

ETASHA Society
Policy for Prevention of Sexual Harassment
(Amended as on 20.12.21)

I. OBJECTIVE:

ETASHA Society is committed to

- Creating and maintaining a secure work environment where its Employees, Trainees, Volunteers, Interns and NGO Partners can work in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within office premises and other locations directly related to our functioning.
- Ensuring that the work environment at all our locations is conducive to fair, safe and harmonious relations based on mutual trust and respect between all associates in the Organization. We strive to guarantee a safe and welcoming environment to all who visit our locations in any capacity, maybe Trainees, Parents, Volunteers, Interns, Recruiters, Funders or even friends of ETASHA.
- Giving every member a just and fair hearing on issues encountered by them at the workplace with special attention to sexual harassment, ETASHA will take very serious disciplinary action against any victimization of the employee who is complaining of harassment in any form. At the same time, making a false complaint or providing false information regarding a complaint will also be treated as a violation of policy & strict disciplinary action will be taken.

The objective of this policy is to provide protection against sexual harassment at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. Commission of any act of sexual harassment as defined in the Prevention of Sexual Harassment Act shall result in strict disciplinary action.

II. SCOPE

The Policy is with respect to **Prevention, Prohibition & Redressal of Sexual Harassment**

1. At all our centres including partner NGO centres & VTPs
2. Any external location visited during the course of work,

Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

III. DEFINITION

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.

Sexual Harassment at the workplace includes:

1. Unwelcome sexual advances (verbal, written, physical or virtual),
2. Demand or request for sexual favours,
3. Any other type of sexually-oriented conduct,
4. Verbal or textual abuse or 'joking' that is sex-oriented,
5. Showing, messaging or sharing Pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings



IV. POLICY

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

1. Sexual harassment, of anybody associated in any capacity with the organization, occurring in the workplace is unlawful and will not be tolerated by this organization.
2. 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.
3. Corrective action will be imposed as necessary including disciplinary action where appropriate.

V. INTERNAL COMPLAINT COMMITTEE

Every complaint received shall be forwarded to the Internal complaint committee formed under this policy for redressal. The Investigation shall be carried out by the Internal Complaint Committee (ICC) constituted for this purpose.

The committee will comprise of:

1. A woman employee at a senior level / Governing Council Member shall act as the presiding officer of the committee.
2. Not less than 2 members shall be from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
3. One member shall be from amongst Non – governmental organization OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.
4. At least half of the total members of the committee have to be women.
5. The Presiding officer & every member shall hold office for such period not exceeding three years from the date of nomination as may be specified by the employer.

The Composition of the Committee for the period **01.01.2022 to 31.12.2025** is as follows:

S. No	Name	Designation / Experience	Role in Committee	Contact Details
1	Ms. Ritu Motwani	Member Governing Council	Presiding Officer	9810188289 ritu_motwani@hotmail.com
2	Ms. Mini Bhargava	Chief - Collaborations & MIS	Member	9810652004 minibhargava20@gmail.com
3	Mr. Kuldeep Kumar Tyagi	Manager - Community Relations	Member	9971861597 tyagideepkul@gmail.com
4	Ms. Apurva Banerjii	Team Lead	Member – Sarthak GGN	9999836172 Apurvabanerjii1962@gmail.com
5	Mr. Gautam Das	Lawyer	Member	9312223691 gdas.adv@gmail.com
6	Ms. Rajeshwari Chatterjee	Project Coordinator & Mentor	Member – CDC 1	9354677823 Rajeshwarichatterjee72@gmail.com
7	Mr. Ashok Dash	Project Manager	Member – CDC 4	8254021432 Ashokkumardash2030@gmail.com



8	Ms Divya	Placement Coordinator	Member – CDC 3	8920346008 Divya.aaaa.singh@gmail.com
9	Mr. Sumit Chaudhary	Project Manager	Member – CDC 6	9555303393 sumitchaudhary98@yahoo.com

VI. COMPLAINT REDRESSAL MECHANISM

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period of 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 last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the ICC.

