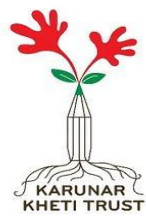




# **Sexual Harassment of Women at the Workplace Policy**

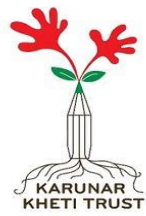
## **Karunar Kheti Trust**

**Version: 1  
December, 2024**



## Table of Contents

1. Purpose of this Policy.....	1
2. Scope of this Policy.....	1
3. Approval, Review and Interpretations.....	1
4. What Constitutes Sexual Harassment? .....	1
5. Duties of Karunar Kheti Trust under the Act.....	2
6. Procedure for Filing a Complaint.....	2
7. Procedure for Dealing with Complaints.....	3
8. Procedure for Dealing with Complaints Against ICC Members.....	4
9. Resolution of Complaints.....	4
10. Dealing with False or Malicious Complaints.....	5
11. Rights of the Complainant .....	5
12. Rights of the Defendant.....	6
Annexure I: Members of the Internal Complaints Committee (ICC).....	7
Annexure II: Steps for the Internal Complaints Committee (ICC).....	8



## **1. Purpose of this Policy**

Karunar Kheti Trust is committed to providing a safe workplace that is free from sexual harassment. Karunar Kheti Trust has a zero tolerance for sexual harassment and this policy lays out provisions such as the duties of the organisation, procedure for dealing with complaints, role of the Internal Complaints Committee, disciplinary actions.

This Policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and rules framed thereunder (hereinafter “the Act”). Accordingly, while the Policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail.

## **2. Scope of this Policy**

All employees, including but not limited to staff, supervisors, and senior officials, are required to comply with this Policy. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of official duties. Further, all employees are expected to take appropriate measures to prevent sexual harassment.

## **3. Approval, Review and Interpretations**

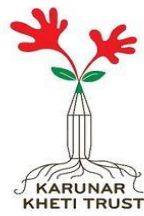
The Policy has been approved by the Board of Trustees. The terms of this policy shall be reviewed periodically by the organization and is subject to modifications such as additions, deletions upon approval of the Board of Trustees. Any amendments will be made after due discussions with all the employees. In case of any issues of interpretations, the decision of the Board of Trustees would stand.

## **4. What Constitutes Sexual Harassment?**

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment

Unwelcome actions and behaviours such as the following are inappropriate and, depending on the circumstances, may in themselves meet the definition of sexual harassment or contribute to a hostile work environment:

- a. Sexual pranks, or repeated sexual teasing, jokes, remarks, or innuendo, in person, via e-mail or any other media;
- b. Physical contact & advances of sexual nature against the will of the woman employee;



- c. Demand or request for sexual favours;
- d. Repeatedly making sexually suggestive gestures, using abusive language or signs in the presence of a woman employee;
- e. Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;

**It is unlawful for:**

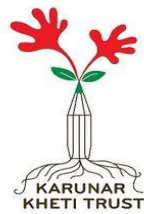
- a. An employer, supervisor, or employees to sexually harass a fellow employee within their workplace.
- b. An employer, supervisor, or employees to sexually harass any non-employee, or anyone present in the workplace or those who interact with them in a work-related context.

**5. Duties of Karunar Kheti Trust under the Act**

- 5.1 To constitute an Internal Complaints Committee, hereinafter also referred to as ICC, with at least three (3) members out of which at least 50% of the members are women. The committee shall comprise of a chairperson who is a woman and one (1) external expert who is well versed with the provisions of the Act.
- 5.2 To conduct periodic sensitisation and awareness sessions for staff members on the provisions of the policy and the law.
- 5.3 To implement the provisions of the policy and display the policy in the office/campus premises.
- 5.4 To display visual posters informing employees about their rights and complaint procedure, ICC contact details and other important information. The posters should also clearly communicate the zero-tolerance nature of the policy.
- 5.5 To draft Annual Reports of all the complaints dealt with, and all the action taken, if required by law.
- 5.6 To conduct periodic orientation sessions on the provisions of law for ICC members.

