



Policy against sexual Harassment at Work place

1. Background:

A]

SUKARYA is committed to creating and ensuring an enabling, dignified and equitable work environment for every employee. All SUKARYA 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. According to the Protection of Human Right Act, 1993 "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution and enforceable by courts in India. It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women so as to live with dignity which is a fundamental right guaranteed by our constitution.

B]

Sexual harassment is an act of power, and a public violation of a woman's dignity that is often trivialized by labeling it an interpersonal transgression. The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (hereinafter referred to as The Act) in lines with the Vishakha Judgement by the Hon'ble Supreme Court of India has laid out that it is the duty of the employer or other responsible persons at work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. SUKARYA endeavors to put adequate measures to ensure safety, security, dignity, rights and equality of women.

C] "Sexual Harassment" includes anyone or more of the following unwelcome acts or behavior [whether directly or by implication] namely:

- 1. Physical contact or advances**
- 2. A demand or request for sexual favors**
- 3. Making sexually colored remarks**
- 4. Showing pornography**
- 5. Any other unwelcome physical, verbal or non –verbal conducts of a sexual nature**

2. Sexual Harassment: The Law

a) The Act has laid down process and procedures for resolution and prevention of sexual harassment enjoining employers by holding them responsible for providing a safe work environment for women. The application of the Act is to both organized and unorganized work sectors and to all women whether working part time, on contract or in voluntary/honorary capacity. This policy is in sync with the guidelines and procedures laid down by the Act and is majorly with the purpose of expressly prohibiting sexual harassment at SUKARYA

3. Purpose

a) Pursuant to the Act, SUKARYA has promulgated this Policy against Sexual Harassment which will be strictly implemented at office of SUKARYA, and other places where employees find themselves in connection with work. b) Pursuant to the Act, an Internal Complaints Committee is formed which is the body responsible to uphold the principles of this policy and also ensure the implementation of the Act in SUKARYA.

b) The purpose of the policy is to promote a work place free from sexual harassment, prevent and minimize harassment of sexual nature, and provide an appropriate complaint mechanism to redress the complaints and ensure time bound redressal. e) Specifically this policy aims:

a) To put in place a mechanism for prevention and redressal of sexual harassment cases at work place.

b) To create a secure and stress free environment for women workers/ employees

c) To ensure that no gender based discrimination takes places which hinders women's progress and equal opportunities for them

d) To promote a healthy work environment in which men and women can work as a colleagues and develop their fuller potential

Principles

a) Sexual Harassment is unlawful and will not be tolerated and is a disciplinary issue other than it being a criminal offence. The principles governing it are: a) Speedy (early) resolution to problems b) Confidentiality b) It is the duty of all staff, part time or casual employees, volunteers and consultants to comply with this policy. c) Any retaliation against an individual who has complained about sexual harassment (complainant) or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. d) Misuse of policy or Malicious complaints will be dealt with as a disciplinary matter

4. Internal complaint committee [ICC]

a) Constitution of the Committee- The Committee shall consist of 5 members in total, which is explained as below:

a) Presiding Officer- Shall be a women employed at a senior level at the Head Office.

b) Internal Members- 3 internal members out of whom at least one would be a male member.

c) External Member- 1 external member who is a person committed to the cause of women. No meeting of the ICC can be held without at least 3/5 members present including the external member. No member shall be part of ICC for more than a period of 3 years. The only exception of extension in any member's tenure would be in case of an ongoing investigation.

b) Management- For the implementation of this policy, the ICC would report all matters to the CEO and the CEO shall act as Management for the purpose of this policy and the Act. In case of an allegation against CEO is being investigated by the ICC, the Management would mean the Board Chair of SUKARYA.

5. Complaint a) Time Limitation- The aggrieved party must complaint to the Committee in writing within 3 months of the incident or 3 months from the last incident in case of series of incidents. This can be further extended to another 3 months in case of exceptional circumstances by the ICC but in no case more than 6 months. b) The complaint can also be made by the legal heir in case the aggrieved party is not in physical or mental condition to do so.

6. Procedure for ICC a) Complaint- ICC cannot function suo-motto but will have to wait for the complaint to happen. b) Conciliation- ICC at the request of the aggrieved party may take steps to settle the matter between her and the respondent through conciliation. Such conciliation can't result in monetary settlement. c) Settlement- The ICC shall record the settlement and submit the same to the Management and also a copy each to aggrieved party and the respondent. If settlement is submitted once, no further investigation to be made by the ICC. d) Police Complaint- During the course of investigation, if the ICC deems to believe that a prima facie case exist, shall forward the complaint to the police within 7 days for registering the case under Sec 509 of IPC. e) Both parties heard- The ICC is responsible to give the opportunity of representation to both parties during the course of inquiry before reaching any conclusion. f) Powers of ICC- The ICC has the powers under law as equivalent to that of a Civil Court in the following matters: a) Summoning and enforcing the attendance of any person and examining him/ her on oath. b) Requiring the discovery and production of documents g) the inquiry must finish within a period of 90 days. h) Recommendations- At the end of such inquiry, the ICC needs to submit a recommendation to the Management and the Management is bound to implement such recommendations. The Management is also required to submit a report of such implementation to the ICC. Copy of such recommendations shall be submitted within 10 days of finishing the inquiry. A copy of the same shall also be submitted to the two parties involved. i) Punishment- Since the sexual harassment is considered a misconduct so punishment for misconduct may apply.

9. Malicious Complaint- If the ICC comes to a conclusion that the allegation made against the respondent are malicious or have been made even after the knowledge of it being false or has produced forged or misleading documents, it shall report the same to the Management and the Management is bound to take action against the person involved in such malice. Every complaint that is not successful is not malicious.

Internal complaints committee [ICC]

Members

1. Mr.D.S.kataria
2. Ms.Swati Sharma
3. Ms.Ekta Priyambada Mishra
4. Ms. Kshana Pathak [External]
5. Ms.Mamta