

Prevention of Sexual Harassment at Workplace Policy

The Policy Statement

Tech4Good Community (T4GC) is an equal opportunity employment company and committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. T4GC will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be 'victimized' for making such a complaint.

T4GC has adopted guidelines & procedures to prevent, prohibit and punish any act of sexual harassment committed at the workplace in accordance with "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

Scope

This policy extends to all employees of T4GC, including any person employed as temporary, casual, consultant or contract worker, probationers, trainees, interns, apprentices or by any other name and visitors. The policy is deemed to be incorporated in the service conditions of all employees and shall come into force with immediate effect.

Although the "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, specifically deals with the protection of "women" against sexual harassment, T4GC strongly believes that all employees, regardless of their gender or sexual orientation, have the right to work in an environment safe from verbal or physical abuse and unsolicited or unwelcome sexual overtures. Notwithstanding the provisions of the law, T4GC shall take strict disciplinary action as provided under this policy against any persons who perpetuates any and all forms of sexual harassment, regardless of the gender of the perpetrators.

This policy shall be shared with all employees and all new recruits at the time of induction and written acknowledgement shall be obtained indicating that all employees have received, read, understood and will abide by the policy. If necessary, the policy shall be made available in the local language of the employee.

The policy does not impair or limit the right of anyone seeking any remedy available under law. Proceedings under this policy may continue notwithstanding the pendency or otherwise of any proceedings initiated by an aggrieved person under any law in force.

Definitions

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated

and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours.

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment; or
- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about present or future employment status; or
- Interference with work or creating an intimidating; or
- Offensive or hostile work environment for the person; or
- Humiliating treatment likely to affect the health and safety of the person concerned

Anyone can be a survivor of sexual harassment, regardless of their sex and of the sex of the harasser. T4GCreognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. T4GC recognises that sexual harassment is a manifestation of power relationships, for example between manager or supervisor and employee. Anyone, including employees of T4GC, partners, volunteers or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

Employee

Any person employed for any work directly, or by or through any agency (including a contractor), with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are expressed or implied, and includes any person employed as a temporary, casual, consultant or contract worker, probationers, trainees, visitors, interns, apprentices or by any other name so called.

Workplace and extended workplace

All sexual harassment is prohibited whether it takes place within T4GC premises or outside, including at social events, business trips, training sessions or conferences sponsored by T4GC or its partners.

The main office and/or any of the branch offices of the organization, and/or any place at which any work of the organization is undertaken as well as any place visited by the employee arising out of or during the course of employment including any transportation if provided by the employer for undertaking such a journey. It also includes electronic spaces used during the course of employment, including offsite, video conferencing, teleconferencing instant messaging, SMS and web forums.

Aggrieved Person

During the course of employment, any person who feels he/she is being sexually harassed directly/indirectly; referred to in this policy document as 'survivor', 'complainant' &/or 'aggrieved'.

Respondent

Any person against whom a complaint is made; referred to in this policy document as 'alleged harasser'.

Complaints procedures

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. T4GC recognises that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the survivor to inform the alleged harasser. If a survivor cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, etc. When a designated person receives a complaint of sexual harassment, they will:

- Immediately record the dates, times and facts of the incident(s)
- Ascertain the views of the survivor as to what outcome they want
- Ensure that they understand the company's procedures for dealing with the complaint discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the survivor from pursuing a formal complaint if he/she is not satisfied with the outcome
- Keep a confidential record of all discussions

- Respect the choice of the survivor
- Ensure that the survivor knows that they can lodge the complaint outside of the company through the relevant country/legal framework

T4GC recognises that because sexual harassment often occurs in unequal relationships within the workplace, survivors often feel that they cannot come forward. T4GC understands the need to support them in making complaints.

Informal complaints mechanism

If the survivor wishes to deal with the matter informally, the designated person will:

- Give an opportunity to the alleged harasser to respond to the complaint
- Ensure that the alleged harasser understands the complaints mechanism
- Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter ensure that a confidential record is kept of what happens
- Follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
- Ensure that the above is done speedily and within 45 days of the complaint being made

Formal complaints mechanism

If the survivor wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the complainant, the formal complaint mechanism should be used to resolve the matter.