**6. Procedure for Filing a Complaint**

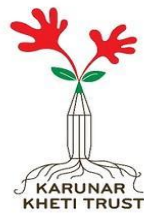
- 6.1 A complaint must be lodged with any member of the Internal Complaints Committee (members are specified in the Annexure) with any supporting information such as name of witnesses.
- 6.2 The complaint must be filed with the ICC within 3 months from the date of incident or date of last incident (in case of series of incidents). Time limit of 3 months can be extended for additional 3 months (reasons to be recorded in writing), if ICC is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said 3 months.



- 6.3 Where such complaint cannot be made in writing, the Members of the ICC, shall render all reasonable assistance for making the complaint in writing. The ICC will ensure that the complaint is documented in writing, read it aloud to the complainant, and obtain their signature.
- 6.4 If the Chairperson of the committee is not aware, designated Committee member must notify duly within two (2) days of receiving the complaint.
- 6.5 Complaints can be lodged with the District Level Special Officer/Local Complaints Committee, specifically in a case when there is no Internal Complaints Committee constituted or when a complaint has been lodged with the ICC, but no action has been taken for over a month, or if the alleged sexual harassment involves an employee or a person who is part of the ICC, making it challenging for the aggrieved woman to approach the ICC, or in cases where the organisation is not taking appropriate action.
- 6.6 The complaint can be filed by any person who has knowledge of the incident with the written consent of the complainant.

## **7. Procedure for Dealing with Complaints**

- 7.1 Upon receiving a complaint, the ICC will initiate an investigation and enquiry.
- 7.2 The investigation and enquiry include interviewing the complainant, defendant, any witnesses, summoning them for proceedings as well as asking for any documents or relevant information.
- 7.3 Depending on the gravity of the incident, the ICC may recommend to the Board of Trustees to issue a prohibitory order or place the defendant under temporary suspension till the completion of the proceedings.
- 7.4 The Complainant and the defendant have the right to receive copies of the proceedings produced in the enquiry.
- 7.5 The enquiry must be completed within a period of 60 days from the date of commencement with a written report that can be shared with the Board of Trustees.
- 7.6 If requested or consented by the aggrieved individual, the ICC may play a mediating role and try to resolve the complaint in a conciliatory manner between both the parties. In such cases the settlement should be mutually acceptable, documented and signed by both parties.
- 7.7 Strict confidentiality and anonymity will be maintained throughout the course of investigation and enquiry.
- 7.8 In addition to the above, the ICC,
- a. Must not dismiss the complaint due to delay in reporting.
  - b. Must be sensitive to the covert and insidious nature of sexual harassment.



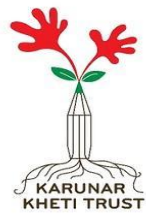
- c. Must ensure that the enquiry is not affected by any bias against the aggrieved individual's character, personal life, and conduct, personal or sexual history.
- d. Must take care of the respective socio-economic positions of the two parties, their hierarchy in the organization and other power differences while evaluating the evidence
- e. Must give the alleged victim the option of giving evidence in writing, provided she/he makes herself/himself available for cross examination
- f. May direct the defendant to submit his/her intended questions for cross examination in writing, and the committee may disallow questions that it feels are derogatory or irrelevant to the aggrieved individual
- g. May, if requested, give the alleged victim the option of providing answers of a sensitive nature in writing in the enquiry proceedings during cross-examination

## **8. Procedure for Dealing with Complaints Against ICC Members**

- 8.1 The ICC will place the concerned member under temporary suspension till the completion of the proceedings.
- 8.2 An ad hoc committee member will be selected by the organisation to fill the vacancy.
- 8.3 After the completion of the proceedings, if the committee member is found guilty, he/she will be dismissed from the post and a new member will be appointed.

