



Policy for Prevention of Sexual Harassment at the Workplace (POSH)

1. Executive Summary:

Projonmo is a non-profit organization founded in 2013, dedicated to providing specialized therapeutic services to children with special needs. Our team of experienced therapists and educators offers a range of services including speech therapy, occupational therapy, special and remedial education, vocational activities, Behaviour therapy daycare, and schooling. Our goal is to create a safe and nurturing environment for all children, empowering them to reach their highest potential and lead fulfilling lives.

Our unique mission is to ensure that all children, regardless of their abilities, have access to life-changing opportunities. We focus on essential aspects of a child's development through personalized plans, aiming for their overall growth and success. In addition to therapy and education, we emphasize vocational activities, providing skills training in various fields to promote economic independence and personal growth for children with special needs.

Projonmo is committed to maintaining a safe and inclusive work environment for all employees, free from prejudice, bias, and sexual harassment. Our policy aims to protect employees from sexual harassment, raise awareness of relevant laws and internal policies, and establish mechanisms for addressing and resolving complaints related to sexual harassment in the workplace.

2. Objective:

Projonmo is committed to treating all employees with respect and ensuring they work in a workplace free from sexual harassment. The organization strictly condemns any form of sexual harassment at work..

The aim of this policy is to:

- (i) Establish a safe and equal working environment where individuals of all genders collaborate seamlessly,
- (ii) Prevent incidents of sexual harassment in the workplace,
- (iii) Provide employees a channel to voice concerns regarding sexual harassment, and
- (iv) Implement an effective process to address these concerns.

Sexual harassment of employees within the workplace is considered a serious offense and will be treated as 'Misconduct' according to Projonmo's Code of Conduct. Any actions or behaviors amounting to sexual harassment will result in disciplinary action as outlined in relevant company policies and applicable laws.

This policy is designed in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (referred to as "the Act") and its relevant Rules, as well as in alignment with Projonmo's Code of Conduct and other policies promoting diversity and equality.

3. Applicability & Scope:

This Policy applies to all employees of the organization, regardless of gender, as well as to any person who has experienced harassment as defined later in this document.

3.2. This policy is active when the individual facing the complaint is a Projonmo employee, and the

incident happens at a Projonmo location or project site.

Designated Projonmo employees are responsible for overseeing the proper administration and implementation of this Policy.

3.4. The establishment where the incident occurred or where the individual facing the complaint is based will primarily handle and facilitate the resolution of any complaints under this policy.

3.5. This Policy should be read in conjunction with the rules outlined within it.

4. Sexual harassment:

Any unwelcome actions or behaviors of a sexual nature, including:

- Physical contact or advances,
- Requesting sexual favors,
- Making sexually suggestive remarks,
- Displaying pornography, or
- Any other unwelcome sexual conduct, whether verbal, non-verbal, or physical.

The following circumstances may also constitute sexual harassment:

- Promising favorable treatment or threatening detrimental treatment regarding employment,
- Interfering with an employee's work or creating a hostile work environment, or
- Subjecting an individual to humiliating treatment affecting their health or safety.

Aggrieved person:

- Any person, regardless of employment status, alleging to have experienced sexual harassment by the Respondent.

Complainant:

- An employee of Projonmo or an aggrieved person reporting an act of sexual harassment by the Respondent.

Employee:

- Any person engaged by Projonmo, directly or indirectly, for regular, temporary, ad-hoc, or daily wage work, including volunteers and various types of workers (co-workers, contract workers, probationers, trainees, etc.).

Employer:

- The head of Projonmo in relation to organizational establishments.

Workplace: Any of the following:

- City offices in Guwahati and Tamulpur set up by Projonmo for organizational activities.
- Any place visited by an employee during employment, including transportation provided by Projonmo, offsite locations, business events, and accommodation.
- Hotels or restaurants used for purposes related to Projonmo's activities.
- Projonmo may address incidents occurring at other locations at its discretion, e.g., personal functions or events organized by the employer or organization.

Respondent:

- A person against whom the aggrieved employee or aggrieved person has lodged a complaint of sexual harassment.

Local complaints committee:

- The committee was established at the district level by the District Officer to receive complaints of sexual harassment under the Act.

5. Components of Sexual harassment

Sexual harassment has four main components:

1. Violation of Dignity: Sexual harassment seriously undermines a person's dignity.
2. Infringement of Rights: It violates the right to gender equality, the right to 'life and liberty,' and the fundamental right to engage in any profession, trade, or business.
3. Misconduct in Employment: Sexual harassment constitutes misconduct within the workplace.
4. Destruction of Dignity: It can lead to the destruction of human dignity.

