

POLICY FOR THE PREVENTION OF SEXUAL HARRASSMENT AT THE WORKPLACE (POSH)

Objectives

To set forth the expectations of conduct and mutual respect with regard to sexual harassment and the process of complaint if these expectations are not met or violated.

This will help explain what sexual harassment is and how to deal with the conduct if it arises, to articulate the organization's strong opposition to sexual harassment, and to identify penalties that can be imposed for such prohibited conduct.

To establish clearly that CORD is committed to providing a work environment that is free from discrimination and harassment in any form.

Scope

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, modelled on the Vishakha Guidelines, was notified by the Indian Parliament in December 2013. This policy is applicable to all employees of an organization.

All contract employees, retainers, trainees and temporary employees are also expected to abide by this policy.

Although the Act, as well as the present policy, pertains to sexual harassment of women, CORD will be willing to extend its scope to include men, and adapt this policy accordingly, should such a case arise.

Similarly, the scope for "workplace" covers all sites, buildings and other spaces that the employees need to inhabit/visit for the purpose of their research work. This includes institutions and offices, hotels, transport, people's homes, among others.

Definition of sexual harassment

Sexual harassment has many definitions and it is not the intent of this policy to limit the definition of sexual harassment, but to give employees as much guidance as possible concerning what activities constitute sexual harassment.

The Supreme Court, in its guidelines released (Vishakha Guidelines), defines sexual harassment as "any unwanted and unwelcome sexually oriented behavior whether directly or by implication". Such an act vitiates the working environment.

Sexual harassment includes, but will not be confined to the following:

Creation of a hostile work environment through unwelcome sexual advances such as:

- Physical contact or molestation

- Stalking
- Requests for sexual favors, verbal or physical conduct of a sexual nature, either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any activity of the organization.
- Sexually colored remarks or jokes, letters, phone calls, WhatsApp messages or e-mails, gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares.
- Sounds of derogatory nature.
- Sexual harassment by one in position of power or influence constituting quid pro quo when submission by an individual is made either in explicit or implicit terms or a condition of employment or submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotion and pay rise.
- The definition of sexual harassment will also apply to any member of a third party or outsider in relation to an employee of the Organization or vice versa on the premises of the organization, or any other site that the employee has to visit in the course of his/her research work.
- Any of the acts mentioned above, committed in circumstances wherein the complainant of such conduct has a reasonable apprehension that in relation to the complainant's employment or work, such conduct can be humiliating or may constitute a [health](#) and safety problem, the same will be tantamount to sexual harassment.

Obligations of the Organization

The Organization shall be responsible, among others, for the following:

1. Prohibit, prevent and deter commission of acts of sexual harassment.
2. Implement the Policy in strictly, thus creating a favorable environment.
3. Spread awareness of the Policy amongst its employees by providing easy access to the policy through publication, notification and circulation of the same.
4. Sensitizing employees about sexual harassment issues.
5. Provide fair and impartial procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all necessary steps.
6. Implementation of recommendations of the POSH Committee (as defined hereinafter)
7. It will be the responsibility of the Human Resource function to get an understanding of the issues raised and counsel the complainant as well as the respondent and make them aware of all implications of filling/not filling a complaint formally.
8. In a scenario, wherein the Organization/Complaint's committee becomes aware of commission of an act(s) of sexual harassment, the Organization shall have the right to initiate suo moto action, even in the absence of a formal complaint being submitted by any employee.

POSH Committee

The POSH Committee will address all cases/complaints of alleged sexual harassment submitted by the employee(s) to the Organization, to prevent and deal with sexual harassment within the outlined framework.

Composition

The POSH committee will consist of the following:

Presiding Officer – Anomita Goswami, Head – Administration (9899852666)

Member – Anuradha Sen, Trustee

Member – Sanjeev Kumar, Administrative Officer

Member (Staff) – Suguna Bheemarasetti, Researcher, Libtech

Member of an external NGO/Agency – Dr Supriya Chotani, National Executive member of the National Federation of Indian Women (NFIW).

Duration of the Committee – 3 years (August 2024 to August 2027).

Disqualifications

A person shall be disqualified from being appointed, elected, nominated or designated, or for continuing as a member of the POSH Committee, if there is any complaint concerning sexual harassment pending against him/she is found guilty of sexual harassment

Submission of a Complaint

Any employee will have a right to lodge a complaint concerning sexual harassment against an employee or a third party interacting with the Organization (henceforth referred to as “Complaint”) with the POSH Committee, as outlined below:

1. An employee making a Complaint (henceforth referred to as “Complainant”) will be provided full confidentiality.
2. No person against whom a Complaint is made shall be part of the POSH Committee.
3. Within three (03) working days of the receipt of the Complaint, the POSH Committee will convene a meeting of which advance written intimation will be given to the Complainant.
4. The complainant will be entitled to remain present personally during the meeting.

