



THE WORLD BANK



**Uttarakhand State Disaster Management
Authority (USDMA) Government of
Uttarakhand**

**Uttarakhand Disaster Preparedness and Resilience
Project (U-PREPARE)**

Sexual Harassment Plan

For

**Construction of 240 M Span PSC Girder Motorable Bridge at
Bullawala to Sattiwala over Suswa River at Doiwala in the
District of Dehradun.**

May-2025

Prepared By-



**RCC Developers Limited
109, City Centre, Bachcha Park, Meerut.**

Contents

About this guide	4
Disclaimer	4
1. How to use this Model Policy	5
1.1. Consultation	5
1.2. Integrating this policy with existing policies	5
1.3. Leadership Statement	6
1.4. Communicating the policy to the workforce	6
2. What is Sexual Harassment?	7
<i>Sexual harassment is any conduct:</i>	8
2.1. Consent and affirmative consent laws	9
3. Key concepts	11
3.1. Who is a worker? What is the workplace?	11
3.2. Harassment on the ground of sex	13
4. Employer's responsibilities	14
4.1. Vicarious Liability	14
4.2. Aiding or permitting sexual harassment	Error! Bookmark not defined.
4.3. Managing work, health and safety risk	15
4.4. Best practice prevention	15
4.5. Integrating diverse experiences	16
4.6. Mandatory and regular training	17
4.7. Reporting and response procedures	17
5. Guidance for managers and colleagues	19
5.1. Responding to disclosures of sexual harassment	19

5.2. Legal and HR advice	Error! Bookmark not defined.
6. Reporting	20
6.1. Providing a range of pathways for reporting	20
6.2. Anonymous reporting	20
6.3. Vexatious reports	20
6.4. Preventing victimisation	21
Appendix 1: Leadership Statement	22
Internal Complaint Committee (ICC)	Error! Bookmark not defined.
Appendix 2: Sexual harassment risk assessment tool	23
Signs your workers may be at risk of sexual harassment	23

About this guide

This Implementation Guide has been developed to support agencies to implement the Model Sexual Harassment Prevention Policy (the Model Policy) and to improve understandings of key concepts.

While this information is targeted to HR professionals and people managers within the sector, this document should also be accessible to all workers to promote respectful workplaces and increase confidence in addressing harmful negative workplace behaviours.

This material is accurate under legislative frameworks at the time of publication. It is important Government agencies take responsibility to ensure accuracy of their own policies and material provided to workers.

In the Model Policy, where there is guidance information available, it is flagged with a banner marker. The headings in this document correlate with the banner markers for easy navigation.

Example:



Implementation Guide: *Who is a worker? What is the workplace?*

Disclaimer

This Guidedoes not offer, constitute, or replace legal advice, including in relation to the prevention or management of sexual harassment in the workplace. While intended to be current and reflect best practice at the time of publication, it is not a comprehensive guide to applicable law, and may be or become incomplete, inaccurate or out of date. The Public Service Commission accepts no responsibility or liability in relation to this Guide.

1. How to use this Model Policy

The Public Service Commission has developed the Model Policy for the prevention of sexual harassment in the workplace in consultation with public sector agency representatives and industry experts. The policy is based on best practice approaches to preventing and responding to sexual harassment in the workplace.

Agencies are encouraged to use the Model Policy as a template and tailor it to the culture and specific characteristics of their workplace and workforce, addressing any particular risk factors. Risk factors include:

- working after hours with minimal supervision
- working in restrictive spaces like cars
- isolated work locations
- regular contact with customers or other third parties
- regular contact with vulnerable individuals, groups, or communities
- worker's uniforms.

1.1. Consultation

Under the *Work Health and Safety Act* a person conducting a business or undertaking, such as a government agency, must consult, so far as is reasonably practicable, with workers who are (or are likely to be) directly affected by a work health and safety matter such as sexual harassment.

When consulting, the person conducting a business or undertaking must:

- share information
- give workers a reasonable opportunity to express their views and contribute to decision-making
- take those views into account before making decisions on health and safety matters, and
- advise people of the outcome of consultations.

1.2. Integrating this policy with existing policies

When applying and implementing the policy, it is critical for agencies to consider any additional obligations they may have to notify or report incidents of sexual harassment and/or related misconduct. For example, if the conduct reported amounts to a criminal offence or amounts to a serious safety incident, the agency may be required to report the incident to Police Force and/or Safe Work.

When implementing this policy, agencies should also consider legislation applicable to their agency and the policies already in place, and how this policy may interact with applicable legislation and instruments.

Leadership Statement

The leadership statement sets the tone of the policy and demonstrates a clear and genuine commitment to prevent and respond to sexual harassment as an organisational priority. Leaders, including managers and supervisors, play a key role in driving a safe and respectful workplace culture.

To achieve authenticity and impact it is recommended that the statement developed by the leadership of your agency and is connected to your agency's organisational objectives. An example of a Leadership Statement is at Appendix 1.

1.3. Communicating the policy to the workforce

A written policy is only effective in addressing sexual harassment if it is successfully communicated and implemented. Agencies should communicate the sexual harassment policy widely and conduct regular sessions to provide opportunities for the workforce to engage in the content. This may be achieved by:

- officially launching the policy at a staff meeting with endorsement from senior leaders
- communicating the policy to the workforce with a leadership statement setting out clear expectations of behaviour in the workplace
- integrating the policy into new staff inductions and new responsibilities for those who are promoted to management positions
- displaying the policy on the intranet, office noticeboards and in induction manuals for new staff members
- ensuring that the policy is accessible to employees from different cultural backgrounds, with disabilities, and those working in remote areas
- referencing the policy in staff contracts and requiring all new staff to sign a copy of the policy acknowledging that they understand the content
- periodically reviewing the policy to ensure it is operating effectively and contains current information (e.g. about the law, contact and complaint officers)

2. What is Sexual Harassment?

Sexual harassment is unlawful and prohibited by the *Anti-Discrimination Act* and the *Sex Discrimination Act*. Both of these Acts apply to government sector employees.

The Model Policy provides an outline of what sexual harassment is, in line with legal definitions under the *Anti-Discrimination Act* and *Sex Discrimination Act*:

Section 28A of the *Sex Discrimination Act* provides that a person sexually harasses another person if:

- (a) *the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed, or*
- (b) *the person engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.*

Sexual harassment is defined in similar terms in the *Anti-Discrimination Act*.

Sexual harassment is any conduct:

- that is *unwelcome* (whether or not the person impacted has explicitly identified it as unwelcome or raised a concern about the conduct)
- of a *sexual nature* (a sexual advance, request for sexual favours or other conduct of a sexual nature)
- that a *reasonable person* (aware of all the circumstances) would anticipate could possibly make the person subjected to the conduct feel *offended, humiliated or intimidated*.

It can be physical, verbal or written, including through online and phone communication.

Examples of behaviour that could be sexual harassment in the workplace include:

- unwelcome or inappropriate touching, hugging, cornering or kissing
- inappropriate staring or leering that makes the other person feel intimidated
- sexually explicit or indecent physical contact
- actual or attempted rape or sexual assault
- sexual gestures, indecent exposure or inappropriate display of the body
- being followed or watched or having someone loitering nearby
- displaying sexually explicit images or objects around the office
- intrusive or sexually suggestive questions, comments or jokes
- comments or questions about a person's sexual activities or body
- unwanted or repeated invitations to go out on dates, start a relationship or propositions for sex
- emailing pornography or rude jokes
- sending sexual text messages including photos, videos or memes
- communicating content of a sexual nature through social media
- threatening to share or sharing intimate images/video of someone without consent
- ongoing unwelcome contact (e.g. in person, phone, social media) following the end of a consensual relationship.

Some forms of sexual harassment are also criminal offences. Sexual assault (commonly referred to in the community as rape and attempted rape), sexual touching without consent and other sexual acts without consent are serious criminal offences.

There is no requirement that the unwelcome conduct be repeated; a one-off incident can be sexual harassment. A broader pattern of behaviour can constitute sexual harassment.

Sexual harassment may be perpetrated by various people, including an employer, supervisor, co-worker, client, contractor, volunteer, patient or customer.

2.1. Consent and affirmative consent laws

In India, consent refers to an "unequivocal voluntary agreement" to a specific sexual act, as defined by the Indian Penal Code (IPC). Affirmative consent requires clear communication of willingness through words or gestures, and its absence or a withdrawal of consent renders the act non-consensual. The age of consent is 18 years, with any sexual activity involving a person below this age being a criminal offense, as established by the POCSO Act.

The *Crimes Act* now provides that:

- In India, the "Crimes Act" was not a single law but a term used loosely to refer to the Indian Penal Code (IPC), which has now been replaced by the Bharatiya Nyaya Sanhita (BNS), 2023.
- The BNS modernizes criminal definitions, increases penalties for some offenses, and introduces new crimes like organized crime and terrorism. Key changes include stricter punishments for sexual offenses, making sexual intercourse under false promises a crime, mandating the recording of victim statements via audio-video means, establishing mandatory forensic evidence collection for serious crimes, and including provisions for crime prevention.
- A person may withdraw their consent to a sexual activity by words or conduct at any time and where this occurs, there is no consent for the sexual activity to occur.

'Sexual activity' means sexual intercourse, sexual touching or a sexual act. 'Sexual touching' means touching another person with any part of the body (or with anything else or through anything, including through anything worn by the person being touched), in circumstances where a reasonable person would consider the touching to be sexual. Sexual act' means an act (other than sexual touching) carried out in circumstances where a reasonable person would consider the act to be sexual.

The *Crimes Act* also now recognises some circumstances in which there is no consent. For example, a person will not have consented to a sexual activity if the person:

- does not say or do anything to communicate consent
- does not have the capacity to consent
- is unconscious
- is asleep
- is so affected by alcohol or another drug that they are incapable of consenting

- participates in the sexual activity because of force, fear of force, or fear of serious harm to themselves or someone else or an animal or property, or because of coercion, blackmail or intimidation
- participates in the sexual activity because the person is overborne by the abuse of a relationship of authority, trust or dependence
- is tricked into participating by fraudulent inducement or is incapable of consenting because of, for example, a cognitive impairment.

The *Crimes Act* also recognises that a person who does not offer physical or verbal resistance to a sexual activity is not, by reason only of that fact, to be taken to consent.

3. Key concepts

3.1. Who is a worker? What is the workplace?

The Model Policy adopts some definitions from the *Work Health and Safety Act 2011* (NSW). Applying these definitions ensures consistency and that employers and employees are aware of their rights and responsibilities under WHS legislation.

In India, a "worker" is broadly defined under the [Occupational Safety, Health and Working Conditions Code, 2020 \(OSH Code\)](#) as any person employed in an establishment to do any work for wages. This definition is comprehensive and covers individuals employed by the establishment directly, as well as those employed through contractors, and includes various categories of work such as manual, technical, or clerical labor.

- (1) *A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as—*
 - a) *an employee, or*
 - b) *a contractor or subcontractor, or*
 - c) *an employee of a contractor or subcontractor, or*
 - d) *an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or*
 - e) *an outworker, or*
 - f) *an apprentice or trainee, or*
 - g) *a student gaining work experience, or*
 - h) *a volunteer, or*
 - i) *a person of a prescribed class.*

Where and how sexual harassment may occur:

Sexual harassment can occur beyond the usual workplace and outside normal working hours. For example, workplace sexual harassment can occur in settings where there is a connection to employment, including:

- where a worker is working remotely, including if the person's workplace is their home
- in a place where the worker is undertaking work at a different location (e.g. at another business premises or at a client's home)
- at social functions sponsored and paid for by [insert agency]
- at social functions in connection with the team/workplace but not sponsored or paid by [insert agency]
- in vehicles while on the way to work functions or meetings
- at after-parties to such events (regardless of their location)
- in accommodation (e.g. hotel rooms) associated with or provided by [insert agency]
- online via use of technology and social media
- any other location in situations where the conduct commenced in the workplace and continued outside the workplace and vice-versa.

Sexual harassment can occur through electronic means (such as emails or text messages, sending links to pornographic websites) and through social media, regardless of whether sent during work hours or not. Where there is a link to employment(e.g. involving communications between workers),workers are subject to the same rules about sexual harassment in the virtual world as they are in the real world.

3.2. Harassment on the ground of sex

sexual harassment is addressed primarily by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act), which was built upon the landmark Vishaka Guidelines of 1997, and also by Section 354A of the Indian Penal Code for criminal offenses.

The POSH Act defines sexual harassment as any unwelcome conduct of a sexual nature—including physical contact, demands for sexual favors, sexually colored remarks, and the showing of pornography—that creates a hostile work environment or leads to quid pro quo (favor-for-sex) situations. The POSH Act, in conjunction with the Indian Penal Code, ensures that women's fundamental rights to equality and dignity are upheld.

The Legal Framework

Sexual Harassment of Women at Workplace (POSH) Act, 2013:

This act mandates that all workplaces in India provide a safe environment free from sexual harassment for women. It defines sexual harassment and establishes procedures for addressing complaints, requiring employers to set up internal complaint committees (ICCs) and conduct awareness programs.

Section 354A of the IPC:

This section of the Indian Penal Code addresses sexual harassment as a criminal offense, specifying punishments such as imprisonment and fines for acts like physical contact, demands for sexual favors, and sexually colored remarks.

Vishaka Guidelines:

These guidelines, issued by the Supreme Court in 1997, were the foundational framework that acknowledged sexual harassment as a human rights violation and led to the POSH Act.

4. Employer's responsibilities

4.1. Vicarious Liability

Under anti-discrimination legislation, an agency may be 'vicariously liable' (i.e. legally responsible) for sexual harassment or harassment on the ground of sex committed by employees or agents if it fails to take all reasonable steps to prevent such conduct from occurring. It is not necessary for an employer to be aware of an incident of harassment for vicarious liability to apply.

In practice, this creates an obligation on employers to take all reasonable steps to prevent their employees or agents from engaging in sexual harassment and harassment on the ground of sex in order to avoid liability if any such incidents occur. This obligation is in addition to the existing positive duty on an employer to take reasonable and proportionate measures to eliminate sexual harassment and harassment on the ground of sex.

The *Sex Discrimination Act* and the *Anti-Discrimination Act* do not define what constitutes 'all reasonable steps', however, the meaning of this phrase has been considered in case law.

Importantly, what will amount to 'all reasonable steps' will depend on the specific factual scenario, including the facts surrounding the conduct, the size of the organisation, the nature of its workforce, the conditions under which the work is carried out, and any history of unlawful discrimination or sexual harassment.

Some *minimum* steps that should be taken by an organisation to prevent sexual harassment from occurring include:

- providing clear advice to workers that sexual harassment is against the law (i.e. the *Sex Discrimination Act* and *Anti-Discrimination Act*) and the organisation's policy
- ensuring that workplace policies on sexual harassment are communicated to all employees, that employees receive training on such policies, and that the policies are periodically reinforced
- establishing clear reporting pathways for complaints of sexual harassment and investigating any complaints made in a timely manner.

4.2. Managing work, health and safety risk

Agencies must take steps to eliminate or minimise the health and safety risks of sexual harassment in the workplace so far as is reasonably practicable. Safe Work Australia advise that this process is known as risk management and involves:

- identifying the hazards
- assessing the associated risks
- implementing control measures to eliminate or minimise risks, and
- regularly reviewing control measures to ensure they remain effective.

More information about the risk management process can be found in the Safe Work Australia Code of Practice: *How to Manage Work Health and Safety Risks* and the Code of Practice: *Work Health and Safety Consultation, Co-operation and Coordination*.

See Appendix 2 for an example risk-assessment matrix.

4.3. Best practice prevention

Eliminating sexual harassment in the workplace requires a significant focus on prevention, as well as responding to sexual harassment when it arises.

Prevention is about stopping behaviour before it happens by targeting the ‘root causes’ or the drivers and risk factors which underpin sexual harassment, as well as targeting behaviours themselves.

Employers are required to take reasonable steps to prevent sexual harassment to discharge their duty under the *Sex Discrimination Act*, to prevent risks to the health and safety of its workers under the *Work Health and Safety Act*, and to avoid vicarious liability for the conduct of their employees and agents.

In the Respect@ Work Report, the Australian Human Rights Commission recommended action in four areas to effectively prevent sexual harassment:

Leadership – the development and demonstration of strong and consistent leadership at all levels, that contributes to cultures that prevent workplace sexual harassment.

Gender equality, diversity and inclusion and culture – strategies to advance gender equality are the foundation of preventing sexual harassment. Prevention also requires the building of cultures of trust and respect that minimise the risk of sexual harassment occurring and, if it does occur, ensure it is dealt with in a way that minimises harm to workers. This includes the role of policies and human resources practices in setting organisational culture.

Risk assessment and transparency – greater focus on identifying and assessing risk, learning from past experience and transparency about sexual harassment, both within and outside of workplaces about sexual harassment, to mitigate the risk it can pose to businesses. This can help improve understanding of these issues and encourage continuous improvement in workplaces.

Knowledge - new and better approaches to workplace education and training, to demonstrate an employer's commitment to addressing sexual harassment and initiate change by developing a collective understanding of expected workplace behaviours and processes.

To prevent sexual harassment, leaders and managers should regularly:

- conduct simple, regular, open discussions at relevant meetings about sexual harassment and set expectations of workplace conduct
- ensure teams are aware of relevant laws and how they apply in a practical sense
- provide reminders to their teams about safe and respectful workplace behaviour
- invite feedback on the workplace environment
- explicitly encourage reporting of sexual harassment.

4.4. Integrating diverse experiences

Sexual harassment is a cultural issue that affects people differently. Factors such as age, cultural and linguistic diversity, disability, economic status, sexual orientation and job insecurity may increase the risk of a person experiencing sexual harassment and increase the likelihood of barriers for reporting sexual harassment. This may be compounded for people who have more than one of these attributes.

An important way to address sexual harassment for all workers is to foster an inclusive and representative work environment. It is also important to recognise and be open about the fact that sexual harassment affects people differently.

When developing agency sexual harassment policies and training, agencies should be aware of the diversity within their workforce and should consider where particular risks of sexual harassment may arise. To effectively do this, agencies will need to understand the different experiences and drivers of sexual harassment for diverse groups and the additional barriers they may experience in reporting and accessing support. Disaggregating existing data on sexual harassment in the workplace may assist agencies to do this, however, agencies should recognise that groups who are more at risk may also be more likely to under-report instances of sexual harassment.

Agencies may wish to consider whether their reporting and response pathways are responsive to the needs of diverse workers and what changes may be required to reduce the barriers to reporting. For example, some workers may feel more empowered to report sexual harassment if they can do so anonymously. Other workers may be more willing to report sexual harassment to a staff member if the person receiving the report has an understanding of the issues particular to their experience (e.g. that the person has an understanding of gender diversity).

People responsible for responding to reports of sexual harassment should be given training on the different ways people experience sexual harassment and how they can support people from diverse backgrounds.

