or have legal knowledge

- iii. One member (“**independent member**”) from amongst non-government organizations or as-sociations committed to and familiar with the issues relating to sexual harassment
2. At least one half (50%) of the total Members so nominated shall be women, additional members will be added as may be required from time to time.
    - i. The nomination will be made by the management committee and reviewed from time to time.
    - ii. The names of the members of the ICC along with their contact details shall be displayed, on notice board(s) at all T4G offices and on the office internal website. T4G management shall also regularly and promptly notify the employees of any changes in the constitution of the ICC, or to the contact details of the members of the ICC.
  3. The email ID of the ICC members should be used to send sexual harassment complaints.

### **Responsibilities of ICC**

1. The ICC shall have the following responsibilities:
  - i. Implementation of this policy
  - ii. Receiving complaints of sexual harassment at the workplace
  - iii. Initiating and conducting inquiry as per the established procedure
  - iv. Submitting findings and recommendations of inquiries
  - v. Coordinating with the employer in implementing appropriate action
  - vi. Maintaining strict confidentiality throughout the process as per established guidelines
  - vii. Submitting annual reports in the prescribed format

### **Term of membership**

1. The term of membership to the **ICC shall be for three (3) years from the date of appointment** of the relevant member. However, T4G may temporarily extend the term of any member of the ICC in order to dispose of any pending complaint.

### **Disqualification of Membership**

1. Any member of the ICC shall cease to hold the office as a member
  - i. If they cease to be an employee of T4G,
  - ii. If they breach the requirements of confidentiality
  - iii. If they are found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against the individual
  - iv. If they are convicted of an offence or have an inquiry pending against them in respect to any law in force at the time
  - v. If they have abused their position so as to render their continuance to be prejudicial to the inquiry
  - vi. Notwithstanding the aforesaid, the management shall be entitled, at its sole discretion and at any time, to terminate the appointment (as member of the ICC) of

any member and appoint a substitute thereof. It shall record the reasons for the same.

2. In the event of any disqualification, resignation, voluntary recusal or termination of appointment (by the management) of any Member, a suitable substitute employee Member shall be appointed at the earliest. In case of an independent member's exit from the committee, T4G shall make best efforts to find a substitute member as quickly as possible.
3. In cases, where the complaint is against a member of the ICC, the concerned member shall exclude themselves voluntarily from any involvement with the inquiry.
4. Report: The ICC shall, at the end of each financial year, prepare a consolidated report of all the complaints relating to sexual harassment received and the actions taken by the organisation thereon and shall submit the same to the concerned government department with a copy to the management of the organisation.
5. Decisions: The decisions of the ICC shall be decided by a majority vote and in cases of division of votes equally, the Presiding Officer shall have a casting vote.

## 8.0 Complaint Process

### Filing of a complaint:

1. Any employee who has experienced or has been subjected to any act of sexual harassment by another employee (the "Complainant") shall be entitled to lodge a complaint with any member of the ICC. (as defined above in 5.2)
2. The **complaint shall be lodged within three (3) months** of the occurrence of the alleged act of sexual harassment. Nothing contained herein shall however restrict the ICC from accepting complaints beyond the aforesaid period of three (3) months and the ICC shall record the reasons for such acceptance in writing.
3. The complaint may be in oral or in writing. If the complaint is given orally, the member of the ICC to whom the complaint is made shall request the complainant to record the same in writing. The ICC can act upon the complaint **only if a complaint is submitted in writing**.
4. Where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaints Committee shall render all reasonable assistance to the person to record the complaint in writing.
5. The complaint must contain a description of the complaint and include the names and contact email/phone number of witnesses if any. Supporting documents such as letters, transcription of text messages etc. must attached to the complaint.
6. The written complaint and other supporting documents can be filed via e-mail or registered or ordinary post or courier to any or all members of the ICC.
7. In an instance, where the complainant is unable to make a complaint on account of any physical or mental incapacity or death or otherwise, the employee's legal heir or such other person as may be prescribed by the law may make a complaint to the ICC.
8. Anonymous complaints shall not be accepted.



## Processing a complaint

1. On receipt of a complaint, the ICC will record it in a register maintained for this purpose, and the Presiding Officer will call a meeting of the ICC immediately for further action.
2. After meeting with the complainant, the ICC shall prepare a prima facie report with reasoned observations, recording the following:
  - i. Whether the complaint is one of sexual harassment at the workplace
  - ii. Whether the complaint falls within the jurisdiction of the ICC
  - iii. If it does, it must proceed to set up an inquiry
  - iv. If the complaint does not fall within the definition of sexual harassment, it must be referred to the relevant grievance redressal mechanism within T4G.