Depending on the nature of the act, a complaint can be lodged via a phone call to any of the members of the POSH committee, followed by a written complaint.

During the first meeting of the POSH Committee, the Complainant shall be heard and the POSH Committee shall decide whether the Complaint requires to be proceeded with. The Complaint will be dropped only if the complainant does not disclose an offence of sexual harassment.

In case the POSH Committee decides to proceed with the Complaint, the Complainant’s concerns with respect to the issue shall be taken into account and if the Complainant so wishes the respondent (henceforth referred to as “Respondent”) will be called to a meeting of the POSH Committee, be heard and if necessary, warned about his/her behavior and the matter conducted with a recording to that effect made by the POSH committee. However, if the complainant wishes to proceed with the complaint beyond a mere warning to the Respondent, the same will be proceeded with in the manner prescribed in this policy under the ‘proceedings’ section.

Proceedings of the POSH Committee

The following is the redressal process, which will be adopted by the POSH committee to address any complaints lodged by an employee:

1. The POSH Committee will prepare the statement of allegation and will share the same with the Respondent.
2. If the Respondent desires to tender any written explanation to the statement of allegation, he/she shall submit the same to the POSH Committee.
3. The POSH Committee will give ample opportunity to the Complainant and the Respondent, for putting forward and defending their respective case by presenting witnesses and evidence, which may establish their claims.
4. The Complainant and the Respondent will have the right to submit supporting evidence.
5. The POSH Committee will complete the enquiry/investigation and prepare a report of its findings on the charges against the Respondent and its decision to the Managing Trustee and any other such persons as nominated by him (henceforth referred to as the "Management") within a period of sixty days from the date of filing of the Complaint by the Complainant. The report of the POSH Committee will also include recommendations to the Management for imposition of penalty along with reasons for such recommendations, as applicable.

Implementation of Recommendations of the POSH Committee

1. The Management will consider the recommendations and findings of the POSH Committee and will be required to arrive at a decision with respect to the proposed corrective action against the respondent within ten days of the submission of the report by the POSH Committee.
2. The Management has the right to issue such an order and/or directions as it deems fit. The Management shall also endorse a copy of its order to the Complainant, Respondent and to the POSH Committee.

Punishment for Sexual Harassment

The Management can impose the following penalties, which are indicative and not exhaustive on an employee who is found guilty of sexual harassment. These can be further classified as minor and major penalties, as follow:

Minor Penalties

- Written Warning

Major Penalties

- Withholding of performance based pay awards and bonus
- Withholding of promotion
- Termination of service

Further, the employee will also be required to give a written apology to the Respondent and upon his/her failure to do so, the penalty can be enhanced.

Protection against Victimization

The following will be obligations of the Management, during the processing/investigation of the Complainant:

1. In the event the Respondent is the Complainant's reporting/non-reporting senior, the Management will review the possibility of relocating the employee within the Organization and ensure that the Complainant is not being evaluated by the Respondent.
2. Ensure that any sort of retaliation against the Complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the Respondent, whether directly or indirectly, will result in appropriate action against the Respondent by the POSH committee in consultation with the Management.
3. In case the Respondent is a third party interacting with the organization, such respondent shall not be allowed to enter the organization premises except for the purpose of attending any meeting/interaction as and when required by the POSH Committee

Post Conclusion of the Investigations of the Complaint, the Organization will observe the following:

1. If the Respondent is found to be guilty, the Respondent shall not write the evaluation/reports of the Complainant, if she is otherwise authorized to do so.
2. In case the Respondent is a third party interacting with the organization, and found to be guilty, the Respondent shall not be allowed to enter the Organization premises.

In the event, the POSH Committee after investigation of a Complaint in accordance with the procedure prescribed herein, concludes that the Complaint was false and made with mala fide intention by the Complainant, then the POSH Committee shall take such appropriate measures, in consultation with the Management, against the complainant, as it may deem necessary.

Preventive provisions to be granted to employees during fieldwork

If any employee senses a threat of sexual harassment from another employee or a third party during fieldwork, he/she is entitled to seek permission from the project head for protective measures by way of safer transportation/accommodation arrangements, should that be costlier than the stipulated entitlement. The final discretion will be that of the project head.

Similarly, employees should also be mindful of potentially unsafe situations when planning their work and movement and adopt safe options.

Criminal Proceedings

In case the act under sexual harassment amounts to a specific offence under the applicable law, the Management shall initiate appropriate action, in accordance with law, by making a complaint with the appropriate authority.