4.5. Mandatory and regular training

It is recommended that mandatory training is provided at least once every year to employees on sexual harassment, and to managers and other people who may receive disclosures on how to receive and respond to reports of sexual harassment. Best practice standards for respectful workplace behaviour training include that training should be:

- part of a broader workplace commitment to cultural change, gender equality and inclusion and workplace wellbeing and safety
- designed by experts, tailored for the relevant workforce based on a needs analysis, and designed with input from workers.
- provided to all workers on induction and regularly thereafter as part of a holistic and ongoing program of workplace safety and wellbeing.

4.6. Reporting and response procedures

Agencies will have a range of approaches to managing reports/complaints of sexual harassment. These will take into account any applicable legislative misconduct procedures.¹ Some agencies may have a specific process for reporting sexual harassment. Others will use a general complaints process designed to manage a range of workplace matters, including misconduct, performance and sexual harassment.

In accordance with best practice, the Model Policy outlines a range of reporting pathways and provides high-level guidance on the reporting and response procedures for each pathway. Agencies should tailor the sections to reflect their internal processes.

People who have experienced sexual harassment may be deterred from making a report if they do not have clear information on what will happen once a report is made and the possible outcomes of making a report. Providing detailed step-by-step information on each reporting pathway and establishing transparent and clear response processes will encourage and increase the likelihood that workers will report incidents.

Sexual harassment reports can be complex and sensitive. It is recommended that people responsible for dealing with internal reports receive training to ensure they adopt a trauma-informed approach and understand the gendered drivers of sexual harassment and how sexual harassment impacts different groups of workers. Establishing clear referral pathways to specialised support services is also important.

A note on terminology

The terms 'complaint' and 'complainant' have intentionally not been used in the Model Policy, due to the stigma associated with those terms. Instead, the terms 'report' and 'person impacted' are used.

4.7. Safe reporting culture

There are many reasons why people do not report sexual harassment, including trauma and shame, fear of reprisals and victimisation, not knowing where to go for help and a lack of confidence in reporting and response mechanisms.

It is critical that agencies foster a safe reporting culture, where people are empowered to come forward. The foundations of such a culture include:

- the availability and awareness of fair and confidential reporting and response procedures which provide multiple pathways for the making of reports
- workers being acknowledged for reporting sexual harassment and calling out inappropriate and disrespectful behaviour, e.g. positive messaging from leaders that those reporting sexual harassment are contributing to a safe work environment
- leaders actively encouraging the reporting of incidents
- consistent and proportionate disciplinary outcomes where sexual harassment is found to have occurred.

5. Guidance for managers and colleagues

5.1. Responding to disclosures of sexual harassment

People usually find it very difficult to make reports or disclose experiences of sexual harassment. They might worry about the consequences and the effect the report will have on themselves and others in the workplace. They may feel vulnerable and concerned about losing their job. They may also experience a trauma response which affects their memory of the experience and makes retelling the experience difficult.

Managers and colleagues play a critical role as the first point of contact for many individuals who may have experienced or witnessed sexual harassment. A person's first experience in sharing their experience of sexual harassment influences their recovery. The initial response from managers can also set the tone for how the report will be managed and enhance the reporter's confidence in the process for responding to disclosures.

Below is a suggested sequence of actions for managers and colleagues that provides a trauma-informed response to reports or disclosures of sexual harassment.

5.2. Calling out sexual harassment safely and appropriately

Responding to sexual harassment or knowing how to react when witnessing inappropriate behaviour can be challenging. In many instances people will not feel confident to respond. If staff feel they are able to respond, suggested language includes:

- 'I don't think that joke was very funny.'
- 'For people who respect each other, we seem to be a bit off course today.'
- 'This seems like a good time to take a break and reflect upon what you just said/what just happened.'
- 'I am just taking a moment to be sure I heard/saw you right and to ask, did you really just say/do that?'
- 'Can we please pause for a moment? I just want to make sure we are being respectful.'

