

LCS Policy on Protection against sexual harassment of women at workplace (Prevention, Prohibition and Redressal Act 2013)

SECTION 1: THE ORGANISATION

Lok Chetana Samiti (LCS), is a registered non-profit, non-sectarian, charitable and educational association for the integral development of all people, especially those of the poor and weaker sections of society, without any distinction of caste, religion, sex or place of birth. It aims at building up a new Indian society based on justice, equality and fellowship

The **vision** of the organization is the formation of a just democratic secular society as visualized in the Indian Constitution.

The **mission** of the organization is to prepare a movement of people, capable of making an effective contribution for bringing about a societal change in favour of the poor and the marginalized as well as for the realization of the vision mentioned above.

SECTION -2: INTRODUCTION & BACKGROUND

2.1 Definitions

A broad definition of sexual harassment consists of any physical or verbal behaviour and any form of communication that has unnecessary, improper or unwelcome sexual connotations. Sexual harassment may vary in form depending on circumstances. It involves unsolicited and unwelcome sexual advances, requests for sexual favours, or any other verbal or physical conduct of sexual nature.

2.1.1 Sexual Harassment at the workplace may consist of, but not be limited to any of the following :

- Unwelcome sexual advances, requests for sexual favours, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature
- Transmitting any message, by mail, telephone, e-mail etc. which is obscene, lewd, suggestive or blatantly sexual in nature
- Any explicit or implicit communication wherein a sexual favour or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment.
- Sexually charged jokes or remarks and behaviour which have sexually oriented innuendoes
- Following, stalking, persistent visiting, telephoning, sending of cell-phone messages, or other invasions of personal privacy. This will include physical confinement against one's will.
- Act or conduct by a person such as spreading rumours about sexuality, gender and / or character of a person which creates the environment at workplace hostile or intimidating to a person.
- Consistent pattern of unnecessary physical contact, staring or targeting unreasonable attention at an individual in day-to-day dealings
- Any pervasive pattern of behaviour which makes others uncomfortable, insecure or feel humiliated or disadvantaged on the basis of gender differentiation
- Any other physical, verbal and non-verbal behaviour which is sexual in nature.
- Actual sexual assault

As mentioned above, this is an indicative but not an exhaustive list of possible forms of sexual harassment.

2.2 Scope and Application

This policy applies to all categories of employees/staff of the organization, including contractual, temporary or those in voluntary capacity. The organization has a zero tolerance policy for any and all forms of harassment including sexual harassment at the workplace.

LCS is committed to providing conducive working environment free from fear, reprisal, coercion, discrimination and harassment

As a representative of LCS, all staff are expected to act responsibly and respectfully both within the office and beyond office hours.

2.3 The Workplace Includes:

1. All offices or other premises where the organization's activities conducted.
2. All LCS-related activities performed at any other site away from its premises.
3. Any social or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

2.4 Responsibilities Regarding Sexual Harassment

1. All employees of LCS have a personal responsibility to ensure that their behaviour is not contrary to this policy.
2. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

2.5 Policy Objectives

The broad objective of the policy is to set minimum standards and procedures on prevention of sexual harassment at workplace to maintain a safe environment for employees.

SECTION 3: POLICY GUIDELINES

3.1 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.

3.2 Training and Orientation

- 3.2.1 All existing staff shall be given training on this policy as part of ongoing training programmes at Lok Chetana Samiti.

3.3 Complaints Committee

The organization has instituted a Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

Initially, and till further notice, the Complaints Committee will comprise of the following five members out of which at least three members will be of the same gender as that of the complainant:

1. Ms. Ranju Singh
2. Ms. Ranjana Gaud
3. Ms. Tanuja Mishra
4. Mr. Surendar Singh
5. Mr. Pankaj Dayal

If any of the members in the complaint committee is the accused then he/she will be excluded from the committee till the complaint is resolved.

3.3.1 The Complaints Committee is Responsible for:

1. Investigating every formal written complaint of sexual harassment
2. Taking appropriate remedial measures to respond to any substantial allegations of sexual harassment
3. Discouraging and preventing employment-related sexual harassment

3.4 Procedures for Resolution, Settlement or Prosecution of Acts of Sexual Harassment

LCS is committed to provide a supportive environment to resolve concerns of sexual harassment as under:

3.4.1. 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.

3.4.2. Complaints

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 Management. The complaint shall have to be in writing and can be in form of a letter, preferably within 15 days from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email. 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.
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.

3. 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.
4. 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.
5. 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.
6. The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Executive Director as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint. The Executive Director will ensure corrective action on the recommendations of the Complaints Committee and keep the complainant informed of the same.

3.4.2.1 Corrective action may include any of the following:

1. Formal apology
2. Counselling
3. Written warning to the perpetrator and a copy of it maintained in the employee's file.
4. Change of work assignment / transfer for either the perpetrator or the victim.
5. Suspension or termination of services of the employee found guilty of the offence.
6. Legal actions against the employee if found guilty of the offence as per the decisions of the Management.
7. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.

3.5 Ramifications of Misconduct

- a. Following completion of investigation, the Management will decide on appropriate action based on available evidence.
- b. This will be as per the LCS's disciplinary procedure as per the service rules

3.6 Statement of Commitment

All Staff (contractual, temporary or voluntary), shall sign the statement of commitment attached to this policy document.

3.7 Confidentiality

The Organization understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

3.8 Access to Reports and Documents

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Organization except where disclosure is required under disciplinary or other remedial processes.

3.9 Protection To Complainant

The Organization is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Organization will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

3.10 Conclusion

In conclusion, the Organization reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.

Lok Chetana Samiti

SECTION 4: ANNEXURE

4.1 Employee Declaration Form

I (Name)..... have read and understood the guidelines, standards, and code of conduct as stated in the Lok Chetana Samiti's policy On Prevention Of Sexual Harassment At Workplace. I agree with principles contained therein and undertake to uphold the policy principles while working with/for the Lok Chetana Samiti.

Title/Position:

Signature:

Date: