SEXUAL HARASSMENT POLICY AND PROCEDURE

CHILD IN NEED INSTITUTE (CINI)
DAULATPUR, P.O- PAILAN
VIA – JOKA, 24 PARGANAS (SOUTH)
PIN CODE- 700 104, WEST BENGAL
INDIA
SEXUAL HARASSMENT POLICY

1. Background

1.1. Child In Need Institute is committed to creating and ensuring an enabling, dignified and equitable work environment for every employee. All employees should be able to work together in an environment free of exploitation, harassment and violence. We believe that sexual harassment is not only a criminal offence but is a violation of human rights of women.

Sexual harassment results in violation of the fundamental right of a woman right to equality under Article 14 and 15, her right to life and to live with dignity under Article 21 of the constitution and her right to practice any profession or to carry on any occupation trade or business which includes a right to a safe environment free from sexual harassment.

2. Sexual Harassment: The Act

This Act is called the Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal Act 2013)

Definition: Sexual harassment is defined as any one or more of the following unwelcome acts or behaviour (directly or by implication)

namely-------

i. physical contacts and advances; or
ii. demand or request for sexual favours; or
iii. making sexually coloured remarks; or
iv. showing pornography: or
any other unwelcome physical, verbal or non-verbal conduct of sexual nature

GUIDELINES:

- CINI will not tolerate, condone, or allow sexual harassment, whether engaged in by fellow employees, supervisors managers, or by outside clients or other non-employees who conduct business with CINI. CINI encourages reporting of all incidents of sexual harassment regardless of who the offender may be.
- All supervisory personnel within the institute are responsible for eliminating any and all forms of sexual harassment of which they are aware. Any management personnel who is made aware of sexual harassment and fails to take corrective action pursuant to this policy will be subject to discipline up to, and including termination as per service rule of the institute.

3. Purpose of the Policy

3.1. Pursuant to this Act CINI has promulgated its Policy against Sexual Harassment which will be strictly implemented across all units, and other places where employees find themselves in connection with work.
3.2. It is important to provide an organisational climate free from discrimination and harassment with a particular focus on sexual harassment and ensure this through all of CINI’s interventions and practices.
3.3. The purpose of the policy is to promote a work place free from sexual harassment, and provide an appropriate complaint mechanism to redress the complaints and ensure time bound redressal.
3.4.1. Specifically this policy aims:

3.4.2. To put in place a mechanism for prevention and redressal of sexual harassment cases at workplace.
3.4.3. To create a secure and stress free environment for women workers/employees.
3.4.4. To ensure that no gender based discrimination takes places which hinders women’s progress and equal opportunities for them.
3.4.4. To promote a healthy work environment in which men and women can work as a colleagues and develop their fuller potential.

4. Principles

Sexual Harassment is unlawful and will not be tolerated and is a disciplinary issue. The principles governing it are:

4.1. Speedy (early) resolution to problems
4.2. Confidentiality
4.3. It is the duty of all staff (Contract, Assignment, part time, volunteers, interns, trainee and consultants or call by any other such name) to comply with this policy.
4.4. All unit/divisional in charge have a duty to ensure that all staff know that harassment will not be tolerated and have a responsibility to take appropriate action where they become aware of possible harassment.
4.5. Misuse of policy or Malicious complaints will be dealt with as a disciplinary matter.

5. Policy

To achieve our goal of providing a workplace free from sexual harassment, this policy will ensure that:

5.1. Sexual harassment of women occurring in the workplace is unlawful and will not be tolerated by this organization.
5.2. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.
5.3. Corrective action will be imposed as necessary including disciplinary action where appropriate.

6. Scope of the Policy

6.1. This policy shall extend to all employees of CINI, regardless of the nature of their contract, duration of employment or position in the organisation.
6.2. Volunteers, trainees, consultants and interns, regardless of the duration of their association with the organisation.
6.3. CINI will actively assist and do all that is necessary to ensure the safety of female staff in the office premises or otherwise in respect to any duties/activities that they perform in connection with work which take place outside office premises and involves third party contacts.
7. INTERNAL COMPLAINTS COMMITTEE

a. An Internal Complaints Committee has been constituted at Head Office and all administrative units such as in CINI-Jharkhand, CINI-North Bengal, CINI-Uttar Dinajpur, CINI-Murshidabad, CINI-Diamond Harbour, CINI-Yuv4 CINI-Training, and CINI-Urban Unit, by the management to consider and redress complaints of sexual harassment.

