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Payanmaram Sexual Harassment Policy

A Gender Equality Initiative



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PAYANMARAM TRUST

Sexual Harassment Policy

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 (POSH Act) mandates the constitution of Internal Complaints Committee or ICC for the tackling sexual harassment in the Workplace. Considering that Payanmaram Trust is a small organization with only the Trustees and few seasonal paid volunteers (less than ten members) working on projects, the organization is not required to form an Internal Complaints Committee or ICC.

The Act provides for Local Complaints Committee or LCC lead by a District Officer (DO) in such cases under this POSH Act which can receive complaints from women where the number of workers is less than ten.

However, we are ourselves committed to the cause of prevention of sexual harassment and the Managing Trustee herself being POSH Trainer certified, we form this internal policy in matters of Sexual Harassment.

Receiving Grievances/Complaints

We shall form a Grievance Redressal Committee (GRC) which can receive complaints and give temporary relief until proceedings are concluded.

It shall comprise of the following members:

1. Indu Priya, Managing Trustee payanmaram@gmail.com
2. Veena Kumar, Trustee prettybells@gmail.com
3. Janaki Suyambu, Trustee janakisuyambu@gmail.com

What should the Complaint to GRC/LCC Contain?

1. Complainant Details like name, phone email and address
2. Description of the incident
3. Date
4. Timing
5. Details of Respondent
6. Parties Relationship with each other

Conciliation at LCC

Before going into the enquiry, the LCC may consider to settle the dispute/misunderstanding and attempt conciliation if the nature of the matter so reasonably admits.

The complaints are to be processed within a 90-day window by LCCs. The conciliation attempt can be initiated only upon a direction in writing of the complainant requesting so.

The GRC Committee shall not at any point insist on conciliation nor shall dissuade any initiative by the complainant to lodge a police complaint or approach LCC. It's findings and advice are only recommendatory in nature.

Who Is a District Officer (DO)?

State Governments will notify a District Magistrate/Additional District Magistrate/ Collector/ Deputy Collector as a District Officer at the local level. The District Officer will be responsible for carrying out the powers and functions under the Act at the district levels (including every block, taluka, tehsil, ward, and municipality).

Which is a Workplace as per this Act?

Any place visited by the employee arising out of; or during course of; employment, including transportation provided by employer.

Who Is an Aggrieved Woman?

The Act recognizes the right of every woman to a safe and secure workplace environment irrespective of her age or employment/work status. Hence, the right of all women working or visiting any workplace whether in the capacity of regular, temporary, ad hoc or daily wages basis is protected under the Act. It includes all women whether engaged directly or through an agent including a contractor, with or without the knowledge of the principal employer. They may be working for remuneration, on a voluntary basis or otherwise. Their terms of employment can be express or implied.

Further, she could be a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name.

The Act also covers a woman, who is working in a dwelling place or house.

Some examples of Sexual Harassment

1. Making sexually suggestive remarks or innuendos.
2. Serious or repeated offensive remarks, such as teasing related to a person's body or appearance.
3. Offensive comments or jokes.
4. Inappropriate questions, suggestions or remarks about a person's sex life.
5. Displaying sexist or other offensive pictures, posters, mms, sms, whatsapp , or e mails.
6. Intimidation, threats, blackmail around sexual favours
7. Threats, intimidation or retaliation against an employee who speaks up about unwelcome behaviour with sexual overtones.
8. Unwelcome social invitations, with sexual overtones commonly understood as flirting.
9. Unwelcome sexual advances which may or may not be accompanied by promises or threats, explicit or implicit.
10. Physical contact such as touching or pinching.
11. Caressing, kissing or fondling someone against her will (could be considered assault).

12. Invasion of personal space (getting too close for no reason, brushing against or cornering someone).
13. Persistently asking someone out, despite being turned down.
14. Stalking an individual.
15. Abuse of authority or power to threaten a person's job or undermine her performance against Sexual favours
16. Falsely accusing and undermining a person behind closed doors for sexual favours
17. Controlling a person's reputation by rumour mongering about her private life.

Some examples of behaviour that may indicate underlying workplace sexual harassment and merit inquiry:

1. Criticizing, insulting, blaming, reprimanding or condemning an employee in public.
2. Exclusion from group activities or assignments without a valid reason.
3. Statements damaging a person's reputation or career.
4. Removing areas of responsibility, unjustifiably.
5. Inappropriately giving too little or too much work.
6. Constantly overruling authority without just cause.
7. Unjustifiably monitoring everything that is done.
8. Blaming an individual constantly for errors without just cause.
9. Repeatedly singling out an employee by assigning her with demeaning and belittling jobs that are not part of her regular duties.
10. Insults or humiliations, repeated attempts to exclude or isolate a person.
11. Systematically interfering with normal work conditions, sabotaging places or instruments of work.
12. Humiliating a person in front of colleagues, engaging in smear campaigns.
13. Arbitrarily taking disciplinary action against an employee.
14. Controlling the person by withholding resources (time, budget, autonomy, and training) necessary to succeed.

Some examples of workplace behaviours that may not constitute sexual harassment:

1. Following-up on work absences.
2. Requiring performance to job standards.
3. The normal exercise of management rights.
4. Work-related stress e.g. meeting deadlines or quality standards.
5. Conditions of works. 6. Constructive feedback about the work mistake and not the person.

Sexual Harassment Types

1. Quid pro quo

Asking for sexual favours in exchange of opportunities.

Eg.

2013

A student of Mass Communication and Journalism filed a case against a the Head of the Department of MCJ of **** University. The Head of the department kept on declining to accept the research work by the student persistently under one or other pretext. On enquiring the reasons and suggestion for corrective action, the Head of the department tried to sexually harassed her in exchange of offering to accept and grade her research work with excellent grades.

2. Hostile environment

Creating uncomfortable work environment by exhibiting unwelcome behaviour.

Eg.

2012 –An IT intern filed a case with ICC of an IT MNC giant stating she feels uncomfortable working with the project team she is allocated.

The project workload and stringent timelines necessitated to work beyond office hours and she was left alone with her male colleagues who played derogatory film songs with sexual connotations. She mentioned that she had bought it to their notice that such behavior is making her uncomfortable and she is unable to concentrate on work. But they made fun of her calling her “Aunty Jiand Dadimaa” citing that her thought process was old fashioned.

LOCAL COMPLAINTS COMMITTEE (LCC)

The District Officer will constitute an LCC in every district so as to enable women in the unorganized

sector or small establishments to work in an environment free of sexual harassment. The LCC will

receive complaints:

1. From women working in an organization having less than 10 workers;
2. When the complaint is against the employer himself;
3. From domestic workers.

Timelines of Complaint

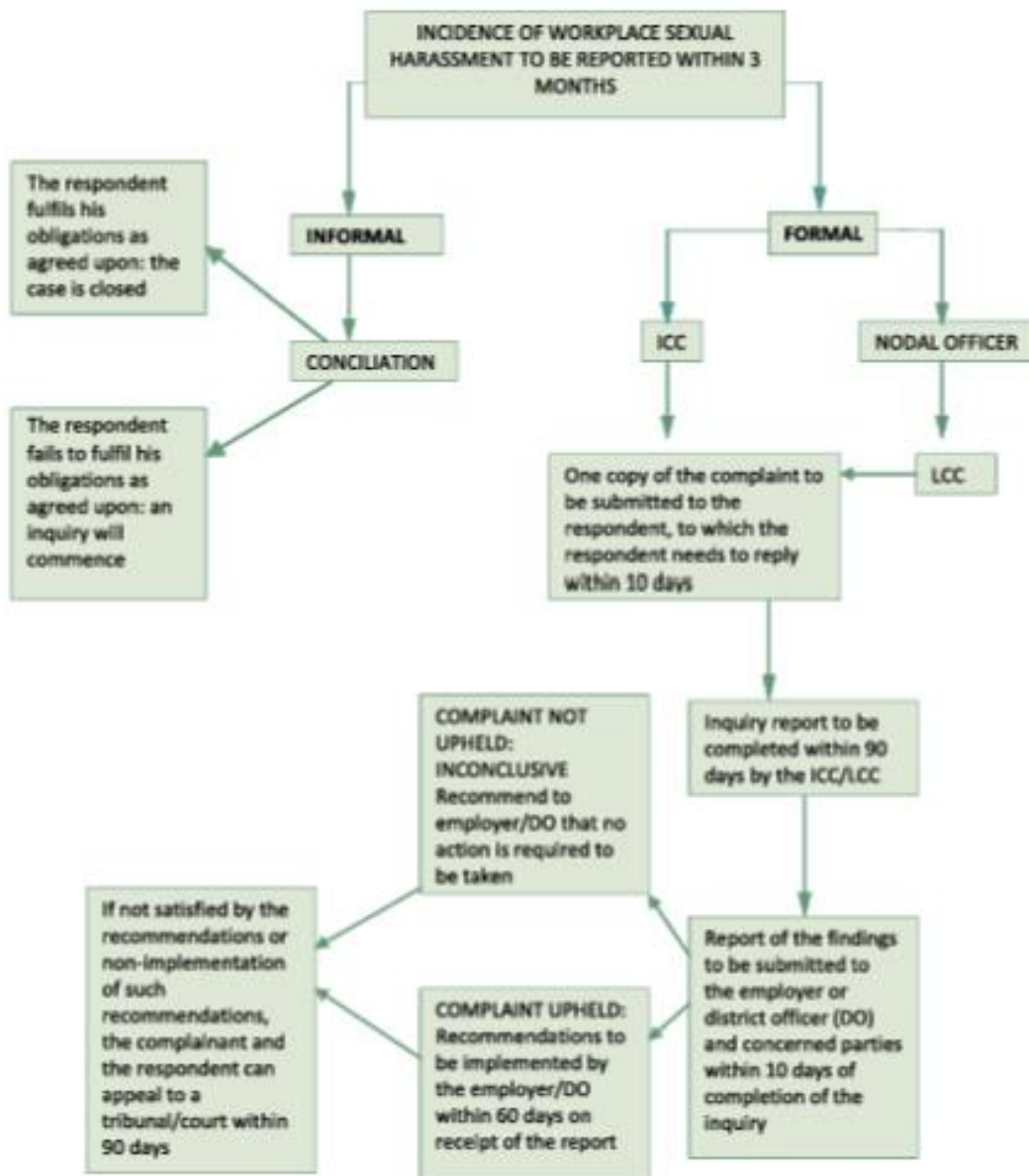
Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days
Submission of Report by ICC/LCC to employer/DO	Within 10 days of completion of the inquiry
Implementation of Recommendations	Within 60 days
Appeal	Within 90 days of the recommendations



Inquiry Process at LCC



INQUIRY PROCESS AT A GLANCE



Duties of the Grievance Redressal Committee (GRC) at Payanmaram

1. Considering that the GRC committee formed is not in essence provided by any statutory grant, the committee can only issue recommendations but can decide to even terminate services of workers/volunteers/trustees in case there are conclusive findings by LCC/Law

2. The Committee members are the Trustees of the Trust with the primary responsibility of providing a safe environment for women and children, the committee can choose to
 - a. Terminate services of such workers/volunteers/Trustees if charges are proved by LCC after affording sufficient opportunity to hear both sides
 - b. Issue warnings depending on nature of harassment and take written apology.
 - c. Accept voluntary resignation of such respondent
 - d. If the victim is a minor by age, and matter of serious nature as provided under POCSO Act, report the matter as mandated by POCSO or any related criminal act to the Police
 - e. Counselling and training
 - f. Share any evidence available including video recordings of such violations and recommend police complaint
3. Even when there is no conclusive evidence, provide trainings to both parties as necessary
4. Take any appropriate measures to prevent such issues in the place of work or in places during course of work through policies and regulations devised by the Trust.
5. None of the recommendations can be forced upon the respondent unless it is violative of the general workplace discipline and best remedy can only be ensured through the Local Complaints Committee/Police.
6. Organise workshops and awareness programmes at regular intervals for sensitising the workers/volunteers with the provisions of the POSH Act and orientation programmes for the members of the GRC Committee.
7. Provide necessary assistance to Complainant as well as Respondent until conclusion of proceedings
8. Keep the necessary documentation/Incident Reports and share copies of recommendations with the complainant as well as respondent.
9. Engage volunteers with children/other beneficiaries after they submit proper ID and credentials.
10. Educate the volunteers with the Sexual Harassment Policy and the Child Protection Policy as a part of their initial orientation programme.

References/Credit:

Handbook on Sexual Harassment of Women at Workplace 2015 – Ministry of Women and Child