

# PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

## I. INTRODUCTION

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 notified by the Ministry of Law and Justice on 23 April 2013 (hereinafter called "Act") and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 notified by the Ministry of Women and Child development on 9 December 2013 (hereinafter called "Rules"), the Centre for Policy Research (hereinafter called the "**Centre**") has framed a policy for prevention of sexual harassment at workplace and adopted the same.

The above policy has been framed in order to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment, to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity and to ensure that its women employees are not subjected to any form of harassment. The **CPR Prevention of Sexual Harassment Policy** also aims at prohibiting, preventing and deterring the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

## II. SCOPE

This policy applies to all categories of employees/ consultants of the Centre, including permanent management and workmen, temporaries, trainees and employees on contract at its workplace i.e. office premises of the Centre located at Dharma Marg, Chanakyapuri, New Delhi 110021 as well as any other premises used by its employees during the course of their employment.

## III. DEFINITION OF SEXUAL HARASSMENT

**"Sexual Harassment"** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

## IV. ACTS AMOUNTING TO SEXUAL HARASSMENT AT WORKPLACE

- Implied or overt promise of preferential treatment in employment; or
- Implied or overt threat of detrimental treatment in employment; or
- Implied or overt threat about present or future employment status; or
- Conduct of any person which interferes with work; or
- Creates an intimidating or offensive or hostile work environment; or
- Humiliating conduct constituting health and safety problems.

## V. MEDIUM OF CONDUCTING SEXUAL HARASSMENT

A person can be guilty of sexual harassment if any unwelcome sexually determined behaviour is committed through any of the following ways:

- Comments
- Remarks
- Jokes
- Letters
- Phone calls
- Emails
- Chats on any electronic medium like whatsapp, twitter etc
- Gestures
- Remarks
- Showing of pornography clipping
- Lurid stares
- Physical contact
- Molestation
- Stalking
- Sounds or display of a derogatory nature
- Any other medium

A single incident shall be sufficient to constitute a violation of this Policy and would constitute sexual harassment.

## VI. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

All employees of the Centre have a personal responsibility to ensure that their behaviour is not in violation of this policy.

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

## VII. INTERNAL COMPLAINTS COMMITTEE

The Centre has established an "Internal Complaints Committee" to address the grievances of any person subjected to sexual harassment and to facilitate filing a complaint by the aggrieved person and to provide time-bound redressal of such complaint made by the aggrieved person in accordance with the Act,

## VIII. COMPOSITION OF THE COMMITTEE

In accordance with the Act, the Internal Complaints Committee ("Internal Committee") will comprise of the following:

1. **Chairperson** - Shall be a woman employed at a senior level at workplace amongst the employees.
  2. **Two members**- Shall be amongst employees preferably committed to the cause of woman or a person familiar with the issues relating to sexual harassment.
  3. **One Member** - amongst Non-Governmental Organisations or associations committed to cause of woman.
- For the period from 18 September 2015 to 17 September 2016 the committee shall comprise of the following persons:

*Dr. (Ms) Meenakshi Gopinath*, Member, Governing Board, Centre for Policy Research

*Ms.Suneeta Dhar*, Director, JAGORI

*Dr.(Ms) Lavanya Rajamani*, Professor, Centre for Policy Research

*Ms.Yamini Aiyar*, Senior Fellow, Centre for Policy Research

*Dr.Srinath Raghavan*, Senior Fellow, Centre for Policy Research

The constitution and operation of the Internal Committee shall be in accordance with the Act and the Sexual Harassment of Women (Prevention, Prohibition, and Redressal) Rules ("Rules") framed thereunder.

The Internal Committee shall be required to submit annual Reports as per clause 20 of the Rules

## IX. POWERS AND FUNCTIONS OF THE COMMITTEE

To implement the guidelines framed by the Centre, the committee shall have the following powers and functions:

- To receive complaints of sexual harassment, in writing, from the aggrieved employee,
- To process individual grievances concerning sexual harassment in the departments/administration,
- To make inquiry into the written complaint of sexual harassment in accordance with the principles of natural justice in such manner as prescribed in the Rules,
- To investigate into the matter thoroughly,
- To Recommend suitable action in the manner and mode provided in the guidelines,
- To provide a report of its findings with recommendations to the President and Chief Executive of the Centre within the time frame stipulated under the Act,
- And to do all such acts and things as may be necessary to carry out the objectives of these directions.

## X. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

The Centre is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

### A. Complaints

1. Complaints may be made by the complainant or, if the complainant is suffering from any incapacity, by any person authorised by her, by a co-worker, or by a member of the National Commission for Women.
2. Aggrieved persons are encouraged to immediately upon the concurrence of such incident bring the matter to the attention of any member of the Internal Committee or any person designated by the Internal Committee for the purpose in the premises. Six copies of the complaint are required to be given to the Chair of the Internal Complaints Committee who will then circulate to other members.
3. At the complaint stage the complainant is required to only state:
  - i. Complainant's name
  - Harasser's name

and brief facts in relation to incident(s)  
Reason for delay in reporting, if any

- a. Within a period of 10 days of the meeting, the complainant should submit a detailed narrative of the incident, list of documents, if any, by which the charges are proposed to be substantiated, list of witnesses, if any
4. If a complaint is received by a person appointed by the Internal Committee, such person shall forthwith and not later than 24 hours forward the complaint to the Chair of the Internal Complaints Committee.
5. There will be no reprisal or retaliation against anyone that makes a complaint or reports an observation of possible harassment or discrimination based upon the bonafide belief that there has been a violation of this policy.
6. Complaints should be bonafide and should ordinarily be made at the first given opportunity. Delay in doing so will need to be satisfactorily explicated.
7. All complaints shall be kept strictly confidential.
8. The Internal Committee will maintain a register to endorse the complaints received and keep the contents confidential except for use for a discreet investigation if deemed necessary.