Internal Committee

T4GC shall constitute a committee to be known as the Internal Complaints Committee (henceforth IC) in compliance with the provisions of the law:

IC Member Constitution

- A Presiding Officer, who shall be a woman employee at a senior level in T4GC
- Not less than two Members from amongst employees preferably committed to or who have had experience in social work or have legal knowledge
- One member ("External Member") from amongst non-government organizations or associations committed to and familiar with the issues relating to sexual harassment;
- It is explicitly provided and specified that at least one-half of the total members so nominated shall be women. It is further specified that the external member shall be paid such fees or allowance as agreed between T4GC and the external member.
- The names of the members of the IC along with their contact details shall be displayed, from time to time, on notice board(s) at all T4GC offices. T4GC shall also regularly and promptly notify the employees (in the aforesaid manner) of any changes in the constitution of the IC, or of the contact details of the members of the IC.

Disqualification of Membership from IC

Any member of the IC shall cease to hold the office as a member:

- If they cease to be an employee of T4GC
- If they are found guilty of committing an act of sexual harassment,
- If they lack the credibility to hold office as member of the committee (including, pending disciplinary proceeding against them)
- Notwithstanding the aforesaid, the employer shall be entitled, at its sole discretion and at any time, to terminate the appointment (as member of the IC) of any member and appoint a substitute thereof. It shall record the reasons for the same.
- In the event of any disqualification, resignation, voluntary recusal or termination of appointment (by the organisation) of any Member, a suitable substitute employee Member shall be appointed at the earliest. In case of an external member's exit from the committee, T4GC shall make best efforts to find a substitute member as quickly as possible.
- In cases, where the member of the IC is involved as an employee, he/she shall be excluded from any involvement with the process initiated.
- The term of membership to the IC shall be for three (3) years from the date of appointment of the relevant member. However, T4GC may temporarily extend the term of any member of the IC in order to dispose of any pending complaint.
- A quorum of 3 members is required to conduct an enquiry process. Additionally, a quorum of 5 members is required to be present for formulating the recommendations of any proceeding. The IC shall meet every 6 months, to ensure effective implementation of the policy and to monitor effectively/timely redressal of complaints if any.

The IC shall have the following responsibilities

1. implementation of this policy
2. submit recommendations to the employer
3. conduct inquiries in accordance with the procedures set out further below, and ensure compliance with the policy in all actions taken under, or in connection with this Policy
4. organize workshops or interactive programs to spread awareness of the issue of sexual harassment as well as this policy amongst the employees of T4GC
5. keep a record of all complaints received and the actions taken by the IC and T4GC thereon.

The IC shall, at the end of each calendar year, prepare a consolidated report of all the complaints relating to sexual harassment received and the actions taken by the organization thereon and shall submit the same to the concerned government department with a copy to the employer of the organization.

The decisions of the IC shall be decided by the majority vote and in cases of division of votes equally, the Presiding Officer shall have a casting vote.

Complaint Process Overview

The designated person who initially received the complaint will refer the matter to the IC to initiate a formal investigation.

The person carrying out the investigation will have these broad duties:

- Interview the complainant and the alleged harasser separately
- Interview other relevant third parties separately
- Decide whether or not the incident(s) of sexual harassment took place
- Produce a report detailing the investigations, findings and any recommendations
- If the harassment took place, decide what the appropriate remedy for the survivor is, in consultation with the survivor (i.e.- an apology, a change to working arrangements, a promotion if the survivor was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the survivor is satisfied with the outcome
- If it cannot be determined that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace keep a record of all actions taken ensure that the all records concerning the matter are kept confidential ensure that the process is done as quickly as possible and in any event within [...] days of the complaint being made

Process Details

Filing of a complaint:

- Any employee who has experienced or has been subjected to any act of sexual harassment by another employee (the “aggrieved party”) shall be entitled to lodge a complaint with any member of the IC.
- The complaint shall be lodged within three (3) months of the occurrence of the alleged act of sexual harassment. Nothing contained herein shall however restrict the IC from accepting complaints beyond the aforesaid period of three (3) months, to an extended time limit not exceeding three months, and the IC shall record the reasons for such exception in writing.
- The complaint may be in oral or in writing. If the complaint is oral, the member of the IC to whom the complaint is made shall request the aggrieved person to record the same in writing. The IC can act upon only if a complaint is submitted in writing.
- The complaint can be filed through e-mail, registered or ordinary mail, courier, personal appearance, telephonic conversation or written complaint.
- In an instance, where the aggrieved person is unable to make a complaint on account of any physical or mental incapacity or death or otherwise, his/her legal heir or such other person as may be prescribed by the law may make a complaint to the IC.
- The aggrieved person shall maintain and submit a record of the details of the incident such as date, time, location, witnesses, chronology of events, responses and any other information deemed fit.
- Anonymous complaints shall not be accepted. However, the IC reserves the right to exercise discretion and follow up action including investigation.
- The aggrieved person shall submit six (6) copies of the complaint, along with supporting documents and the names and addresses of the witnesses to the IC.

