

POLICY AGAINST SEXUAL HARASSMENT

INTRODUCTION

Seva Group Foundation [hereinafter “**SGF**”] recognizes that all its personnel, irrespective of their terms of engagement, should be free from all forms of sexual discrimination and harassment. We consider sexual harassment a serious offence and will not tolerate any incident of sexual harassment. This includes unwelcome sexual flirtations, subtle pressure or requests for sexual activities, inappropriate touching and suggestive verbal comments or jokes. It is unlawful and against our policy for any Personnel member, male or female, to sexually harass any other person, male or female, at any time or place. The objective of this policy is to prevent and provide protection against sexual harassment of women/men at the workplace and to provide a redressal mechanism for complaints of sexual harassment by women.

It is pertinent for all concerned to note that any person found guilty of Sexual Harassment of any woman at the workplace is liable to be proceeded against under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 [Hereinafter the “**Act**”], its accompanying rules framed thereinunder and SGF’s terms of employment or consultancy. Commission of any act of sexual harassment as defined in the Act and this policy shall result in strict disciplinary action.

Third-Party Sexual Harassment

Personnel are also not expected to endure unwelcome conduct by a person not professionally engaged by SGF, but who is a client, vendor, sub-contractor, representative of another agency or governmental or non-governmental organization or any other person encountered in their course of work for SGF. Any Personnel member feeling harassed by such a person should make a report in the same manner as if harassed by a co-worker or supervisor.

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I. SEXUAL HARASSMENT - DEFINITION

For the purpose of this document, the following words shall be construed to have the said meaning -

- a. **“Aggrieved Person”** means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b. **“Organization”** means Seva Group Foundation [**“SGF”**], a Trust registered in India under the Indian Trust Act 1882 .
- c. **“Personnel”** means a person hired by SGF for any work on either an employment contract [oral or written] or consultancy contract [oral or written], temporary employment, adhoc, daily wages basis, or a consultant or volunteer either directly or through an agent including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes an employee, co-worker, a consultant, contract worker, probationer, trainee, apprentice or called by any other such name;
- d. **“Internal Complaints Committee”** or **“the Internal Committee”** means a committee constituted by the Organization under this policy and in accordance with the Act. In the event of any conflict that may arise, any mandatory provisions of the Act shall prevail.
- e. **“Respondent”** means a person against whom the aggrieved person has made a complaint.
- f. **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) such as:
 - i. *Physical contact and advances; or*
 - ii. *A demand or request for sexual favours; or*
 - iii. *Making Sexually colored remarks; or*

Provided at least half the total number of persons on the committee are women. An email notifying this policy, the appointed members of the committee and the email address to which complaints are to be made will be circulated to all SGF Personnel by the Human Resource department of SGF at least twice a year and notified to every newly engaged personnel. The email address and phone number of the person on the internal committee to whom a complaint can be made may also be placed at a conspicuous place reserved for notices across SGF offices.

III. COMPLAINT REDRESSAL MECHANISM

The aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Committee.

1. The Presiding Officer or any member of the Internal Committee can render reasonable assistance to the person for making a complaint in writing, in case they are unable to do so.
2. On receipt of the complaint, the Internal Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Committee shall follow the principle of Natural Justice while handling such complaints.
3. Where the aggrieved person is unable to make a complaint on account of:
 - i. their physical incapacity, a complaint may be filed by:
 - a) a relative or friend; or b) co-worker or other personnel; or c) an officer of the National Commission for Women or State Women's Commission; or d) Any person who has knowledge of the incident, with the written consent of the aggrieved person.
 - ii. their mental incapacity, a complaint may be filed by:
 - a) Relative or friend; or b) A special educator²; or c) A qualified psychiatrist or psychologist; or d) The guardian or authority under whose care they are receiving treatment or care; or e) Any person who has knowledge of the incident jointly with any of the above.
 - iii. the aggrieved person for any other reason being unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.

- iv. the aggrieved person having died, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
4. The Internal Committee on receipt of such written complaint may, if required ask the aggrieved person to furnish additional information about the alleged harassment.
 5. The Complainant or person authorized on their behalf, as provided for above, can make a complaint to the Internal Committee through following mode:
 - i. A copy of complaint along with supporting documents and names and addresses of witness [to the best extent possible] shall be sent to the Internal Committee at director.sevagroupfoundation@gmail.com.
 - ii. On receipt of such complaint, the Internal Committee shall provide a copy of the complaint along with any supporting documents to the Respondent within 7 working days thereafter.
 - iii. The Respondent shall file a reply within 10 working days of receipt of the complaint along with a list of any supporting documents and the names and addresses of witnesses that he wishes to have examined.
 - iv. The Internal Committee shall investigate in detail all matters of the complaint and shall be entitled to use all its powers granted by law under the Act. The Internal Committee shall have the right to call the person against whom the complaint is made or any other witnesses as and when necessary, in virtual or physical mode.
 - v. Internal Committee shall have the right to terminate the enquiry or give an ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause.
 - vi. The Internal Committee shall complete its investigation within a period of 90 days except for reasons to be recorded in writing.
 - vii. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.