## **B. Investigation of complaint**

1. Upon receipt of a complaint, one of the copies of the Complaint shall be given to the Respondent who has the right to file a reply to the same along with a list of witnesses or of evidence within 10 days of the receipt of the same. The respondent, complainant and witnesses shall be intimated at least 72 hours in advance in writing if the date, time, venue of the inquiry proceedings.
2. The Internal Committee shall investigate the matter promptly and thoroughly in accordance with the guidelines provided for conducting internal investigations and in accordance with the principles of natural justice. The respondent and the complainant should each be accorded a full and fair hearing with all reasonable opportunities to present their respective cases. During the pendency of the inquiry proceedings, the complainant and the respondent and their witnesses shall not be brought face to face so as to ensure freedom of expression and freedom from intimidation. Witnesses may also be called by either party. If the complainant does not wish to depose personally due to embarrassment or fear, a statement may also be accepted by another person if permitted by the Internal Committee.
3. All statements made orally before the Internal Committee by Employees, witnesses or other persons in relation to an investigation shall be minuted and signed by person making the statement.
4. It shall be incumbent on every Employee to respond to queries of the Internal Committee honestly and present the facts in an objective and unbiased manner. Deliberately withholding information or providing incorrect facts shall be deemed to be misconduct and shall be punishable accordingly.
5. The investigation shall be carried out in terms of the applicable guidelines for conducting internal investigations. All investigations shall be fair and objective with detailed notes. All statements including those of the complainant, respondent and witnesses shall be recorded in writing, read out to the concerned party and signed.

6. The Complaint Committee have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or the respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Chairperson, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.
  1. In conducting the inquiry, a minimum of three Members of the Complaints Committee including the chairperson, as the case may be, shall be present.
    - a. The Committee shall complete the inquiry within 90 days of the date from which the complaint was received, except for reasons that the Committee shall provide in writing.
7. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
  2. The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report of its findings and recommendations to the President and Chief Executive of the Centre as soon as practically possible and in any case, not later than 10 days from the date of completion of inquiry. The President and Chief Executive shall act upon the recommendation **within 60 days of its receipt by him.**

## XI. MANNER OF TAKING ACTION AGAINST THE RESPONDENT

1. Following the investigation report if the complaint is found to be genuine by the Internal Committee, it shall recommend to the President and Chief Executive to take action which may include the following:
  - Written apology;
  - Warning;
  - Reprimand or Censure;
  - Withholding of Promotion;
  - Withholding of pay rise or increments; or
  - Terminating the respondent from service; or
  - Undergoing a counselling session or carrying out community service.
  - In appropriate cases the initiation of a criminal complaint.
2. The Centre may also initiate appropriate corrective action which may include counselling, generic gender sensitivity training or counselling in specific cases of associates who may have been found involved in such improper conduct.
3. The Centre will also provide counselling if necessary to the complainant to enable him /her cope with organizational sensitivity that may arise as unintended consequences of such an investigation and consequent punishment based on his / her complaint. The complainant also has the right to request a transfer of him/herself or of the harasser, if necessary.

## XII. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

Where the Internal Complaints Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of this Policy.

## XIII. CONFIDENTIALITY

To protect the interests of the complainant, the respondent and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

## XIV. NO RETALIATION

Regardless of the outcome of the complaint made in good faith, the complainant, all witnesses and any other persons providing information will be protected from any form of retaliation. While dealing with complaints, the Complaints Committee shall ensure that the complainant, witnesses etc are not victimized or discriminated against in any manner. Any unwarranted pressures, retaliatory or any other type of unethical behaviour against the complainant should be reported by the complainant to the Internal Committee at the earliest. Strict disciplinary action shall be taken if any such complaints are found to have merit.

The Internal Committee shall keep complete and accurate documentation of the complaint, its investigation and resolution thereof. The incident would be documented in the files of both the complainant and the respondent along with the full report of the Internal Committee.

## XV. 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 Centre except where disclosure is required under disciplinary or other remedial processes.

## XVI. FEES OR ALLOWANCES FOR MEMBER OF THE INTERNAL COMPLAINTS COMMITTEE

The member appointed from amongst Non-Governmental Organisations or associations committed to the cause of woman shall be entitled to the allowance and reimbursement of travel cost as prescribed in the Rules in connection with holding the proceedings of the Internal Complaints Committee.

## XVII. INFORMATION

The Centre will make all efforts to communicate this policy all employees/ consultants at all locations in the country. This policy shall become an integral part of the Policy of the Centre.

The Centre shall organize lectures and workshops to bring greater awareness of the issues relating to sexual harassment and how it can be avoided at the workplace as per clause 19 of the Rules made under the Act.

*\*CPR's guidelines for protection and prevention of sexual harassment are in addition and not in derogation to the existing law of the country relating to sexual harassment and criminal law.*