2021

**advancing community resilience initiative sexual Harassment policy**

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**POLICY STATEMENT**

Advancing Community Resilience Initiative (ACRI), we are committed to conducting and governing ourselves with ethics, transparency and accountability and to this, we have developed governance structures, practices and procedures that ensure that ethical conduct at all levels is promoted across our value chain. It is thus in acknowledgement of and consonance with these values, that we are dedicated to ensuring that the work environment at all our locations is conducive to fair, safe and harmonious relations, based on mutual trust and respect, between all the associates of the Organization. We also strive to guarantee a safe and welcoming environment to all those who visit any of our locations in any capacity, such as Partners. Discrimination and harassment of any type is strictly prohibited. We wish to promote and maintain this culture to ensure that associates of the Organization do not engage in practices that are abusive in any form or manner whatsoever.

The Organization aims to provide a safe working environment and prohibits any form of sexual harassment. Hence any act of sexual harassment or related retaliation against or by any associate is unacceptable. This policy therefore, intends to prohibit such occurrences and also details procedures to follow when an associate believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding sexual harassment. Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of policy. All managers to ensure that they themselves as well as their team, including new joiners, are aware of the Policy on Prevention of Sexual Harassment in place and strictly adhere to it.

Advancing Community Resilience Initiative (ACRI) will promptly investigate all complaints and take appropriate action, up to and including termination of employment.

**ACRONYMS**

|  |  |
| --- | --- |
| **Term/ Acronym** | **Explanation** |
| HR | Human Resources |
| NGO | Non-Governmental Organization |
| PM | Program Manager |
| POSH | Prevention of Sexual Harassment |

CHAPTER ONE.

1. **Applicability**

This policy will extend to all associates of the Organization including those employed on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, whether for the remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied (hereinafter referred to as ―Associates”).

The policy also extends to those who are not employees of Advancing Community Resilience Initiative (ACRI), such as partners, visitors, vendors, suppliers, contract worker, probationer, trainee, apprentice or called by any other such name, but are subjected to sexual harassment at the Premises (defined hereinafter) of the Organization.

**CHAPTER TWO.**

1. **Scope**

The scope of the Policy is restricted to the following for all Associates:

* Field locations of the organizations
* Any external location visited by Associates due to or during the course of their employment with the Organization such as field locations of other organizations/entities, guest houses etc.
* Any mode of transport provided by the organization (or a representative of the organizations) for undertaking a journey to and from the aforementioned locations

**CHAPTER THREE.**

1. **Definitions**

“Aggrieved Associate” means in relation to a workplace, any individual, of any age whether employed in the Organization or not, who alleges to have been subjected to any act of Sexual Harassment by the associate of the Organization.

“Employer” means in any workplace, any person responsible for the management, supervision and control of the Workplace.

“Sexual harassment” includes any unwelcome sexually determined behavior (direct or implied) such as physical contact and advances, unwelcome communications or invitations, demand or request for sexual favors, sexually cultured remarks, showing pornography, creating a hostile work environment and any other unwelcome

“Sexually determined behavior” (physical, verbal or non-verbal conduct) of a sexual nature.

“Sexual Harassment” would also mean:

* Quid pro quo sexual harassment, which means something in return or an exchange of one thing for another.
* In the workplace, quid pro quo sexual harassment takes place if sexual favors are asked in exchange for any kind of special treatment on the job. Threatening an Associate about his/her present or future employment status if he/she does not consent to such sexual advances or a favor also amounts to sexual harassment. The act of ‘asking’ may either be verbal or implied and the “sexual conduct” may be verbal or physical. But, in either case, it must be unwelcome
* For e.g.: Direct or implied requests or offers by any associate for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

Hostile work environment includes

* Hostile environment sexual harassment occurs when either speech or conduct of a sexual nature takes place, and is seen or perceived as offensive and interferes with the work performance of the recipient, or any one or more Associates
* Hostile environment sexual harassment may also include intimidating or harassing conduct that is directed at an individual, or a group of individuals
* It will also mean related retaliation which includes marginalizing someone in the workplace with regard to his / her roles and responsibilities, socially ostracizing, intimidating someone physically, psychologically, and emotionally or someone close to or related to the victim, to the extend the humiliation or intimidation affects the health or safety. This is only an indicative list of the possible acts which could be treated as sexual harassment and is in no way intended to be construed as an exhaustive list.

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person’s employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

* 1. **Physical conduct**
* Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
* Physical violence, including sexual assault
* Physical contact, e.g. touching, pinching
* The use of job-related threats or rewards to solicit sexual favors
  1. **Verbal conduct**
* Comments on a worker’s appearance, age, private life, etc.
* Sexual comments, stories and jokes
* Sexual advances
* Repeated and unwanted social invitations for dates or physical intimacy
* Insults based on the sex of the worker
* Condescending or paternalistic remarks
* Sending sexually explicit messages (by phone or by email)
  1. **Non-verbal conduct**
* Display of sexually explicit or suggestive material
* Sexually-suggestive gestures
* Whistling
* Leering

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. Advancing Community Resilience Initiative (ACRI) recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

Advancing Community Resilience Initiative (ACRI) recognizes that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee. Anyone, including employees of [company name], clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

**CHAPTER FOUR.**

1. **Prevention action**

The Organization will take reasonable steps to ensure prevention of sexual harassment at work which may include circulating applicable policies and other relevant information to all associates, including to all new joiners. All new joiners and existing associates of the organization are required to undertake the certification on the Policy on Prevention of Sexual Harassment at regular intervals as per local laws.

All sexual harassment is prohibited whether it takes place within Advancing Community Resilience Initiative (ACRI) premises or outside, including at social events, business trips, training sessions or conferences sponsored by Advancing Community Resilience Initiative (ACRI).

**CHAPTER FIVE.**

1. **Sexual Harassment Committee**

The Organization shall have an Internal Complaints Committee at all field operations to specifically address any complaints of sexual harassment. The Committee will be constituted by the Organization and would be headed by the Chairperson, who shall be a woman Associate employed at a senior level at workplace from amongst the Associates. In case the senior level officer is not available, the Country Director shall nominate the senior level officer from other locations.

The Internal Complaints Committee shall comprise of the following members:

* Not less than two member shall amongst Associates preferably committed to the cause of women or who have had experience in social work or have a legal knowledge; and
* One member from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

Provided that, at least one-half of the total members so nominated shall be women

In addition to handling complaints of sexual harassment, the committees will also co-ordinate preventive activities to create a sexual harassment free atmosphere via:

* Common Information mailers
* Floating Articles on the same, from time to time
* Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Committee; and
* Organize workshops and awareness programs at regular intervals for sensitizing the Associates with the provisions of the Act and orientation programmers for the members of the Committee in the manner as may be prescribed

The Chair person and every Member of the Committee shall hold office for a period not exceeding three years, from the date of their nomination. Inclusion or removal of Committee Members shall be on the following grounds:

* Contravention of the Policy or the legal provisions of the act; or
* Has been convicted for an offence or an inquiry into an offence under any law for the time being in force in pending against him; or
* Has been found guilty in any disciplinary proceedings or a disciplinary proceedings is pending against him; or
* Has so abused his positions as to render his continuance in office prejudicial to the public interest or Provided that the same has to be approved by the Organization.

The committee members, unit HR representatives and reporting managers will be provided necessary training inputs to handle such issues effectively and with the required sensitivity and concern.

**CHAPTER SIX.**

1. **Role of the Committee:**

* Review the complainant ‘s complaint in a fair and objective manner
* Help the complainant and the respondent find a way of solving the problem
* Determine the facts of the case with the individuals concerned and the witnesses, if any, and prepare a report with the findings
* Be bound in the principle of natural justice and be unbiased in their evaluation

**CHAPTER SEVEN.**

1. **Procedure for dealing with complaints**

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome.

**CHAPTER EIGHT.**

1. **Filing of a complaint**

If any Associate believes that (s)/he has been subjected to sexual harassment, such Aggrieved Associate may file a written complaint with any member of the Committee or send an email to [advancingcommunityresilienceinitiative@outlook.com](mailto:advancingcommunityresilienceinitiative@outlook.com), within three (3) months from the date of incident or in case of series of incidents, within a period of three (3) months from the date of last incident and within 180 calendar days for ex-employees of the organization and in case of a series of incidents, within a period of three months from the date of last incident.

The Committee for the reasons to be recorded in writing extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Aggrieved Associate from filing a complaint within the said period. In case the complaint cannot be made in writing the Chairperson or any member of the Committee, as the case may be, shall render all reasonable assistance to the Aggrieved Associate for making the complaint in writing. Where the Aggrieved Associate is unable to make a complaint on account of its physical or mental incapacity or death or otherwise, their legal heir and in case of a woman the complaint can be made by such other person, The Committee may, before initiating an inquiry and at the request of the Aggrieved Associate take steps to settle the matter between the Aggrieved Associate and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Where a settlement is arrived, no further inquiry shall be conducted by the Committee, as case may be. The Committee shall provide the copies of the settlement as recorded to the Aggrieved Associate, respondent and the Organization, for records.

In case the conciliation fails to arrive at a settlement or if the Aggrieved Associate informs the Committee that the terms and conditions of the settlement have not been complied with by the respondent, the Committee shall proceed to make an inquiry into the complaint filed before the Committee. Complaints brought after that time period will not be pursued absent extraordinary circumstances. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made by the Committee in conjunction with the Legal team of the Company. Every attempt will be made to get the Aggrieved Associate to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences, and names of witnesses, if any. The complaint shall be signed by the Aggrieved Associate. Complaints made anonymously or by a third party must also be investigated to the extent possible. Where the Aggrieved Associate is unable to make a complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir or such other person as may be prescribed may make a complaint within 3 months of the incident. If the complaint does not rise to the level of sexual harassment, the Committee may determine to dismiss the complaint without further investigation after consultation with Legal Team.

Advancing Community Resilience Initiative (ACRI) recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser. If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, or one of the Sexual Harassment internal committee member. When a designated person receives a complaint of sexual harassment, he/she will forward this to the committee and;

* Immediately record the dates, times and facts of the incident(s)
* Ascertain the views of the victim as to what outcome he/she wants
* Ensure that the victim understands the company’s procedures for dealing with the complaint
* Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
* Keep a confidential record of all discussions
* Respect the choice of the victim
* Ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor within the company. Advancing Community Resilience Initiative (ACRI) will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment. Advancing Community Resilience Initiative (ACRI) recognizes that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. Advancing Community Resilience Initiative (ACRI) understands the need to support victims in making complaints.

**CHAPTER NINE.**

1. **Informal complaints mechanism**

If the victim wishes to deal with the matter informally, the designated person will:

* Give an opportunity to the alleged harasser to respond to the complaint
* Ensure that the alleged harasser understands the complaints mechanism
* Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
* Ensure that a confidential record is kept of what happens
* Follow up after the outcome of the complaints mechanism to ensure that the behavior has stopped
* Ensure that the above is done speedily and within 7 days of the complaint being made.

**CHAPTER TEN.**

1. **Formal complaints mechanism**

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter. The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy. The person carrying out the investigation will:

* Interview the victim and the alleged harasser separately
* Interview other relevant third parties separately
* Decide whether or not the incident(s) of sexual harassment took place
* Produce a report detailing the investigations, findings and any recommendations
* If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
* Follow up to ensure that the recommendations are implemented, that the behavior has stopped and that the victim is satisfied with the outcome
* If it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
* Keep a record of all actions taken
* Ensure that the all records concerning the matter are kept confidential
* Ensure that the process is done as quickly as possible and in any event within 7 days of the complaint being made.

**CHAPTER ELEVEN.**

1. **Outside complaints mechanisms**

A person who has been subject to sexual harassment can also make a complaint outside of the company. They can do so through [insert mechanism depending on country/legal framework – i.e. employment tribunal, ombudsperson, etc.].

Where the Aggrieved Associate is unable to make a complaint on account of his/her physical incapacity, a complaint may be filled by

* His/her relative or a friend; or
* His/her co-worker; or
* an officer of National Commission for Woman or State Women‘s Commission; or
* any person who has knowledge of the incident, with the written consent of the Aggrieved Associate;

ii. Where the Aggrieved Associate is unable to make a complaint on account of his/her mental incapacity, a complaint may be filled by:

* His/her relative or friend; or
* A special educator; or
* A qualified psychiatrist or psychologist or
* The guardian or authority under whose care he/she is receiving treatment or care; or
* any person who has knowledge of the incident jointly with his/her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care he/she is receiving treatment or care;

iii. Where the Aggrieved Associate for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the Aggrieved Associate;

iv. Where the Aggrieved Associate is dead, a complaint may be filled by any person who has knowledge of the incident, with the written consent of the legal heir of the Aggrieved Associate.

**CHAPTER TWELVE.**

1. **Decision and Action**

During the pendency of inquiry, on a written request made by the Aggrieved Associate, the Committee, may recommend to the Company to;

* 1. **Sanctions and disciplinary measures**

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

* Verbal or written warning
* Grant leave to the Aggrieved Associate
* Grant such other relief to the Aggrieved Associate as may be prescribed.
* Adverse performance evaluation
* Reduction in wages
* Transfer the Aggrieved Associate or the respondent to any other workplace; or
* Demotion
* Suspension
* Dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

**CHAPTER THIRTEEN.**

1. **Implementation of this policy**

This Policy shall be included in human resources manual

All new employees shall be trained on the content of this Policy as part of their induction

All contracts and individual contractors as well as service providers shall incorporate reference to this Policy and confirm compliance:

Advancing Community Resilience Initiative (ACRI) will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the company. Every year, Advancing Community Resilience Initiative (ACRI) will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

**CHAPTER FOURTEEN.**

1. **Monitoring and evaluation**

Advancing Community Resilience Initiative (ACRI) recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects 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 this policy, 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, the company will evaluate the effectiveness of this policy and make any changes needed.

**CHAPTER FIFTEEN.**

1. **Duties of the Employer**

Advancing Community Resilience Initiative shall;

* Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
* Display at any conspicuous place in the workplace, the penal consequences of sexual harassments
* Organize workshops and awareness programmes at regular intervals for sensitizing the Associates with the provisions of the Act and orientation programmes for the members of the Committee in the manner as may be prescribed;
* Provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry; e. assist in securing the attendance of respondent and witnesses before the Committee;
* Make available such information to the Committee as it may require having regard to the complaint made;
* Provide assistance to the Aggrieved Associate if he/she so chooses to file a complaint against the respondent in relation to the offence under the Indian Penal Code or any other law for the time being in force;
* Cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Aggrieved Associate so desires, where the perpetrator is not an Associate, in the workplace at which the incident of sexual harassment took place;
* Treat sexual harassment as a level 3 misconduct under the disciplinary policy of the Company and initiate action for such misconduct;
* Monitor the timely submission of reports by the Committee.

**CHAPTER SIXTEEN.**

1. **Sexual harassment and persons of concern (poc) /partners**

Advancing Community Resilience Initiative (ACRI) encourages its clients/partners to have a commitment to a sexual harassment free working atmosphere within their organization and outside the Organization.

Advancing Community Resilience Initiative (ACRI) is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. Advancing Community Resilience Initiative (ACRI) will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.