



## Policy on Prevention of Sexual Harassment of Women at Workplace (POSH)

NEG-FIRE is committed to providing a safe and respectful workspace and environment for women staff members. NEG-FIRE will not tolerate any form of sexual harassment within or outside the workplace, in any situation connected to work.

In compliance to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which provides for protection against sexual harassment of women at workplace, for the prevention of sexual harassment, redressal of complaints and for matters connected therewith or incidental thereto, NEG-FIRE has developed a policy.

This policy extends to all staff and other personnel engaged by the organization. This policy is deemed to be incorporated in the service conditions of all staff and will be included in the terms and conditions of other personnel engaged by the organization. All staff will receive a copy of the policy and are expected to abide by the policy and to act in a professional manner that will respect the dignity of all internal and external stakeholders that staff interacts in the course of their work. As an indication of commitment to this policy, all staff will sign an undertaking. The format is given in the **Annexure H-2**.

### 2.1. DEFINITIONS

- 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 NEG-FIRE.
- c. "Staff" 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 colored 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.

- (f) 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 staff if the conditions are not met.
- (g) 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 (e.g. a staff tells offensive jokes).

**1. If you are being harassed :**

- a. Tell the accused 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 accused to stop his/ her behaviour, the harassment continues, report the abuse to the Complaints Committee formed for this purpose.

Procedure for addressing sexual harassment at workplace is given in **Annexure H-3**.

**2.2. The Internal Complaints Committee**

An Internal Complaints Committee shall be in place consists of following membership:



1. Presiding Officer – NEG-FIRE staff representative
2. External Member – legal expert
3. External member – NGO representative
4. Member, NEG-FIRE staff representative
5. Member, NEG-FIRE staff representative

The names of the ICC members with their contact details shall be prominently displayed in all the offices. Any changes in the ICC members or the contact details shall be informed to all staff as and when the change happens.

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

The Presiding Officer and every Member of the ICC shall hold office for such period, not exceeding 3 years from the date of their nomination as may be specified by NEG-FIRE.

### **2.3. Dealing with the Complaint**

- a. It is the obligation of all staff 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 staff.
- b. The aggrieved woman shall make the complaint in writing to the Presiding Officer 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 Presiding Officer 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 Committee is allowed within 90 days of the date of their recommendations.
- j. The victim of sexual harassment has the option to seek transfer of the accused or his/her own transfer.

#### **2.4. 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.

#### **2.5. Confidentiality**

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

#### **2.6. Protection against retaliation**

Regardless of the outcome of the complaint made in good faith, the staff 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.

#### **2.7. 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.

**2.8. Dissemination of the Policy**

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

**2.9. 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 staff 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 staff 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.

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