

# EFICOR HR Manual



Vision Statement



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#### 2.1.2. Anti Sexual Harassment Policy

#### EFICOR'S POLICY AGAINST SEXUAL HARASSMENT AT THE WORK PLACE

##### A. PREAMBLE

EFICOR is committed to promote a workplace environment that is just, equitable and of mutual respect and cooperation, at all levels in the organization and in its service. It believes in creating a healthy environment that enables staff to work to their full potential to glorify God the well being of all persons. It is EFICOR's responsibility to oppose oppression and abuse in all forms, including sexual abuse, exploitation, or harassment within EFICOR. EFICOR will take the necessary action and measures required to prevent and to correct any offence of abuse especially sexual harassment at the workplace. This policy spells out what constitutes sexual harassment and ways to appropriately handle such issues in the organization.

##### B. BACKGROUND

The Constitution of India confers on its citizen fundamental rights of which Right to Life is perhaps the most significant. Over a period of time 'Right to Life' has been interpreted by various High Courts and the Supreme Court of India to mean not only 'mere physical existence' but also to live a 'life with dignity'. Further, the right to work inherently entails the right to work in an environment that is free of harassment of any form. After the Vishakha judgment in 1997 and the Sexual Harassment of Women at the workplace, Prevention, Prohibition, and Redressal Act, 2013 has made it imperative for organisations to have a policy against such harassment.

EFICOR as an employer seeks to totally eliminate any form of sexual harassment from the workplace, which is also consistent with EFICOR's core values of 'Valuing people' and 'Christian Commitment and Character'. EFICOR recognizes that right to life leads to employment where it is required that staff have an environment where they work without fear of being harassed.

##### C. SCOPE OF THE POLICY

The Policy is applicable to and is for the protection of all staff of EFICOR, Project partners and others who are engaged as part time, temporary, voluntary, seconded, or casual employees and researchers, trainees, consultants and community organizers.

##### D. DEFINITION

###### 1. Sexual harassment includes:

- a. Any unwelcome sexually determined behaviour, whether directly or by implication and includes:
  - a.1. Physical contact and advances
  - a.2. A demand or request for sexual favours

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#### a.3. Sexually coloured remarks

- b. Unwelcome sexual advances, verbal, non-verbal, or physical conduct loaded comments slander, remarks or jokes, letters, phone calls or e-mail, gestures of a sexual nature, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature which creates an intimidating, hostile or offensive environment in office.
- c. Unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made in exchange for work related benefits such as employment, promotion, incentives, or evaluation of a person's performance.
2. Definition of Staff Member – Any Member who is defined in EFICOR Employment Policy as Permanent, Probationer, Fixed term Contract, Temporary, Part-time, Casual/Daily, Voluntary or Trainee.
- d. Who will come under this purview: Staff Member, Consultant, and, Service Provider.
- e. The Policy will apply to ALL staff Members as defined above.
- f. Aggrieved person: An "Aggrieved person" could be any person who alleges that she/he is the victim of sexual harassment.
- g. Internal Complaints Committee (ICC): Is the committee set up under the provision of the Sexual Harassment at the workplace (Prevention, Prohibition and Redressal) Act, 2013.
- h. Gender Sensitization Committee Against Sexual Harassment (GSCASH)." Is the committee set up under this policy to provide, gender sensitization training programmes, and to hear cases that do not fall under the ICC.
- i. The ICC shall also take the role of GSCASH and act accordingly.

#### E. THIRD PARTY HARASSMENT

Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, EFICOR will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

#### F. PROACTIVE MEASURES

Consistent with the existing law for women in the nation and EFICOR in keeping up with its Christian identity and principle will take all steps to ensure a healthy working atmosphere and prevent sexual harassment at work. This requires:

1. Circulation of the policy in all field offices.
2. Ensuring that sexual harassment as an issue is discussed at EFICOR meetings from time to time.
3. Conduct in-house gender training on Sexual harassment atleast once in a year.
4. Appoints an Internal Complaints Committee to adjudicate on complaints that are filled alleging sexual harassment in the workplace.
5. Publicise widely that Sexual Harassment is a crime and should not be tolerated through posters and provide a clear flow chart on the process of Complaint and Redressal.

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6. EFICOR will partner with organizations that have a clear policy on the prevention of Sexual Harassment at the workplace. If they do not have such a policy, then, EFICOR will help them to develop the Policy.

7. In the Annual report published by EFICOR, details about and of actions undertaken by the Internal Complaints Committee (ICC) and/or Gender Sensitization Committee Against Sexual Harassment (GSCASH) will be included.