- viii. For conducting the enquiry the quorum of the Internal Committee shall be of all team members including the presiding officer unless the presiding officer for special reasons recorded in writing excuses one team member, not being himself or the external member, for some sessions of the Internal Committee.
6. The Internal Committee may, before it initiates an inquiry and at the aggrieved person's request, attempt to settle the matter through conciliation. However, the Internal Committee shall ensure that:
 - a. Monetary settlement will not be made as a basis of conciliation.
 - b. Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it. Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Committee.
 - c. The Internal Committee may during such investigation exercise the power of a civil court, vested in it, in respect of:
 - i. summoning and enforcing the attendance of any person and examining him/her under oath.
 - ii. requiring discovery and production of documents.
 - iii. any other prescribed matter.
 7. Interim Measures: During such enquiry, upon written request by the aggrieved person, the committee may at its discretion recommend:
 - a. To transfer the aggrieved person or the respondent to any other workplace.
 - b. grant leave to the aggrieved person of up to one month which is in addition to leave to which he/she is otherwise entitled. Provided, the aggrieved person has to tender justified reason for such transfer or leave, such as threat to work in the workplace.
 - c. Send the Respondent on paid administrative leave.

IV. ACTION TO BE TAKEN ON COMPLETION OF ENQUIRY:

1. The Committee shall on completion of the enquiry provide a report of its findings to the Director, the Chief Executive Officer and the Managing Director of SGF within 10 days from the date of completion of the enquiry and such report shall be made available to the Aggrieved Person and Respondent along with any other concerned parties. Where the Aggrieved Person or the Respondent is a Director, the Chief Executive Officer, or Managing Director of

SGF, then the Chief Executive Officer or the Managing Director will be relieved from their role of receiving such findings and taking further action upon it.

2. If the allegations against the Respondent have not been proved, the Committee may recommend that no action needs to be taken in the matter.
3. If the Internal Committee arrives at the conclusion that the allegation against the Respondent has been proved, it may recommend any of the following course of action against the Respondent:
 - a. Take any disciplinary action for sexual harassment as would be done in the case of misconduct under the rules and policy of SGF.
 - b. Direct that a written apology be tendered to the complainant.
 - c. Issue a warning for termination of the Respondent.
 - d. Withholding of promotion or increments of the Respondent.
 - e. Terminate the Respondent.
 - f. Deduct from salary/wages of the Respondent.
 - g. Issue a direction for payment to the Respondent; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine.
 - h. File a police complaint where the incident warrants legal action against the perpetrator
4. If the Respondent has committed a crime under the Indian Penal Code or any other applicable criminal law, the crime will be referred to the police.
5. All action to be taken shall be taken within 30 days from the receipt of the report by the management as far as possible and no later than within 60 days of the receipt of report.
6. No retaliation of any form against victims of or witnesses to sexual harassment will be tolerated. Any confirmed incident of retaliation will also be the subject of disciplinary action, including termination of consultancy or employment.

V. AWARENESS:

1. All personnel of SGF shall have access to this policy at any given point of time, including the names of those persons who are nominated to serve on the Internal Committee. Any clarification related to this policy shall be addressed by the management of SGF.

2. A brief shall be given to all existing personnel regarding the features of this policy and to new personnel upon joining the organization.
3. The management of SGF shall comply with all other details as set out in the Act to ensure that any person working at SGF is provided with a safe working environment at the workplace.
4. SGF shall ensure that the address to which any complaint is to be made is easily accessible to all persons working in any capacity with the organization.

VI. FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any personnel shall be taken up with utmost seriousness by SGF. However, there shall be zero tolerance for any false accusation.
2. If the Internal Committee comes to a conclusion that the allegation was recklessly negligent and made with malicious intent or the Aggrieved Person or any other person making the complaint on behalf of the Aggrieved Person produced false or forged or misleading documents to prove his/her/their case, the Internal Committee or SGF management may recommend action to be taken against the person who has made the complaint, including termination of paid or voluntary service. In such a case, malicious intent has to be established after an inquiry, against the person accused of filing a complaint that is shown to be false or with malicious intent, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract any action as provided herein.
3. A similar recommendation for taking action may be recommended against any witness if the Internal Committee concludes that he or she has given false evidence or produced forged or misleading documents and is a staff or consultant or volunteer with SGF.
4. It is to be noted that this statement is not intended to discourage team members from coming forward with any complaints. SGF fully recognizes and expects that some claims may be difficult to prove or support or may not in fact be found to raise to the level of seriousness deemed necessary to constitute sexual harassment. These types of complaints will not be considered to be false accusations and only where there is proof beyond reasonable doubt that false statements were submitted will any inquiry or action be initiated.

VII. MISCELLANEOUS:

1. SGF may make any alteration or amendment or rescind any of the clauses of this policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to personnel.
2. Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any personnel under any other rules or law.
3. The Internal Committee shall prepare an annual report with the following details and shall submit the same to SGF on an annual basis:
 - a. number of complaints of sexual harassment received during the year.
 - b. number of complaints disposed during the year.
 - c. number of cases pending for more than 90 days.
 - d. number of workshops or awareness program against sexual harassment carried out.
 - e. nature of action taken by the employer if any.

VIII. CONCLUSION:

Complaints relating to sexual harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all persons involved in the inquiry, particularly the person bringing the charge, potential witnesses, and the person accused of improper behaviour. All efforts shall also be taken to ensure objectivity and thoroughness throughout the process of investigation. The identity and address of the aggrieved person, respondent and witnesses shall not be published or disclosed to the public or media. The decision of SGF shall be final and binding on all. However, the same is without prejudice to any recourse that SGF or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the complainant and/or SGF to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available under law.