The committee members are
1. Presiding Officer- Woman member at a senior level from CINI
2. Member from CINI
3. Member from CINI
4. Member from CINI
5. Member from other local NGO/association/ or a person familiar with the issues relating to the sexual harassment.

b. Provided that at least one half of the total members so nominated shall be women.

c. The Presiding Officer and every member of the internal committee shall hold office for such period not exceeding three years from the date of their nomination as may be specified by the employer.

s8. Complaint of Sexual harassment-

Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident.

9. REDRESSAL PROCESS:

i. The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, except to use the same for discreet investigation.

ii. The Committee will hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.

iii. At the first meeting, the Committee members shall hear the Complainant and record her allegations. The Complainant can also submit any corroborative material with a documentary proof OR written material to substantiate her complaint.

iv. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, where after, an “Enquiry” shall be conducted and concluded.

v. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.

vi. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action with the provision of the service rules OR in such manner as may be prescribed by the Internal Complaints Committee.
9. ENQUIRY PROCESS

i. The Internal Complaints Committee shall immediately proceed with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.

ii. The Internal Complaints Committee shall prepare and hand over the Statement of Allegation to the person against whom the complaint is made and give him / her opportunity to submit a written explanation within 7 days of receipt of the same.

iii. The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.

iv. If the Complainant desires to tender any documents by way of evidence before the Committee, she shall supply original copies of such documents. Similarly, if the person against whom complaint is made desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.

v. The Internal Complaints Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.

vi. The Internal Complaints Committee shall complete the "Enquiry" within reasonable period but not later than 90 days.

10. ENQUIRY REPORT

i. On completion of an enquiry the Internal Complaints Committee shall provide a report of its findings to the Director within 10 days of completion of the enquiry process.

ii. The Director to take action for sexual harassment as misconduct in accordance with the provisions of the service rules applicable to the respondent within 60 days of receiving the report and send the report of such implementation to the Internal Complaints Committee.

11. Committee to submit annual report

The Internal Complaints Committee shall in each calendar year prepare an annual report on all complaints of this nature and submit the same to the Director
Glossary

**Aggrieved woman:** Section 2(a)
means in relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the respondent.

**Employee:** Section 2(f)
means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, volunteer apprentice or called by any other such name.

**Employer:** Section 2(g)
(i) means in relation to any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit of any government or local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i) any person responsible for the management, supervision and control of the workplace,

(iii) in relation to workplace covered under sub clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees.

**Respondent:** Section 2(m)
means a person against whom the aggrieved woman has made a complaint under Section 9; of the Act.

**Sexual Harassment Section 2 (n)**
Includes any one or more of the following unwelcome acts or behaviour (directly or by implication)
namely-------

v. physical contacts and advances; or
vi. demand or request for sexual favours; or
vii. making sexually coloured remarks; or
viii. showing pornography; or
any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Workplace-Section 2 (O)

(i) includes any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate government or the local authority or a Government company or a corporation or a cooperative society;

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, Non-Governmental Organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainmental, industrial health services or financial activities including production, supply, sale, distribution or service.

(iii) Hospital or nursing home

(iv) any sports institute, stadium, sport complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto

(v) 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

(vi) Unorganized sectors

Internal Complaints Committee (I.C.C.): (Section 4 (1))

Every employer of a workplace shall, by an order in writing constitute a committee to be known as Internal Complaints Committee (ICC).

Provided that Where the offices or administrative units of the workplace are located at different places, or divisional or Sub divisional level, the Internal Committee shall be constituted at all administrative units and offices.

Constitution of Internal Complaints Committee

a) Presiding Officer, a senior level woman employee
b) Not less than two members amongst employees preferably committed to the cause of women or experience in social work or have legal knowledge
c) One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating sexual harassment.

Provided that at least one-half of the total members so nominated shall be women.

The Presiding officer and every member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.