#### G. SYSTEMS AND PROCESS

The systems and process of addressing the issue of sexual harassment and the various technicalities of resolving the problem is detailed in the "Rules And Procedures of the Internal Complaints Committee (ICC) and the Gender Sensitization Committee Against Sexual Harassment (GSCASH)."

#### H. WHO CAN MAKE COMPLAINTS

1. The aggrieved person
2. If the aggrieved person does not know how to write
  - Her/his relative or friend
  - Her/his co-worker
  - An officer of the National Commission for woman or State Woman's Commission.
  - Any other who has knowledge of the incident, with the written consent of the aggrieved person may make a complaint to the Internal Complainant Committee.
3. If where the aggrieved person is unable to make a complaint on account of her/his mental capacity, complaints may be filed by
  - Her /his relative or friend or
  - A special educator or
  - A qualified psychiatrist or psychologist or
  - The guardian or authority under whose care she/he is receiving treatment or care or
  - Any person who has knowledge of the incident jointly with her/his relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she/he is receiving treatment or care;
4. Where the aggrieved person for any other reason is unable to make a complaint, any person who has knowledge of the incident, with her/his written consent, may file a complaint.
5. Where the aggrieved person is dead, any person who has knowledge of the incident, with the written consent of her/his legal heir, may file a complaint.

#### I. COMPLAINTS FILING PROCEDURE

- i. Any Staff, Guest in the Transit house, Service Provider, Outsider, or a Member of the Board/Society may lodge a complaint of sexual harassment

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against the Staff, Board/Society Member, Guest in Transit House or service provider. Third party complaints and witness complaints shall be entertained. The ICC or the GSCASH shall take suo motto notice of grave violations of the basic principles of gender sensitivity and justice in office premises.

ii. The Complainant must submit a detailed complaint in six copies to the Internal Complaints Committee with a request to enquire, find and give appropriate remedies to her in the prescribed format as given below. The complainant should also enclose supporting documents, if any, and a list of witnesses.

iii. Complaints can be lodged directly with the immediate Supervisor, HR personal or Executive Director or any Member of ICC or GSCASH. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of the ICC or GSCASH within two working days of its receipt by her/him.

iv. Upon receipt of the complaint, the ICC or GSCASH Member to whom the complaint is made shall forward the same to the Complaints Screening Committee.

v. The complaint may be oral or in writing. If the complaint is oral, it shall be reduced in writing by the ICC or the GSCASH Member receiving the complaint and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

vi. The Chairperson of the ICC or the GSCASH immediately provides a copy of the complaint to all its Members besides sending a copy to the Accused who is either Staff, Guest in the Transit house, Service Provider, Outsider, or a Member of the Board/Society calling for her/his explanation for the complaints made against her/him.

vii. The Committee shall send such communication to the accused who is either Staff, Guest in the Transit house, Service Provider, Outsider, or a Member of the Board/Society within seven working days from its receipt from the complainant.

viii. The Accused who is either Staff, Guest in the Transit house, Service Provider, Outsider, or a Member of the Board/Society shall offer her/his explanation within ten working days from its receipt from the committee.

ix. If the Accused who is either Staff, Guest in the Transit house, Service Provider, Outsider, or a Member of the Board/Society has not offered his written explanation OR has not appeared before the ICC for three consecutive sittings, the Committee can proceed with ex parte proceedings.

x. The ICC shall follow all the Principles of Natural Justice in its proceedings but shall not allow any third parties to represent either the Complainant or the Accused, except in the case of death of the aggrieved person. In other words, no person, including a legal practitioner, is permitted to appear before the Committee in the proceedings on representation capacity for both parties.

xi. The conclusions of the ICC together with the recommended action, if any, shall be submitted in writing with the signature of the Convenor, and not

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less than three other Members of the Committee, to the Executive Director or to the Board Chairperson where the Accused is the Executive Director.

xii. Relevant order issued by the Employer of the Accused in respect of point (I.xi) above shall be communicated to the Convenor of the ICC as well.

#### J. OBLIGATIONS OF EXECUTIVE DIRECTOR AND HRD

i. The HRD shall, through a notification each year, notify the names and contact details of the Members of ICC and GSCASH, and the fact that GSCASH is the body responsible for gender sensitization and enquiries into complaints of sexual harassment.

ii. HRD will ensure that the Policy is included in the joining formalities of Staff. The authorities will ensure that all announcements to all positions include the following statement, as notification of the Policy: EFICOR has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.

iii. In order to ensure the permanent placement of the Policy, the HRD functionaries shall arrange for several copies to be placed on boards for display in prominent places.

iv. The ICC and GSCASH authorities and functionaries shall provide legal, medical and counseling assistance to those complainants who have to take recourse to the law.

v. The HRD shall forward all complaints of sexual harassment to ICC and GSCASH, save in cases in which the complainant has expressly prohibited such forwarding.

vi. The HRD shall maintain full confidentiality with respect to matters pertaining to ICC and GSCASH enquiries into complaints of sexual harassment. HRD shall extend all necessary assistance for ensuring full, effective, and speedy implementation of these Rules and Procedures of ICC and GSCASH.

vii. HRD and functionaries shall strive to create a workplace in which the functioning of ICC and GSCASH and/or the interests of justice are not subjected to undue "pressure from senior levels".