Processing of a complaint:

- A complaint received by a member of the IC shall be forwarded to all the other members within 2 (two) days of its receipt.
- If the IC is satisfied that no prima facie case of sexual harassment exists, it shall, after recording its reasons in writing, dismiss the complaint, or redirect the complaint to the appropriate authority in the organisation for follow up.
- In the event the IC finds a prima facie case of sexual harassment allegedly committed by one or more employees (the “Respondent”), it shall, after recording its reasons in writing, set up an enquiry.
- The Presiding Officer shall then proceed to call a special meeting of the IC.
- The aggrieved person shall be heard at this meeting and the IC shall record the facts based on such hearing.
- IC may, before initiating an enquiry, take steps to settle the matter between the aggrieved person and the Respondent through a process of conciliation, provided that no monetary settlement shall be made as basis of conciliation.
- If a settlement is arrived at, the committee shall record the same, and forward it to the employer.
- In the event, the conciliation fails, the IC shall conduct the enquiry and provide its report to the employer as quickly as possible and in accordance with the timelines set out below in this Policy.
- In the event the complaint is against a senior officer or a departmental head of T4GC or against any member of the IC, the External Member along with external investigators will be called to conduct the enquiry.
- The Presiding Officer shall preside over the investigation and shall document all proceedings of the IC in detail.
- The IC shall follow principles of natural justice in all its proceedings and shall as far as possible, maintain confidentiality of the identity of the complainant, the respondent and any witnesses. Where the respondent is subject to any applicable standing orders of the organization, the proceedings of the IC shall be conducted, as far as practically possible, in accordance with such standing orders, and to the extent provided therein.

Process of enquiry:

- A copy of the complaint as recorded by the IC shall be given to the respondent as well as the aggrieved person within 7 (seven) days of recording of the same.
- The aggrieved person shall also be required to indicate in writing whether they wish to furnish any witnesses or additional evidence.
- The respondent shall be required to submit their response to the complaint, as well as to indicate whether they wish to furnish any witnesses or additional evidence.
- The responses of the aggrieved person and the respondent as aforesaid shall be submitted to the IC in writing 10 (ten) days after the date of issue of the complaint by the IC.
- Upon receipt of the responses from the respondent and the complainant, the committee shall conduct a hearing where both the aggrieved person and the respondent shall be heard in person on the date falling four (4) days after the date of receiving a reply from the respondent and complainant.
- The committee shall notify the respondent and aggrieved person (as well as the witnesses, if any) of the time and venue (located in the same city of the aggrieved person) of the hearing.
- No party shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceeding before the IC.
- In the event the respondent is not present in person at a hearing of the committee, the hearing shall be adjourned to a date no later than 3 (three) days from the date of the original hearing.

- During the pendency of an enquiry, on a written request made by complainant, the committee may recommend interim relief for the aggrieved person to the employer to:
 - a. transfer the respondent to any other workplace; or
 - b. grant leave to the aggrieved person or the respondent up to a period of three months; or
 - c. grant such other relief to the person as deemed fit such as such work from home, or change the nature of employment.
 - d. it is provided that the leave granted shall be in addition to the leave they would be otherwise entitled to with pay.
- All employees shall extend fullest cooperation to the IC and any failure to co- operate, or the provision of incorrect, false or misleading information or the withholding of any relevant information shall also be a violation of this policy and shall be dealt with appropriately by the organization.

Reports:

- Within 10 (ten) days of completion of the hearing, the IC shall prepare its report, which shall include a summary of the proceedings and the evidence adduced by the parties.
- The Presiding Officer and the External Member shall sign the said report.
- In the event the IC concludes from the report that no offence of sexual harassment has occurred (for reasons and rationale to be recorded in writing thereon) it shall dismiss the complaint and forward a copy of the report and its conclusions to the respondent and the complainant. The original report and other papers and documents shall be maintained only by the IC under their supervision.
- In the event that the IC concludes from the investigation that an offence of sexual harassment, or any other violation of this policy, such as retaliation or that the complaint made by the aggrieved person is false and based on malafide reasons (for reasons and rationale to be recorded in writing in each instance thereon) it shall further deliberate on and recommend in writing the disciplinary, preventive or corrective action(s) to be taken. The IC shall forward copies of the report along with recommendations to the employer.
- The enquiry shall be completed and the report shall be submitted within a period of forty-five (45) days from the date on which the enquiry commenced. In the event of any delay in submission of the report, the reasons for the same shall be recorded in writing.
- The employer shall act upon the recommendations within ten (10) days of its receipt. An appeal to the order passed by the IC lies before the appropriate local jurisdictional court of law.
- In the case where the IC arrives at the conclusion that the allegation of sexual harassment has occurred, it shall recommend to the employer, to take any action including a written apology, warning, withholding of promotion, withholding of pay rise or increments, termination of employment, or undergoing counseling or carrying out community service.