1. **The Presiding Officer** or any Member of the ICC can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. **Filing of complaint**
 - (i) Where the aggrieved person is unable to make a complaint on account of their **physical incapacity**, a complaint may be filed by
 - a) a relative or friend; or
 - b) a co-worker; or
 - c) an officer of the National Commission for Women or State Women's Commission; or
 - d) any person who has knowledge of the incident, with the written consent of the aggrieved person.
 - (ii) Where the aggrieved person is unable to make a complaint on account of their **mental incapacity**, a complaint may be filed by
 - a) a relative or friend; or
 - b) a special educator' or
 - c) a qualified psychiatrist or psychologist; or
 - d) the guardian or authority under whose care they are receiving treatment or care; or
 - e) any person who has knowledge of the incident jointly with any of the above.
 - (iii) Where the aggrieved person for any **other reason** is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
 - (iv) Where the aggrieved person **is dead**, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
3. On receipt of the complaint, the Internal Complaint Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The ICC shall follow the Principle of Natural Justice while handling such complaints.
4. ICC on receipt of such written complaint, may, if required, ask the aggrieved person to furnish additional information about the alleged harassment.
5. The Complainant or person authorized on their behalf as per above provision, shall make a **complaint** to the ICC **through** the following mode:
 - a. Copy of complaint along with supporting documents and names and address of witness shall be sent to ICC




- b. On receipt of such complaint, ICC shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days
 - c. Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses
 - d. ICC shall investigate in detail into the matter of the complaint. The ICC shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.
 - e. ICC shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
 - f. ICC must complete its investigation within a period 90 days.
 - g. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.
 - h. **For conducting the enquiry the quorum of the ICC shall be of 3 members including the presiding officer.**
6. The ICC may, before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, ICC shall ensure that:
- a. Monetary settlement will not be made as a basis of conciliation.
 - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and they shall be provided with a copy of it.
 - c. Where, a settlement is arrived as mentioned herein above, no further enquiry shall be conducted by the ICC.
7. The ICC may, during such investigation, exercise the power of a civil court vested in it in respect of:
- a. summoning and enforcing the attendance of any person and examining him/her under oath;
 - b. requiring discovery and production of documents;
 - c. any other prescribed matter.
8. During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
- a. to transfer the aggrieved person or the respondent to any other workplace;
 - b. grant leave to the aggrieved person of up to three months which is in addition to leave to which he/she is otherwise entitled.
- Provided that the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

VII. ACTION:

1. The ICC shall, on completion of the enquiry, provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.
2. If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.
3. If the ICC arrives at the conclusion that the allegation against the respondent has been proved, it will recommend any of the following:
 - a. Take action for sexual harassment as misconduct.



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- b. To require respondent to tender a written apology to the complainant, issue warning, withholding of promotions / increments of the Respondent, terminating the Respondent.
- c. Deduct from salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.

Such action will be taken within 60 days of the receipt of report

VII. AWARENESS:

1. All the Employees, Trainees, Volunteers, Interns, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the Administration team.
2. A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees during their initial Induction.
3. The Organization shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with a safe working environment at the workplace.
4. Organization shall display the notice showing the name of the ICC members at each of its establishment at a conspicuous place.

VIII. FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by the Organization. However, there shall be zero tolerance for any false accusation.
2. If the ICC comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the ICC may recommend action to be taken against the person who has made the complaint, including termination of service.

In such a case, malicious intent has to be established after an inquiry, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the ICC concludes, that he/she has given false evidence or produced forged or misleading documents.

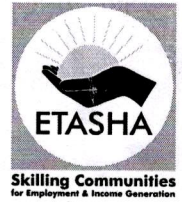
3. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. ETASHA Society recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to be of the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

X. CONCLUSION:

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.



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The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

The decision of the organization shall be final and binding on all. However, the same is without prejudice to any recourse that organization or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or the organization to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.



President

ETASHA Society

01.01.2022