A colleague can be an active, helpful bystander by assisting a victim/survivor immediately after they have witnessed a sexual harassment incident. For example, they can acknowledge the unacceptable behaviour and ensure the victim/survivor knows about the reporting and support mechanisms available to them. Bystanders can also report an incident they have witnessed.

6. Reporting

6.1. Providing a range of pathways for reporting

To support and encourage workers to come forward, a range of informal and formal reporting pathways should be provided. This includes providing options for advice, self-management, informal resolution or management, formal internal complaints and formal external complaints.

Reporting pathways outlined in the Model Policy are a best-practice guide only. Agencies should ensure their own sexual harassment policy is tailored to the available and existing processes within their respective agencies.

6.2. Anonymous reporting

Agencies are encouraged to provide an option to make an anonymous report which is an effective way to encourage workers to raise concerns without fear of victimisation. For employers, anonymous reporting may provide a warning about sexual harassment that is happening to enable early intervention and drive better prevention. Ensuring that people are able to access referrals to support through anonymous reporting is essential.

Examples of anonymous reporting channels include:

- inviting anonymous reports delivered as a note or letter to a secure mailbox or email account
- digital reporting technology, such as a staff intranet or app-based reporting tools.

There may be circumstances where an agency is required to take action in relation to an anonymous report, e.g. when there is an imminent risk to safety. This requirement should be considered by agencies prior to implementing any anonymous reporting processes and should be clearly outlined in any policy or guidelines issued to workers.

6.3. Vexatious reports

A report may be considered vexatious or malicious if an individual knowingly submits false information for the primary purpose of harassing or damaging the reputation or career of the person about whom the report is made or the reputation of the agency and the NSW Government, or for another wrongful purpose.

Where the evidence suggests that a report is not made honestly and was intentionally malicious or vexatious, agencies must take appropriate action, noting this conduct may amount to misconduct under the GSE Act. Where a report is substantiated as being vexatious or malicious, disciplinary and/or other legal action may be taken.

6.4. Preventing victimisation

Research has indicated that workers who report sexual harassment often experience victimisation by their employers and that the fear of victimisation is a barrier to reporting. To ensure the wellbeing and safety of workers who make a report, and to foster a safe reporting culture, agencies should take steps to prevent victimisation.

- providing the worker with a nominated contact person, with whom they can discuss any concerns or report victimisation
- regularly monitoring the workplace to observe the way their co-workers are interacting with them
- continuing to ‘check in’ and communicate with workers at regular intervals after they have made or been involved in a report, to ask whether they are experiencing any victimisation
- looking for other signs that may indicate evidence of victimisation (example e.g. workers having high levels of absenteeism or personal leave, or reduced performance) and discussing these with the workers involved
- reminding harassers and the workforce generally that victimisation is prohibited and sanctions will apply for those who engage in it
- disciplining any staff found to have engaged in victimisation and communicating appropriately with the workforce about this.

Employers should also consider how the impacts of sexual harassment may affect a worker – and their networks – in the long term. Different people will have different responses to incidents, reports of, and investigations into sexual harassment in the workplace. It is important to understand that the recovery process is not linear.

Being impacted by sexual harassment in the workplace can have a negative effect on the worker’s confidence. Where appropriate, employers can support impacted workers by collaboratively developing a professional development plan that fosters rebuilding confidence. It is important to adopt a trauma-informed and victim-centric approach that is grounded in compassion when supporting an affected worker.

Appendix 1: Leadership Statement

Internal Complaints Committee (ICC)

A leadership statement on sexual harassment in India must acknowledge that it is a violation of fundamental rights and a form of sex discrimination, ensuring zero tolerance and establishing a safe, dignified, and inclusive workplace.

Key elements include a commitment to prevention, awareness, and the creation of a robust Internal Complaints Committee (ICC) to handle grievances effectively, ensuring timely investigations and redressal for the aggrieved. We will ensure that everyone affected is supported throughout the process.