## Conciliation before inquiry

1. ICC may, before initiating an inquiry and at the request of the complainant, take steps to settle the matter between the complainant and the respondent through a process of conciliation, provided that no monetary settlement shall be made as basis of conciliation.
2. It is made clear to all parties that conciliation in itself doesn't necessarily mean acceptance of complaint by the respondent. It is a practical mechanism through which issues are resolved or misunderstandings cleared.
3. The ICC will exercise caution and due diligence to ensure that the conciliation is not adverse to the complainant.
4. No pressure shall be brought to bear on the complainant to agree to conciliation.
5. The ICC should work to undertake the conciliation process between the complainant and the respondent within **3 weeks** of receipt of complaint.
6. If a settlement is arrived at, the committee shall record the same, provide a copy to the complainant and respondent and forward it to the management of T4G.
7. In case a settlement is arrived at there shall be no further inquiry by the Internal Complaints Committee.
8. In case of a settlement all proceedings pertaining to the Act will cease. However, criminal proceedings for offences under the IPC or any other law for the time being in force are independent of the settlement arrived at through the good offices of the Internal Complaints Committee.

## 9.0 Inquiry

1. The committee will initiate inquiry in the following cases:
  - i. No conciliation is requested by the complainant
  - ii. Conciliation has not resulted in any settlement
  - iii. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

## Process of inquiry

1. Manner and Procedure of inquiry into complaint:
  - i. Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.

- ii. Committee will hold a meeting with the Complainant within seven days of receipt of the complaint, but no later than a week in any case.
- iii. At the first meeting, the Committee members shall hear the Complainant and record the person's allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate their complaint.
- iv. The Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
- v. Upon receipt of the complaint, the committee will send 1 copy of the complaint to Respondent within 7 working days of receiving the complaint.
- vi. Respondent shall reply with all supporting documents within 10 working days of receiving the copy of the complaint.
- vii. Thereafter, the Respondent may be called for a deposition before the Committee and an opportunity will be given to the person to give an explanation, where after, an inquiry shall be conducted and concluded.
- viii. The Complainant shall be provided with a copy of the written explanation submitted by the Respondent.
- ix. If the Complainant or the respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- x. The Committee shall call upon all witnesses mentioned by both the parties.
- xi. The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
- xii. If either party desires to tender any documents by way of evidence before the Committee, the same is to be supplied as original copies of such documents. Signatures should be affixed on the respective documents to certify these to be original copies.
- xiii. No legal practitioner can represent any party at any stage of the inquiry procedure
- xiv. The Complaints Committee is to make inquiry into the complaint in accordance with the principles of natural justice
- xv. In conducting the inquiry, a minimum of three committee members including the Presiding Officer are to be present
- xvi. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy
- xvii. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Organisation shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
- xviii. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

If the complainant or respondent desires to cross examine any witnesses, the Committee facilitates the same and records the statements. In case complainant or respondent seeks to ask questions to the other party, they may give them to the Committee which asks them and records the statement of the other party.

Any such inquiry is completed, including the submission of the Inquiry Report, within 90 days from the date on which the inquiry is commenced. The inquiry procedure should ensure absolute fairness to all parties.

2. Interim relief:

- i. During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to:
- ii. Transfer the complainant or the respondent to any other workplace
- iii. Grant leave to the complainant of maximum 3 months, in addition to the leave the person would be otherwise entitled
- iv. Prevent the respondent from assessing complainant's work performance
- v. Grant such other relief as may be appropriate

Once the recommendations of interim relief are implemented, the same is informed to the committee.

**Quorum:**

1. In conducting the inquiry, it is mandatory for a **minimum of three (3) Members of the ICC**, including the Presiding Officer to be present at the proceedings.

**Termination of proceedings/ex- parte decision:**

1. The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails to present themselves without sufficient cause for (3) three consecutive hearings convened by the Presiding Officer, after giving a seven days' notice to the party concerned.

**Complaint Unsubstantiated:**

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and neither will be disadvantaged within the Organisation.

**Complaint Substantiated:**

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

1. Counselling
2. Censure or reprimand
3. Apology to be tendered by respondent
4. Written warning
5. Withholding promotion and/or increments
6. Suspension
7. Termination
8. Or any other action that the employer may deem fit.