Malicious Complaints, Retaliation and other Legal Remedies:

- If on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual, tarnishing their image in the organization and/or settling personal and/or professional scores, strict action will be taken against the complainant.

However, the mere inability to substantiate a complaint or provide adequate proof need not attract action against the aggrieved person under this section.

- T4GC forbids and shall not permit any form of employment-based retaliation against anyone who brings a complaint of sexual harassment or participates in the investigation of a complaint of sexual harassment. The aggrieved person shall report any unwarranted pressure, retaliatory action or any other type of unethical behavior from the respondent or any other person at the earliest to the IC.
- In the event that the IC concludes from the report and further explanations (if any) that an offence of sexual harassment, or any other violation of this policy, has been committed or occurred, it may also recommend to the employer, along with any of the aforementioned actions to:
 - a. take strict disciplinary action, up to and including dismissal of the perpetrators of sexual harassment; and/or
 - b. deduct from the salary or wages of the respondent such sum of money as it may consider appropriate to be paid to the complainant.
- For the purpose of determining the sum to be paid, the committee shall take into account:
 - a. any loss in career opportunity due to the incident of sexual harassment; and
 - b. medical expenses incurred by the survivor for medical treatment and / or counseling;
 - c. the income and financial status of the respondent;
 - d. the feasibility of such payment in lump sum or in installments.

Duties of employer:

- The employer shall, in consultation with the IC, periodically review the provisions of this policy and its implementation (taking into account practical problems, if any, faced by the IC and/or the organization in the implementation of this policy). It is provided that T4GC shall promptly notify and publicize to its employees any amendment to the policy.
- The employer shall render full assistance to the aggrieved person in making a
- complaint or initiating any other proceedings with appropriate authorities.
- It shall be the duty of the employer to:
 - a. provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
 - b. display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and the order constituting the Internal Committee
 - c. organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the IC
 - d. provide necessary facilities to the IC for dealing with the complaint and conducting an inquiry
 - e. assist in securing the attendance of respondent and witness before IC
 - f. make available such information to the IC that may have regard to the complaint made
 - g. cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the respondent, or if the aggrieved person so desires where the respondent is not an employee, in the workplace at which the incident of sexual harassment took place

- h. treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct
 - i. monitor the timely submission of the report of IC.
- Notwithstanding anything contained under the Right to Information Act, 2005, any information relating to the conciliation, the enquiry proceedings, the action taken by the employer, shall not be published, communicated or made known to the public, press and media in any manner.
 - T4GC recognizes that confidentiality with respect to all matters relating to alleged acts of sexual harassment is of paramount importance. Therefore, the IC (as defined herein), and other individuals responsible for the implementation of this policy will respect the confidentiality and privacy of individuals reporting or the respondent of sexual harassment to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the organization is required by law to disclose information (such as in response to legal processes). The contravention of the provisions of this section shall amount to a breach of trust and shall be liable for penalty in accordance with provisions by the law.

Sanctions and disciplinary measures :

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- transfer
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the company. They can do so by filing an FIR at the police station under provisions of the Indian Penal Code.

IPC provisions under which the FIR can be filed include:

- 1. Section 354 :** Outraging the modesty of a woman Assault or use of criminal force to any woman, intending to outrage or knowing it to be likely that modesty would be outraged.
- 2. Section 354-A:** Sexual harassment by a man i. Physical contact and advances involving unwelcome and explicit sexual overtures; ii. Demand or request for sexual favours; iii. Showing pornography against the will

of a woman; or iv. making sexually coloured remarks.

3. Section 354-B : Assault or use of criminal force on a woman with intent to disrobe

4. Section 354-C: Voyeurism Watching, or capturing the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image.

5. Section 354-D: Stalking Following a woman and contacting or attempting to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or Monitoring the use by a woman of the internet, email or any other form of electronic communication.

6. Section 503. Criminal intimidation: Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

7. Section 509: Uttering any word, making any sound or gesture, or exhibiting any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by a woman, with an intention to insult her modesty, or intruding upon the privacy of such woman.

8. Section 376C. Sexual intercourse by a person in authority: Abuse of such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him

Implementation of this policy

T4GC will ensure that this policy is widely disseminated to all relevant persons. All new employees must be trained on the content of this policy as part of their induction into the company. Every year, T4GC will require all employees to attend a refresher training course on the content of this policy. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.