

CCDT POLICY ON PREVENTION OF SEXUAL HARASSMENT

THE POLICY STATEMENT

Committed Communities Development Trust (“CCDT”) is committed to promoting a work environment that encourages equality of opportunity and professional growth for all its employees, especially its women work force and all its inmates, free of any intimidation, oppression and exploitation in its work culture and daily life. CCDT is committed to ensuring that every woman associated with us, be it an employee, inmate, client or visitor is treated with dignity and respect and is afforded equitable treatment.

In keeping with the above philosophy and commitment, CCDT professes ‘zero-tolerance’ for any form of sexual harassment in the workplace and in that regard addresses all incidents of the same seriously and promptly. Any person found to have sexually harassed another; particularly a woman will face disciplinary action as according to the CCDT’s POSH Policy (hereinafter referred to as **the “CCDT Posh Policy” or “CCDTPP”**), which may even include dismissal from employment. Further, all complaints of sexual harassment, especially those against women will be treated with respect and utmost confidence.

2.1 PREAMBLE AND OBJECTIVES OF THE POLICY

CCDTPP has been framed in accordance with the legal requirements of the Indian laws and in particular **“The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013** (hereinafter referred to as **“POSH”**) and the Supreme Court directives of the landmark judgement in the Vishaka case of 1997.

2.2 SCOPE

CCDT recognizes that anyone can be a victim of sexual harassment, regardless of their gender and the gender of the harasser and that, incidences of sexual harassment may also occur between people of the same sex. Hence, such acts of harassment need to be prevented regardless and gender equality in the workplace must be ensured and enforced. It is emphasized that, CCDT takes a stern view of any form of sexual harassment of its employees and inmates and while the CCDTPP in general applies to all genders and categories of people within it, CCDTPP as required by POSH has been particularly framed for its women employees, including its permanent management, temporary employees on contract basis, social workers and trainees at its workplace or at client sites.

Given that sexual harassment may also be a darker manifestation of power, authority and unequal relationships within the workplace; CCDTPP voices CCDT's sentiment that no form of sexual harassment of its employees by its own employees, or clients or its vendors/suppliers, business associates or third parties on its sites, shall be tolerated by CCDT. CCDT therefore, reiterates its absolute commitment and responsibility for the well-being of its workers, especially women, in case they are harassed any time during work hours at the work place and to that end assures swift and prompt redressal to the victims of such harassment.

2.3 OBJECT

The Act recognizes that sexual harassment of women that renders women's involvement in such workplace unsafe and affects her right to work with dignity is a human rights violation and an offence and violates her fundamental rights to live with dignity and carry on any profession, trade, or business in a threat free environment

The principal object and purpose of CCDTPP thus, is the following:

- (i) To prevent and prohibit all acts of sexual harassment against women;
- (ii) To redress and resolve grievances speedily by providing relief to victims and just disciplinary action to the offender of sexual harassment;
- (iii) To ensure and maintain a safe work environment for women in the organisation,
- (iv) To discourage and prohibit gender discrimination and suffering of women employees at workplace, that is caused by men;
- (v) To recognize women's constitutional rights as a human being and a citizen and empower women through protection at workplace; and
- (vi) To create a society free of sexual offences and abuse through awareness and understanding of this subject.

KEY DEFINITIONS & EXPLANATIONS

The following terms need to be clearly understood in the context of the subject, its redressal and the roles and responsibilities of the CCDT, the victim and perpetrator:

3.1 Sexual Harassment - "Harassment of a female employee consisting of any unwelcome sexually determined behavior, whether directly, indirectly, by any person in charge of the management or a co-employee either individually or in association with other persons to exploit the sexuality of co-employee to harass her in manner which prevents or impairs her full utilization of benefits, facilities or opportunities or any other behavior which is generally considered to be derogatory".

3.1.1 Understanding Sexual Harassment

- (i) Harassment is quite commonplace in the work place and all acts of harassment do not come under the umbrella of 'sexual harassment'.
- (ii) Harassment refers generally to the autocratic behavior of designated authorities or colleagues, amounting to interpersonal mistreatment in the workplace.
- (iii) Harassment complained of, includes the following:
- **Unsolicited, unwelcome and offensive** conduct of a sexual nature;
 - **Sexual Conduct**, which outrages a woman's modesty or robs her of her dignity or makes her feel offended, humiliated and/or intimidates her;
 - **Creation of a hostile, intimidating or humiliating work environment** created by the sexual conduct for the aggrieved/victim in the organisation;
 - **Threatening victim's job, or negatively affecting job performance** or undermining victim's personal dignity and manifesting itself either physically or psychologically, as an outcome of such sexually oriented conduct;
 - **Situations** where a person is asked to engage in sexual activity as a condition of that person's employment;
 - **One or more incidents** and actions that amounts to 'harassment' of the physical, verbal and non-verbal kind.

3.1.2 Examples of Sexual Conduct

Conduct constituting sexual determined behaviour that causes discomfort and/or humiliates a person include any one or more of the following unwelcome acts, but are not limited to:

3.1.2.1 Physical conduct

- (i) **Unwelcome physical contact** and advances including touching, patting, pinching, stroking, deliberate brushing of body, kissing, hugging, fondling, or inappropriate touching;
- (ii) **Sexually-suggestive gestures** like whistling, leering, persistent staring/watching, following a person making her uncomfortable;
- (iii) **Physical violence**, sexual assault, physical confinement against one's will or any such act likely to intrude upon one's privacy;
- (iv) **Demand or request for sexual favors**; use of job-related threats or rewards to solicit sexual favours.

3.1.2.2 Verbal conduct

- (i) **Sexually colored remarks** about a person's clothing or body, appearance, age, private life;
- (ii) **Sexually explicit text messages** (phone, mail or email, SMS, MMS), comments, stories and jokes;
- (iii) **Repeated and unwanted social invitations** for dates or physical intimacy during off-duty hours or continued expressions of sexual interest against a person's wishes;
- (iv) **Gender derogatory comments**, jokes, insults based on the sex of the worker, condescending or paternalistic remarks;
- (v) **Sarcastic comments** like eve teasing, innuendos, taunts, etc.

3.1.2.3 Non-verbal conduct

- (i) **Displaying of sexually explicit content** like pornographic or suggestive material, sexually demeaning or offensive pictures,

cartoons or other materials through email, SMS, MMS etc targeted to draw the attention of a woman;

- (ii) **Sexual overtures** like giving gifts etc. or leaving objects that are sexually suggestive like explicit signs and gestures;

3.1.2.4 Additional Issues:

- (i) Implied or explicit promise of preferential treatment in employment;
- (ii) Implied or explicit threat of detrimental treatment in employment;
- (iii) Implied or explicit threat about the present or future employment status;
- (iv) Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- (v) Humiliating treatment or work conditions likely to affect women's health or safety.

3.2 Aggrieved woman: In relation to a workplace, is a woman, of any age, who may or may not be employed therein, but who alleges to have been subjected to an act of sexual harassment by the accused. Aggrieved woman includes all worker/employees; contractual or temporary and even visitors at workplace.

3.3 Respondent: Is any accused person against whom the aggrieved woman has made a complaint of sexual harassment.

3.4 Employee: Is a person employed at the workplace for any work on a regular, temporary, ad-hoc or daily wage basis, with or without the knowledge of the employer and with or without remuneration, and who may be working on a

voluntary basis or otherwise, and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other such name. It also includes any person who works for an employer, on express or implied terms of employment and may be responsible for management, supervision & control of the Workplace

3.5 Workplace: In addition to the place of work [Head office / Branch offices, Factories] it shall also include any place where the aggrieved woman or the respondent visits in connection with her work, during the course of and/or arising out of employment/ contract/ engagement with the CCDT, including transportation provided for undertaking such a journey.

For the sake of clarity, '**workplace**' is understood to be and includes the following:

- (i) All offices or other premises from where the CCDT's business is conducted;
- (ii) All sites away CCDT premises, where CCDT's activities are performed like social events, business trips, training sessions or conferences sponsored by CCDT;
- (iii) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations; and
- (iv) Any place, event or incident where the person was not working in the personal capacity and was representing CCDT.

3.6 Employer: A person responsible for management, supervision and control of the workplace.

COMPLAINT MECHANISM

CCDTPP provides for a complaint and redressal mechanism in the organization to specifically deal with complaints of sexual harassment, to enable prompt and efficient responses to the aggrieved persons and to ensure that complaints are investigated into fairly and properly to the satisfaction of the complainant. The individuals who are entrusted to deal with the complaints of sexual harassment are specifically trained in law, issues involved and nuances of this subject, its nature and the course it can travel.

It is observed, that complainants often desire to resolve the matter without bringing it out in the open and are happy with an informal resolution in the matter and for it to stop. Contrarily, others may want and opt for more formal measures. In addition, informal resolution mechanisms may be inappropriate where the allegations is of a far serious nature and implication or where the harasser is also the victim's supervisor.

4.1 Internal Committee (IC): POSH mandates that companies or offices or establishments or branches, employing 10 or more employees, must set up an appropriate complaint mechanism in the form of the **Internal Committee (IC)** to hear, investigate and redress grievances pertaining to sexual harassment and to determine whether or not such conduct actually constitutes an offence under the law or is a breach of the CCDT service rules. Accordingly CCDT under CCDTPP has set up its IC for time-bound redressal of complaints, made by victims of sexual harassment.

4.2 Constitution of The IC: CCDT has therefore, nominated the following four members, half of whom are women as required by the law, to its IC as follows:

- (i) **Presiding Officer- (Name & Designation)**, is a senior level woman employed in the CCDT;

- (ii) **Members- (Names & Designations)**, are the other two nominated employee members who are committed to the cause of women and/or have the necessary experience in social work or have legal knowledge; and
- (iii) **External member- (Name & Designation)** is attached to NGO (or an association) committed to the cause of women and is a person familiar with issues relating to sexual harassment, and has a legal background with some expertise in the matter.
- (iv) **Term:** The term of the above -mentioned IC Members shall not exceed 3 years from the date of their nomination and at any given time a minimum of 3 Members of the IC, including the Presiding Officer shall be present to conduct an inquiry.

4.3 IC Responsibilities: The IC must engage with the aggrieved person and conduct a full and proper inquiry into the matter with a final report of its findings in the case, along with its recommendations for redressal of the victim in the case the allegations are proved true. In accordance with the same the following are the responsibilities of the IC:

- (i) Preparing and approving a Complaints Redressal Policy (CRP) for the CCDT;
- (ii) Inquiring and investigating fairly every complaint of sexual harassment;
- (iii) Taking appropriate remedial measures to remedy any substantiated allegations of sexual harassment;
- (iv) Recommending penalties to be imposed on the guilty, by the CCDT; and
- (v) Making all efforts through, awareness, training and other schemes to discourage and prevent all acts of employment-related sexual harassment.

COMPLAINT RESOLUTION & REDRESSAL

Complaints related to sexual harassment will be received, addressed and redressed in the following manner:

5.1 Informal Resolution Options

5.1.1 In case the alleged victim is not keen to pursue her complaints formally and would like to resolve the same informally without bringing it to the notice of others, it is recommended then that she forthwith communicate her disapproval and objections to the accused harasser, with a request to stop the offending behaviour and to conduct himself, appropriately.

5.1.2 Victim can also reach out to the designated Supervisor to seek her guidance and support in the resolution of her problem and grievances. The IC if requested by the aggrieved woman must facilitate discussions between the victim and accused to achieve an informal resolution and conciliation. In any case the IC must record the details of the complaint and its resolution for reference and appropriate action.

5.1.3 In any case any informal resolution through discussions and conciliation must happen speedily within 2 (two) weeks of receipt of complaint. In case the harassment continues, the complainant must approach the IC to resolve the matter to complainant's satisfaction.

5.2 Formal/Written Complaints:

5.2.1 Any employee who is allegedly being harassed and desires to lodge a formal complaint or has exhausted her informal options may complaint to the Presiding Officer of the IC. Complaint must be:

- (i) In writing and in the prescribed format

- (ii) In form of a letter sent in a sealed envelope or through email; and
- (iii) Must be made within three months (90 days) from the date of occurrence of the alleged incident.

Further, the IC can also grant an extension of an additional 3 months to complain, in cases where it deems fit.

5.2.2 In cases where the aggrieved woman is physically or mentally impaired, or has passed away, owing to which she was/is unable to file the complaint, her legal heir, co-worker, relative, friend, or a person with knowledge of the incident or such other person prescribed by the Policy is permitted to complain on her behalf.

5.2.3 Written complaints have to be made in 6 (six) copies along with supporting documents, with names and addresses of witnesses if any.

5.2.4 The IC shall commence its inquiry into the complaint within a period of 1 (07 days) week from receipt of the original complaint or closure of a conciliation or a repeat complaint, and will have to conduct a thorough and appropriate investigation, which must be completed within 10 (ten) days from the commencement of the inquiry. On completion of Inquiry, IC must submit its conclusions in the form of an Inquiry Report.

5.2.5 For the information of all, it must be known that the CCDT is bound to act on the recommendations of the IC within 60 (sixty) days from receipt of an Inquiry Report. It is further clarified that in case the IC determines that the offence complained of does not constitute an act of sexual harassment as determined by POSH, it shall conversely initiate appropriate action against the complainant as it determines, on the recommendations of the IC.

5.2.6 Anyone who has been found to have sexually harassed another person under the terms of CCDTPP may become liable for any of the following deterrent actions/ sanctions or penalties, including warnings verbal,

reprimands, adverse performance evaluation, reduction in wages, transfer, demotion, suspension and dismissal and may also be provided necessary counseling for his identified problems; to ensure that incidents of sexual harassment are not treated trivially. The nature of the remedial measures will depend on the gravity and extent of the harassment.

5.3 Interim relief: While the inquiry is being conducted against the sexual harassment, law empowers the IC to grant interim reliefs to the complainant at her written request, which includes the following:

5.3.1 Transferring the complainant or respondent to any other workplace;

5.3.2 Granting leave to the aggrieved woman for up to three months in addition to her entitled leave;

5.3.3 Restraining the accused from reporting to work or writing any confidential report in relation to the aggrieved woman; or

5.3.4 Restraining the accused from supervising any academic activities of the aggrieved woman, which may form part of her duties as an employee.

5.4. False or Malicious Complaints: It is to be noted that if complaints are found to be false, malicious and vindictive in nature, strict and appropriate disciplinary action will be taken against such complainants. Likewise, if any witness has given false evidence or produced any forged or misleading document, the IC may recommend to the CCDT to take suitable action against such witness. The decision of the CCDT shall be final in this regard.

CONFIDENTIALITY

6.1 Non -Disclosure: Employees are assured that the CCDT will treat all complaint of sexual harassment responsibly and with utmost confidence. The identity of the complainant, respondent, witnesses, statements and other evidences

obtained in the course of inquiry process, the recommendations of the committees and action taken by the employer will be considered as confidential materials and shall not published or made known to public or media. Any person contravening the confidentiality clauses shall be subject to disciplinary action.

6.2 Access to Reports & Documents: CCDT assures that it shall keep all records of complaints pertaining to sexual harassment confidential, including contents of meetings, results of investigations and other relevant material, except where disclosure is required under disciplinary or other remedial processes.

6.3 Protection to complainant / victim: CCDT is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal, written or verbal from the accused or co-workers, department colleagues or managerial personnel. CCDT management will take strict disciplinary action in the event such reprisals are brought to its notice and shall ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

APPEALS

Complainants and the accused not satisfied with the decision/recommendations of the IC can make an appeal against the same within 90 days of communication of such decision/recommendations of the IC to the POSH Appellate Authority. However, only the following specific recommendations can be appealed against, such as:

- (i) No sanctions/sanctions of misconduct or deductions of wages;
- (ii) False/malicious complaints or false witnesses or forged documents;
- (iii) Penalty for contravening the non-disclosure guidelines of the Act; or
- (iv) Non-implementation of recommendations

OUTSIDE COMPLAINTS MECHANISMS

A person who has been subject to sexual harassment can also make a complaint outside of the CCDT through the widely notified legal options available to women under the laws of India and can as well approach quasi-judicial mechanisms like i.e. employment tribunal, ombudsperson, etc. Specifically she can:

8.1 File a police complaint under the Indian Penal Code 1856 (IPC) called as a 'zero FIR' under the following sections of the law:

- (i) S. 294 - whoever to the annoyance of others performs any obscene act in a public place - 3 months fine or both
- (ii) S. 354 A - Sexual harassment - rigorous imprisonment upto 3 years
- (iii) S. 354 B - Assault - 3-7 years
- (iv) S. 354 C - Voyeurism - upto 3 years
- (v) S. 354 D - Stalking - upto 3 years
- (vi) S. 509 - Word/gesture intended to insult modesty of woman - 3 years

8.2 File a complaint under section 107 of the Indecent Representation of Woman Act, harassment of a woman with books, photos, paintings etc. can be penalised with minimum 02 (two) years and wherein an offending CCDT can also be penalized.

8.3 File an on-line complaint via 'SHE- BOX' as proposed and activated by the NCW (National Commission for Women) and MWCD (Ministry for Women and Child Development)

8.4 File a private complaint under section 190/200 of the Criminal Procedure Code.

MONITORING AND EVALUATION

CCDT recognizes the importance of monitoring this CCDTPP and will ensure that it anonymously collects relevant and pertinent statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with the CCDTPP, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, CCDT will evaluate the effectiveness of this policy and make any changes needed.

RESPONSIBILITIES TO PREVENT SEXUAL HARASSMENT

10.1 CCDT: As already summarized above, CCDT is responsible for maintaining a workplace free of any kind of sexual harassment, particularly against women as is outlined by POSH. Apart from the above CCDT is responsible for the following:

10.1.1 Threat Free Environment: Ensuring at all times that sexual harassment of its employees in its premises will not be tolerated, that complaints will be taken seriously and that the complainants, accused or witnesses are not harassed in anyway.

10.1.2 Due Process: Following the due process in accordance with the law in the disposal of all complaints received as detailed above, implying thereby that if a complainant is dissatisfied with the resolution process carried out by the CCDT, she may bring it to its notice that due process was not followed in her case.

10.1.3 Annual Report: Preparing and submitting an Annual Report with the details of the number of sexual harassment cases lodged, heard and disposed, number of cases pending for more than 90 days, number of workshops and programs carried out by employer and the action taken by the IC and the CCDT to the District Officer (DO). DO will then

forward a brief report on the Annual Report to the appropriate State Government.

10.1.4 Records of proceedings: Recording and maintaining all complaints and related proceedings meticulously. Disclosures relating to the complaints and cases will be made only when required under mandatory procedures.

10.1.5 Misconduct: Ensuring that necessary provisions are incorporated in its service rules to treat sexual harassment as 'misconduct', along with commensurate disciplinary action against such misconduct.

10.1.6 Facilities: Providing all required facilities, assistance and information to the IC, the aggrieved and the accused, for dealing with all inquiries and complaints related to sexual harassment.

10.1.7 Assistance: Providing assistance to woman seeking to initiate action under IPC or any other law.

10.1.8 Information Dissemination: Ensuring that regular trainings, orientation and awareness programs for its employees and management are regularly held, so that the CCDTPP is more effective.

10.1.9 Safe Places: Organising supportive spaces in its premises to encourage its women employees to discuss their emotions and women centric experiences and to foster empathetic connections.

10.2 Employees: Apart from the CCDT, all employees of the CCDT too have a personal responsibility to ensure that their conduct while in the CCDT is not contrary to the CCDTPP. Further, all employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment by refusing to participate in any activity that constitutes sexual harassment of a woman employee and support a/the victim in rejecting any unwelcome behaviour and reporting any offensive conduct that they may witness.

CONCLUSION

CCDT is committed to ensuring that there is effective implementation of the CCDTPP and to that end will ensure that it is disseminated to all its employees within the organisation and that it is also included in the staff handbook. All new employees will be trained on the content of the CCDTPP as part of their induction into the CCDT.

Every year, CCDT will require all employees to attend a refresher training course on the content of the CCDTPP and it shall be the responsibility of every manager to ensure that all his/her employees are sufficiently aware of the CCDTPP.

ICC- Internal Complaint Committee

Internal Committee (IC):

Sr. No	Role	Name of the Member	Email ID
1	Presiding Officer	Hemangi Mhaprolkar	posh@ccdtrust.org
2	ICC team Member	Vinayak Prabhu	
3	ICC team Member	Tayyaba Shaikh	
4	External Member	Nisha Jagdish	