



Sarvpriye Foundation

Prevention of Sexual Harassment at Workplace Policy

Commitment

Sarvpriye Foundation (“organization”) is committed to creating and maintaining a secure work environment where its Employees (“employees”, “members”, “interns” and “associates”) can work and pursue the objectives of the organization, together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the organization’s business.

The objective of this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. All concerned should take cognizance of the fact that Sarvpriye Foundation strongly opposes sexual harassment, and that such behaviour against women is prohibited by the law as set down in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules framed thereunder being the ‘The Sexual Harassment of Women at Workplace’ (hereinafter referred to as “Act”) as well as the terms of employment. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

At Sarvpriye Foundation, we have zero-tolerance for sexual harassment. We value each and every employee working with us and wish to protect their dignity and self respect. In doing so, we are determined to promote a working environment in which persons of both genders complement each other as equals in an environment that encourages maximum productivity and to keep the personal dignity. We are committed towards giving every employee a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment.

Sarvpriye Foundation will take very serious disciplinary action against any victimization of the employee who is complaining or the alleged harasser that may result from a complaint.

Scope

This policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of the Sarvpriye Foundation. The Organization will not tolerate sexual harassment, if engaged in by clients or by employees or any other business associates.

The workplace includes:

1. All offices or other premises where the organization's business is conducted.
2. All organization-related activities performed at any other site away from the Sarvpriye Foundation's main premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
4. Any place which may be visited by any employees, interns or associates during the course of their employment, for discharge of their professional obligation, including the transportation provided by the organization for undertaking such visits.

Definition

“Victim” or “Aggrieved Person” means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.”

“Respondent” means a person against whom the aggrieved person has made a complaint.

“Workplace” includes any department, organization, undertaking, establishment, institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

“Sexual Harassment” - Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

Following types of activities will amount to Sexual Harassment (not exhaustive):

1. Unwelcome sexual advances (verbal, written or physical),
2. Demand or request for sexual favours,
3. Any other type of sexually-oriented conduct,
4. Verbal abuse or ‘joking’ that is sex-oriented,
5. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment

and /or submission or rejection of the conduct is used as a basis for making employment decisions.

“Sexual Harassment” would also mean:

1. **Quid pro quo sexual harassment**, that is something in return or an exchange of one thing for another.
 - In the workplace, quid pro quo sexual harassment takes place if sexual favours 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 favour 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 favours in exchange for actual or promised job benefits such as favourable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.
2. **Hostile work environment** 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 extent the humiliation or intimidation affects the health or safety

Inappropriate conduct could also be a joke, a prank or even a compliment. These gestures also lead to harassment although the intention of the individual might not be to offend the other person.

Responsibilities regarding Sexual Harassment

All employees of the Organization have a personal responsibility to ensure that their behaviour is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

Complaint Mechanism

An appropriate complaint mechanism in the form of “Complaints Committee” has been created in the organization for time-bound redressal of the complaint made by the victim.

Redressal Committee

The organization shall have an Internal Complaints Committee “Committee”, to specifically address any complaints of sexual harassment. The Committee will be constituted by the founder and would be headed by a Presiding Officer, 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, Presiding Officer shall nominate the senior level officer from among the employees.

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, 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 mailer;
- Floating Articles on the same, from time to time
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments;
- The order constituting, the Committee;
- 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.

The Complaints Committee is responsible for:

1. Investigating every formal written complaint of sexual harassment.
2. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment

3. Discouraging and preventing employment-related sexual harassment.

Procedure for Resolution, Settlement or Prosecution

A. Informal Resolution Options:

When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Complaints Committee for redressal of their grievances. The Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints:

STEP 1: An employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of the Complaints Committee constituted by the Organization.

The complaint shall have to be in writing and can be in form of a letter, submitted within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. The Complaints Committee can extend the timeline for filing the complaint, for reasons to be recorded in writing, by a period of 3 months.

Alternately, the employee can send complaint through an email to the presiding officer of any member of the committee. The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.

Employees may also write directly to the Founder of the Organization at

STEP 2: The Presiding Officer of the Complaints Committee will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint.

In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons, and communicate the same to the complainant.

STEP 3: If the Presiding Officer of the Complaints Committee determines that the allegations constitute an act of sexual harassment, he/ she will proceed to investigate the allegation with the assistance of the Complaints Committee.

STEP 4: Where such conduct, on the part of the accused, amounts to a specific offence under the law, the Organization shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

STEP 5: The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations on action to be taken to the Founder of the organization as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint. He will then take decision on the corrective action based on the recommendations of the Complaints Committee and keep the complainant informed of the same.

Corrective Measures

Corrective action may include any of the following:

- Formal apology
- Counselling
- Written warning to the perpetrator and a copy of it maintained in the employee's file.
- Change of work assignment / transfer for either the perpetrator or the victim.
- Suspension or termination of services of the employee found guilty of the offence

In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

Policy Implementation and Review

The policy will be implemented and reviewed by the HR department. The Organization reserves the right to amend, abrogate, modify, rescind / reinstate the entire policy or any part of it at any time.



Priya Gupta

Founder, Sarvpriye Foundation