Preamble & Legal Basis

Acknowledge the Right to a Safe Workplace:

State clearly that the right to work with dignity and safety, free from sexual harassment, is a fundamental human and constitutional right in India. Reference relevant articles of the Indian Constitution (Articles 14, 15, 21) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (POSH Act).

Emphasize Zero Tolerance:

Make an unambiguous statement that the organization has a zero-tolerance policy for any form of sexual harassment.

Commitment to Prevention

- **Widespread Awareness and Training:**

Commit to conducting regular awareness programs and training for all employees, managers, and leaders on the definition of sexual harassment, its impact, and the complaint mechanism.

- **Gender-Sensitive Work Environment:**

State a commitment to fostering a workplace culture of respect, equality, and inclusivity, free from gender-based hierarchies.

- **Bystander Intervention:**

Encourage and empower employees to act as responsible bystanders to prevent harassment or support colleagues.

Employers can use this matrix to audit their workplace for characteristics that may enable or drive sexual harassment and create barriers for identification and reporting.

Appendix 2: Sexual harassment risk assessment tool

Signs your workers may be at risk of sexual harassment

Workplace characteristics

- Sex-segregated workplaces (where work is typically or historically performed by men or women) and workplaces with rigid workplace norms based on gender stereotypes.
- Leaders with unquestioned, discretionary authority to hire, fire and promote.
- Hierarchical or command and control workplace structures.
- Workplaces that protect ‘high-value’ or ‘indispensable’ workers from accountability for unacceptable behaviour.
- Workplaces that value profit over protecting workers, enabling customers/clients to harass workers.
- High pressure workplaces such as frontline and emergency services, with an attitude that workers need to let off steam to deal with the pressures of work and certain behaviours don’t need to be taken seriously.
- Short-term contracts with a reliance on reputation and word-of-mouth for securing the next job (e.g. individuals in the fashion and entertainment industries and junior doctors completing their placement training).

Work environment

- Some areas in or around the workplace are isolated, poorly lit or intimidating to enter.
- Sexualised or sexist materials are on display (e.g. posters, calendars, screen savers).
- Lack of privacy or security for workers using bathrooms/ change rooms.
- In-home work (such as providing childcare, nursing, cleaning services, aged or disability care) with direct client contact and little or no oversight.

Workplace composition

- Male-dominated workforce, management, leadership or board.
- Male-dominated customer or client base.

- Small businesses where confidentiality and confidence to raise issues may be difficult to achieve.
- A cohort of young workers (including under 18 years), interns, apprentices, graduates or other junior workers.
- A cohort of women from migrant and non-English speaking backgrounds, people on employer-sponsored visas, and women with disabilities.
- A cohort of people in insecure work, such as casuals, contractors, short-term workers, temporary workers and freelancers.

Workplace trends

- High staff turnover, particularly of female or junior workers.
- Gender differences in shifts or teams (e.g. women more reluctant to work with particular workers or take on particular tasks).
- Concentration of men in senior positions and men being promoted more often than women.

Workplace requirements

- Different uniform requirements for men and women, or prescriptive dress codes or expectations for how women should look at work (such as high heels, skirts and makeup).
- Travel and overnight stays.
- Placements in regional or remote locations where workers may be socially isolated.
- Frequent formal or informal client functions or after-work events.
- Shift work, after-hours and longer hours.
- Workplaces where alcohol is served and workers are encouraged to socialise outside of work hours.
- Workplaces where workers interact directly with customers or consumers.

Workplace behaviours

- 'Everyday sexism', such as sexist jokes, and homophobia/ transphobia in the workplace.
- Gendered and binary networking events or mentoring opportunities (e.g. work lunches at men's clubs, invitations to play golf with the boss).

- Differences in the unspoken expectations of male and female workers (e.g. women routinely being the ones to take minutes, organise catering, prepare rooms for meetings and clean up after events).
- Male workers dominate meetings or decisions.

.....End.....