#### K. PENALTIES

Any Staff, Guest in the Transit house, Service Provider, Outsider, or a Member of the Board/Society found guilty of sexual harassment shall be liable for disciplinary action.

The penalties listed below (in ascending order) are indicative, and shall not constrain EFICOR Management from considering others, in accordance with the rules governing the conduct of Staff Members in practice at the time.

##### i. Penalties in Case of Staff

- a. Warning, reprimand, or censure
- b. Transfer
- c. Withholding of one or more increments for a period not exceeding one year.

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- d. Removal from an administrative position
- e. Disbarment from holding an administrative position
- f. Suspension from service for a limited period.
- g. Compulsory retirement.
- h. Dismissal from service.
- i. Any other action as may be necessary.

Further, the penalty awarded shall be recorded in his/her Personal File.

#### ii. Penalties in Case of Board/Society Members

- a. Warning, reprimand, or censure.
- b. Dismissal from Board / Society.

Further, the penalty awarded shall be recorded in his/her Record.

- c. Any other action as may be necessary.

#### iii. Penalties in Case of Transit House Resident

- a. Warning or reprimand.
- b. Withdrawal of accommodation.

A letter communicating her/his misconduct to her/his place of education, employment, or residence will be sent. Declaring EFICOR office premise and

Transit house as out of bounds for her/him.

- c. Any other action as may be necessary.

#### iv. Penalties in Case of Service Providers

- a. Warning, reprimand, or censure.
- b. A letter communicating her/his misconduct to her/his place of employment.
- c. Declaration of the office premise and Transit House as out of bounds for her/him.
- d. Withdrawal of the right to work or provide/manage service to EFICOR.
- e. Any other action as may be necessary.

In addition to the penalties specified under (a)-(b) above, the person may be

advised to undergo counselling and gender sensitization, and to give a written

and/or public apology to the complainant.

#### v. Penalty in Case of a Second Offence A second, or repeated offence, may, on the recommendation of GSCASH, attract a major penalty.

#### L. FALSE COMPLAINTS

- a. In the event of the ICC or GSCASH, finds that a false complaint has been made it may send its findings to the Executive Director who will take appropriate action under the HR policy and law of the land.

#### M. WITHDRAWAL OF COMPLAINT

- i. The complainant may withdraw her/his complaint in writing at any time during the complaints receiving and/or enquiry procedure stating that they are doing so of their own volition and without force or threat.

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#### **N. AMENDMENT TO THE RULES & PROCEDURES OF ICC AND GSCASH**

- i. Amendments to the Rules and Procedures of ICC and GSCASH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgment and or the Act as applicable and the Rules and Procedures of EFICOR.
- ii. Amendments shall be effected by a decision taken in a Special Meeting of ICC and GSCASH called for the purpose.
- iii. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.
- iv. An amendment motion shall be earned by two-thirds of the Members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after at least fifteen working days.

#### **O. MISCELLANEOUS**

- i. The provisions of these Rules and Procedures of ICC and GSCASH shall be duly incorporated within any other Statute, Circular of EFICOR as may be relevant.
- ii. The proceedings under these Rules and Procedures of ICC and GSCASH shall not, in any way, be affected by any other proceedings against the defendant preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.
- iii. The provisions of these Rules and Procedures of ICC and GSCASH shall not restrict the powers of EFICOR or the complainant to proceed against the defendant for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.

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### DECLARATION OF COMMITMENT

To be signed by all EFICOR staff (regular, contracted and project) and volunteers.  
A copy will be kept on file at the appropriate EFICOR office or personnel file.

I declare that:

1. I have read and understood EFICOR Anti Sexual Harassment Policy.
2. I will work within the procedure as laid out in EFICOR Anti Sexual Harassment Policy.
3. I have not been accused or convicted of any offence involving physical or sexual abuse.
4. I understand that if a complaint is brought against me regarding sexual harassment while being engaged in EFICOR activities, the allegation will be thoroughly investigated in cooperation with the appropriate authorities.

Name : \_\_\_\_\_ Signature : \_\_\_\_\_

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