## **9. Resolution of Complaints**

- 9.1 Based on the findings of the investigation and enquiry, the ICC may decide to dismiss the complaint, or
- 9.2 If the complaint is found to be legitimate, the ICC can issue a firm written notice to the defendant, and depending on the gravity of the case at hand, give a direction to the defendant to issue a formal written apology to the aggrieved individual, or ask the defendant to submit a declaration stating that such unlawful conduct shall not be repeated.
- 9.3 Additionally, the ICC shall ask the defendant to give a declaration stating that no retaliatory steps will be taken either by the defendant him/herself or anyone on his/her behalf.
- 9.4 In cases where the defendant is an employee, the ICC may recommend the Board of Trustees to take the following disciplinary actions depending in the gravity of the act. The Board of Trustees must respond to such recommendations within 30 days.
  - 9.4.1 **Minor Penalties:**
    - a. Giving a warning or censure in writing



- b. Withholding increment for a period not exceeding one year
- c. Suspension for a period not exceeding a week

#### 9.4.2 Major Penalties

- a. Demotion from current designation
- b. Terminate his/her services by discharge/dismissal, after paying any dues she/he is entitled to by law and support the complainant to report to the police.

9.5 If the defendant is in a position of authority with the organisation, and has as a result of the complaint made adverse change in the service condition of the aggrieved individual or any witnesses, the committee may direct the Board of Trustees to restore the particular service condition with full benefit from the date it was adversely changed.

9.6 If the sexual harassment incident may constitute a criminal offense under the law, the committee member(s) or District Level Special Officer must inform the complainant of their right to take legal action. This is over and above the points mentioned in this clause.

### 10. Dealing with False or Malicious Complaints

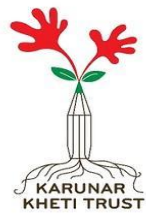
10.1 Where the allegation against the defendant is found to be malicious or the aggrieved individual making the complaint has made the complaint knowing it to be false or produced any forged or misleading document, the ICC may take the following action:

- 10.1.1 Issue a warning or censure in writing and ask the complainant to revoke the complaint with immediate effect and issue a formal written apology to the defendant, or
- 10.1.2 Ask the complainant to submit a declaration stating that such conduct shall not be repeated.
- 10.1.3 Withholding increment for a period not exceeding one year.

### 11. Rights of the Complainant

- 11.1 Right to choose a representative to assist them during the proceedings.
- 11.2 An empathetic attitude from the ICC so that the grievance can be brought forward in a fearless environment.
- 11.3 To be aware of the findings of the enquiry report
- 11.4 To be aware of the statement along with all the evidence and a list of witnesses submitted by the defendant.
- 11.5 Confidentiality of identity throughout the process.
- 11.6 Support legal proceedings.

### 12. Rights of the Defendant

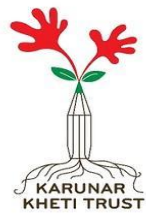


- 12.1 Right to choose a representative to assist them during the proceedings.
- 12.2 A patient hearing to present his case in a non-biased manner.
- 12.3 To be aware of the findings of the enquiry report.
- 12.4 To be aware of the statement along with all the evidence and a list of witnesses submitted by the complainant.
- 12.5 Confidentiality of identity throughout the process.
- 12.6 Right to appeal in case not satisfied with the recommendations/findings of the ICC.

Managing Trustee

President  
Board of Trustees





## **Annexure I**

### **Members of the Internal Complaints Committee**

The following members were nominated to be a part of the ICC by the all the staff of the organisation in a meeting dated 28<sup>th</sup> June, 2024:

1. Sangita Gogoi (Chairperson)
2. Maitrayee Paul, Roots to Branches (External Member)
3. Kailyani Patra
4. Bonti Gogoi
5. Deba Nayak

## Annexure II

### Steps for the Internal Complaints Committee

#### 1) Complaints Committee's Checklist

- Review the written complaints and response to complaints
- Review the applicable policy, the Act/Rules, Vishaka Guidelines and other relevant laws
- Develop a plan
- Meet with the complainant
- Meet with the respondent
- Meet with the witnesses
- Record statements and have them dated and signed
- Review and adapt the plan, as needed
- Proceed with further interviews, as needed
- Analyze all the facts to develop reasoning
- Arrive at the findings
- Give recommendations
- Prepare the report
- Submit the file to the organization or District Officer for implementation of the recommendations and for safe keeping.