6. Projonmo's Internal Complaints Committee (ICC)

Projonmo's Internal Complaints Committee (ICC) is structured as follows:

1. Presiding Officer: A senior-level female employee, in accordance with the law.
2. Members: At least two employees, preferably supporting women's causes, with experience in social work or legal knowledge. Additionally, one member from a non-governmental organization or association dedicated to women's causes or someone knowledgeable about sexual harassment issues.

Key points about the ICC include:

- The ICC formation and penalties for sexual harassment are publicly displayed and easily accessible to employees, along with other policies.
- Members, including the chairperson, serve for a maximum of three years from their nomination date.
- If a member leaves during their term, an alternate member is appointed.
- Members can be removed from the ICC for breaching confidentiality or facing legal or disciplinary issues.

7. Registration of Complaint:

Filing a complaint of sexual harassment at the workplace is outlined as follows:

Who can File:

- Any employee or person affected by the harassment may submit a written complaint to the Internal Complaints Committee (ICC).
- Managers must inform the ICC member or secretary if they witness or are informed about a harassment incident.

Timeframe for Complaint:

- Complaints regarding sexual harassment must be filed as per the rules set in this policy within three months from the incident date. For a series of incidents, the complaint must be made within three months from the last incident.

Time Limit Extension:

The ICC can extend the three-month time limit for valid reasons, documented in writing if the person was unable to file the complaint within the stipulated period.

Filing on Behalf of an Incapacitated Person

If the aggrieved person is physically or mentally unable to file a complaint, it can be done by a legal heir, relative, friend, co-worker, or designated authority, with the person's consent.

These guidelines ensure that complaints of sexual harassment are reported promptly and appropriately, even when the aggrieved person is unable to file a complaint personally.

8. Conciliation in sexual harassment cases is described as follows:

1. Settling Disputes:

- The Internal Complaints Committee (ICC) may try to resolve the issue between the aggrieved employee and the respondent through conciliation, if requested by the aggrieved person. However, no money should be involved in this process.

2. Recording Settlement:

- If the parties agree to a resolution, the ICC will document the settlement and send it to the employer for action according to the recommendations.

3. Providing Copies:

- The ICC will share copies of the recorded settlement with both the aggrieved person and the respondent.

4. No Further Inquiry:

- If a settlement is reached, the ICC won't proceed with a formal inquiry.

5. Failure of Settlement:

- If the aggrieved person informs the ICC that the respondent hasn't complied with the settlement or if no settlement is reached during the conciliation, the ICC will initiate a formal inquiry into the complaint.

Conciliation aims to resolve conflicts amicably but ensures a formal inquiry if resolution attempts are unsuccessful.

9. The process for conducting an inquiry by the Internal Complaints Committee (ICC) is outlined as follows:

1. Submitting the Complaint:

- The person making a complaint (complainant) needs to provide the ICC with a detailed complaint, supporting documents, names, and addresses of witnesses, including relevant details about the alleged harassment and the respondent's name.

2. Notification to the Respondent:

- Within seven working days of receiving the complaint, the ICC will share a copy of the complaint with the respondent. The respondent has ten working days to respond with their reply and supporting documents.

3. Conducting the Inquiry:

- The ICC will promptly initiate an inquiry, ensuring both the complainant and respondent have an equal chance to be heard, following principles of natural justice. Neither party can have legal representation.

4. ICC Powers:

- The ICC possesses powers similar to a civil court, such as summoning individuals, taking oaths, and requesting documents.

5. Termination or Ex-Parte Decision:

- If either party misses three consecutive hearings without adequate reason, the ICC may terminate the proceedings or make a decision without their presence. The ICC aims to conclude the inquiry within 90 days of receiving the complaint.

6. Special Requests during Inquiry:

- During the inquiry, the complainant can request actions like transfer, leave, or restraining the respondent from assessing their work performance, which the employer should consider.

7. Implementation of Recommendations:

- The employer must implement the ICC's recommendations and provide a report on the actions taken to the ICC.

This process aims to ensure a fair and timely investigation into complaints of sexual harassment within the workplace.

10. Local Complaint Committee

In the event, that the complaint of sexual harassment is against the employer, the Aggrieved Person should make a complaint in writing to the "Local Complaints Committee" constituted in accordance with the law.

11. Disciplinary action for sexual harassment in this policy can include:

1. Written Apology
2. Warning
3. Reprimand or Censure
4. Withholding of Promotion
5. Withholding of Pay Raise or Increments
6. Termination from Service
7. Counselling Session
8. Community Service

Additionally:

- An appropriate amount determined by the ICC may be deducted from the respondent's salary and given as compensation to the aggrieved person or their legal heirs.
- If the respondent is no longer employed, they may be directed to pay the compensation directly to the aggrieved person.
- If the respondent fails to pay, the ICC can forward the order for recovery to the District Officer.

When determining compensation, the ICC considers:

- The emotional and mental distress suffered by the complainant.
- Career opportunities lost due to the harassment.
- Medical expenses for treatment.
- The respondent's financial situation.
- Feasibility of payment in a lump sum or instalments.

12. Dealing with false or malicious complaints and false evidence is outlined as follows:

1. False Complaints or Evidence:
 - If the investigation determines that a complaint was made with malicious intent, knowingly false, or supported by misleading documents, the Internal Complaints Committee (ICC) or Local Complaints Committee may suggest disciplinary action against the complainant.
2. Inability to Substantiate a Complaint:
 - Simply being unable to provide enough evidence to support a complaint won't lead to action against the complainant.
3. Establishing Malicious Intent:
 - Before recommending action, a thorough inquiry is conducted to confirm the complainant's malicious intent.
4. False Evidence by a Witness:
 - If a witness provides false evidence or misleading documents during the inquiry, appropriate action may be recommended against them.

5. Restoring Reputation:

- If a complaint is proven to be false or malicious, steps will be taken to restore the accused person's reputation.

This policy ensures fair treatment in cases of false complaints or evidence while preserving the reputation of all parties involved.

13. Confidentiality is vital:

1. Keep Things Private:

- Everything related to this policy, like documents and discussions, must be kept confidential.

2. Privacy Measures:

- Special privacy measures will be taken during investigations, sharing info on a need-to-know basis. A different name might be used for the person reporting the issue.

3. Respect Privacy:

- Everyone involved, including the people reporting the issue, witnesses, and committee members, must respect and maintain confidentiality.

4. No Public Sharing:

- Complaint details, identities, and proceedings should not be made public or shared with the media.

5. Sharing Justice, Protecting Privacy:

- While justice can be shared, it should not reveal the names or identities of those involved.

6. Penalties for Breach:

- Breaking confidentiality rules may lead to penalties based on the organization's service rules or a fine of INR 5,000 payable to the employer.

14. Protection against Retaliation:

1. Preventing Victimisation:

- The employer will ensure that anyone experiencing sexual harassment or providing evidence related to it won't face discrimination or harm in their career within the organization.

2. No Retaliatory Actions:

- Employees won't face any negative actions in response to reporting alleged sexual harassment.

3. Safeguarding Witnesses:

- The employer will actively prevent any form of revenge or harm towards witnesses, even if the witness is later found to be giving false information. Actions will be taken as defined in this policy.

15. Appeal:

If someone disagrees with the Internal Complaints Committee's decision or if the recommended actions are not taken, they can appeal to a court or tribunal as per the law within 90 days of the committee's recommendations.

16. Annual Report Summary:

1. Creating the Report:
 - The Internal Complaints Committee (ICC) will prepare an annual report by the end of each financial year.
2. Report Contents:
 - The report will include: a) The number of sexual harassment complaints received that year. b) The number of complaints resolved during the year. c) The number of cases pending for more than 90 days. d) Details about awareness workshops on sexual harassment. e) Actions taken by the employer or District Officer in response to the complaints.

17. Promoting Awareness:

1. Education and Workshops:
 - Projonno conducts educational sessions, workshops, and awareness programs to educate employees about the law and sexual harassment. Attendance is mandatory.
2. Guidance and Clarifications:
 - Employees can seek guidance or explanations regarding this policy from the designated members of the Internal Complaints Committee (ICC) at the City office.
3. Supporting the ICC:
 - Projonno ensures that the ICC has the necessary resources and facilities to handle complaints and conduct inquiries.
4. Assistance for Attendance:
 - Projonno helps in ensuring that the accused and witnesses attend the ICC proceedings or meetings of the Local Complaints Committee.
5. Providing Essential Information:
 - Projonmo ensures that all essential information required by the ICC or Local Complaints Committee is made available.
6. Aiding the Aggrieved Person:
 - Projonmo provides assistance to the aggrieved person if they decide to file a complaint under relevant laws.
7. Policy Visibility:
 - This policy and its rules will be prominently displayed on notice boards in City Offices, including the contact details of ICC members.
8. Getting Clarifications:
 - Employees can seek clarification on this policy from the Point of Contact (POC) at their location.