

Kailash Satyarthi Children's Foundation (KSCF)

HR POLICY ON SEXUAL HARASSMENT AT WORKPLACE

(PREVENTION, PROHIBITION AND REDRESSAL)

1. PREAMBLE

- KSCF is a voluntary/charitable Organisation is committed towards creating a safe and healthy work environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment.
- This policy has been formulated to create and maintain a safe working environment where all employees treat each other with courtesy, dignity and respect irrespective of their gender, race, caste, creed, religion, place of origin, sexual orientation, disability, economic status or position in the hierarchy. Employees at KSCF are entitled to work in an environment free from any form of discrimination or conduct which can be considered harassing, coercive, or disruptive.
- This policy seeks to assist individuals who believe they have been subjected to such behaviour with appropriate support and remedial action.
- The policy is made under the ***Code of Conduct of "KSCF"*** as per the statutory requirement in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- The commission of the offence of Sexual Harassment as per Indian Penal Code 1860 is a penal offence under which the punishment can range from simple to rigorous imprisonment or fine or both.

2. SCOPE AND APPLICABILITY

This policy applies to all categories of employees of the Organisation, including permanent management, consultants, trainees, and employees on contract at their workplace or at field sites. The Organisation will not tolerate sexual harassment, if engaged in by donors, service receiver or by any other business associates.

The workplace includes:

- All offices or other premises where the Organisation work is conducted.

- All Office-related activities performed at any other site away from the Organisation's premises.
- Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
- The policy will remain applicable wherever such persons have occasion to interact with each other including for example, in vehicles, third party premises, off site meetings and public venues.
- It covers sexual harassment of women by men or of men by women or between the same sexes. Harassment is unlawful irrespective of who is involved in the behaviour.

Note: Ignorance of any aspect of this policy will not be a defence during an enquiry on the matter.

3. DEFINITION OF SEXUAL HARASSMENT:

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 or physical),
2. Demand or request for sexual favours,
3. Any other type of sexually-oriented conduct,
4. Verbal abuse or 'joking' that is sex-oriented,
5. Any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.
6. Also any comments against race, culture & ethnicity.

Note: It is the impact or effect of the behaviour on the recipient and not the intent of the offender that is critical in an assessment of such issues/cases. If the behaviour can be reasonably perceived as offensive or intimidating by the persons receiving it, it should be stopped. As such, all employees have a responsibility to communicate clearly to colleagues about behaviour that may be offensive and ask that it be discontinued.

4. CONSENSUAL SEXUAL RELATIONSHIPS AT WORKPLACE

KSCF discourages any kind of romantic or sexual relationships amongst its employees as such relationships could lead to conflicts of interest at work. However, in the best interest of all concerned, if any of such relationship, particularly between a member of Management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person); the involved parties should notify Management of the Organisation so that the reporting chain can be altered to ensure that no direct or indirect reporting relationship continues.

5. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

All employees of the Organisation have a personal responsibility to ensure that their behaviour is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6. COMPLAINT MECHANISM:

An appropriate complaint mechanism in the form of “**Internal Complaints Committee**” has been created in the Organisation for time-bound redressal of the complaint made by the victim.

7. INTERNAL COMPLAINTS COMMITTEE:

The Organisation has instituted an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

Initially, and till further notice, the Complaints Committee will comprise of the following four members out of which at least two members will be of the same gender as that of the complainant:

- Head- Director Training and Capacity Building (**Presiding Officer**)- **Ms. Jyoti Mathur**
- Employee at the level of Manager or above from Administration Department (**Member**)-**Mr. Purujit Praharaj**
- **Employee at the level of Director- Ms. Roopika Saran**
- Member from an NGO or Lawyer (**Member**)-**Ms. Aparna Bhatt**

8. THE COMPLAINTS COMMITTEE IS RESPONSIBLE FOR:

- Investigating every formal written complaint of sexual harassment
- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
- Discouraging and preventing employment-related sexual harassment

9. REPORTING

An employee who is the recipient of any inappropriate conduct or unwelcome behaviour, indicating sexual harassment is expected and encouraged to report the same to the **Complaints Committee** at the earliest. All precaution will be taken to protect the privacy of individuals involved. Based on the circumstances of each case, the involved parties may choose to deal with a complaint through either an informal or formal process.

10. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT:

The Organisation is committed to providing a supportive environment to resolve concerns of sexual harassment as under:

A. Informal Resolution Options

When an incident of sexual harassment occurs, the victim of such conduct can communicate their disapproval and objections immediately to the harasser and request the harasser to behave decently.

If the harassment does not stop or if victim is not comfortable with addressing the harasser directly, the victim can bring their concern to the attention of the Complaints Committee for redressal of their grievances. The Complaints Committee will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

B. Complaints:

1. An employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of the Complaints Committee constituted by the Management. The complaint shall have to be in writing and can be in form

of a letter, preferably within 15 days from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email. The employee is required to disclose their name, department, division and location they are working in, to enable the Presiding Officer to contact them and take the matter forward.

2. The Presiding Officer of the Complaints Committee will proceed to determine whether the allegations (assuming them to be true only for the purpose of this determination) made in the complaint fall under the purview of Sexual Harassment, preferably within 30 days from receipt of the complaint.

In the event, the allegation does not fall under the purview of Sexual Harassment or the allegation does not constitute an offence of Sexual Harassment, the Presiding Officer will record this finding with reasons and communicate the same to the complainant.

3. If the Presiding Officer of the Complaints Committee determines that the allegations constitute an act of sexual harassment, he/ she will proceed to investigate the allegation with the assistance of the Complaints Committee.

4. Where such conduct, on the part of the accused, amounts to a specific offence under the law, the Company shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Chairperson, Executive Director & Head HR as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint. The Executive Director & Head- HR will ensure corrective action on the recommendations of the Complaints Committee and keep the complainant informed of the same.

C. Corrective action may include any of the following:

- a. Formal apology
- b. Counselling
- c. Written warning to the perpetrator and a copy of it maintained in the employee's file.
- d. Change of work assignment / transfer for either the perpetrator or the victim.
- e. Suspension or termination of services of the employee found guilty of the offence

D. False Compliant

In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management of the Organisation.

11. CONFIDENTIALITY:

The Organisation understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Any breach of this can invite disciplinary action before, during or after the inquiry.

12. ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

13. PROTECTION TO COMPLAINANT / VICTIM:

The Organisation is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Organisation will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

14. APPEALS AND ALTERNATE REMEDIES

Either party subjected to administrative or disciplinary action may appeal against such actions to the ED/Chairperson of KSCF within **7 working days** after conclusion of the investigation and communication of the consequences.

Additionally, nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through Govt. agencies or the courts of law of the country.

15. Left Employees

The Committee shall receive complaints, as per this Policy, from an ex-employee who has experienced such harassment during his / her employment, but has since left the Organisation, so long as the complaint is received in writing within 3 months from the date of incidence.

16. CONCLUSION:

In conclusion, the Organisation reiterates its commitment to providing its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect.