

# Our POSH policy

# T4G Impact Tech Foundation

## Prevention of Sexual Harassment in the Workplace Policy

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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

- 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

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

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- iii. One member ("**Independent member**") from amongst non-government organizations or associations 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.



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

- 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. 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

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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



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.