The Organisation is required to act upon the recommendations within 60 days and confirm to the  
(For internal Circulation Only)

committee. Post implementation of the actions follow up with the complainant should also occur to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.

#### **Record keeping:**

1. The ICC shall maintain a record sheet of the proceedings on each day of inquiry.
2. All information pertaining to the inquiry, i.e. incidents, complaints, investigation, hearings, evidences, conclusions, agreements and closures will be documented and recorded in soft copy form by the ICC. These records will be maintained by the ICC in a safe and secure manner, and shall be shared with both the complainant and the accused.

#### **Delay in the inquiry**

1. The inquiry shall not be invalidated on account of delays in one or more of the stages in the inquiry procedures. On account of reasonable grounds or circumstances beyond the control of any of the parties or the ICC, the inquiry must continue and remains valid.
2. The ICC shall record the reason for delay in the minutes of the inquiry meeting as well as in the final opinion and later, in the annual report submitted to the employer.

#### **Reports**

1. On the completion of the inquiry, the ICC shall provide a report of its findings to the employer within a period of **15 days** from the date of completion of the inquiry.
2. A copy of the report should be given to the complainant & respondent.
3. The final report of findings shall include:
  - i. Synopsis of the complaint
  - ii. Defence of the Respondent
  - iii. An assessment of the evidence
  - iv. Reasoning in support of the findings
  - v. Findings of the committee;
  - vi. Recommendations of penalties in case the allegations against the respondent are proved

#### **Penal Consequences of Sexual Harassment**

In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S. 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

### **10.0 Malicious Allegations**

1. Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved person or the complainant has made the complaint knowing it to be false or the aggrieved person or the complainant has produced any forged or misleading document, it may recommend to the employer to take action against the person or the

complainant.

2. While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.
3. T4G forbids and shall not permit any form of employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment.
4. 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 respondent. The complainant shall report any unwarranted pressure, retaliatory action or any other type of unethical behaviour from the respondent or any other person at the earliest to the ICC.

### **11.0 Confidentiality & Non-disclosure**

The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. Any person contravening the confidentiality clauses is subject to disciplinary action as prescribed in the act.

### **12.0 Appeal**

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act, within 90 days of the recommendations being communicated.

1. Where the committee concludes that the allegation against the respondent is malicious or the complainant or any other person making the complaint has 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 employer to take action against the complainant as per its service rules.
2. While deciding malicious intent, the committee shall note that the mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.
3. T4G forbids and shall not permit any form of employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment.
4. 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 respondent. The complainant shall report any unwarranted pressure, retaliatory action or any other type of unethical behaviour from the respondent or any other person at the earliest to the ICC.

### **13.0 Legal Compliance**

The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act). The report shall have the following details:

1. Number of complaints of Sexual harassment received in the year
2. Number of complaints disposed of during the year
3. Number of cases pending for more than 90 days

4. Number of workshops or awareness program against Sexual Harassment carried out
5. Nature of action taken by the employer or District Officer

## **Appendix A**

Some examples of behaviour that constitute sexual harassment at the workplace:

- Material that is sexual in nature, sexist, sexually explicit and so on and is displayed in the workplace, circulated, or put in someone's workspace or belongings, or on a computer or fax machine or on the Internet or any other public display system or public place or the premises of the employer.
- Making sexually suggestive remarks or innuendos.
- Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
- Offensive comments or jokes.
- Inappropriate questions, suggestions or remarks about a person's sex life.
- Displaying sexist or other offensive pictures, posters, mms, SMS, WhatsApp, or e-mails.
- Intimidation, threats, blackmail around sexual favours.
- Threats, intimidation or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones.
- Unwelcome social invitations, with sexual overtones commonly understood as flirting.
- Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit.
- Physical contact such as touching or pinching.
- Caressing, kissing or fondling someone against their will (could be considered assault).
- Invasion of personal space (getting too close for no reason, brushing against or cornering someone).
- Persistently asking someone out, despite being turned down.
- Stalking an individual.
- Abuse of authority or power to threaten a person's job or undermine the person's performance against sexual favours.
- Falsely accusing and undermining a person behind closed doors for sexual favours.
- Controlling a person's reputation by rumour-mongering about their private life.
- Any act which constitutes an offence under the Indian Penal Code, 1860 or any other prevalent law.