

POLICY ON SEXUAL HARASSMENT AT THE WORKPLACE

ASWASRO

Association for Social Work and Social Research in Orissa

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INTRODUCTION:

ASWASRO is a grassroots ASWASRO, got registered in the year 2001 and closely works with the vulnerable communities and empowers the socially marginalized Scheduled tribe, Scheduled Caste, migrants, minorities, children, women, youth and vulnerable people in Odisha. ASWASRO through its old age centre, the vulnerable elders get care and supports. ASWASRO marches forward with its journey towards uplifting the marginalized; it keeps on expanding its horizon of the communities it serves. In this journey, ASWASRO is well known in the locality for its programs, internal systems, ASWASRO's ethics, best practices and sustainability models. ASWASRO collaborates with the communities, specially the vulnerable groups for their upliftment.

VISION: A Society Based on Profound Human Values and respect for each individual life whatever his/her own physical, mental & social abilities.

MISSION: Working with disabled and weaker section of society in a mutual sharing of strength and to build a more equitable and human society.

Focused Activities:

- Women and tribal empowerment, Livelihood linkage/Financial inclusion
- Natural Resource Management
- Health, education and Disability Rights
- Skills development for employment and education
- Water, sanitation and Hygiene Promotion
- Climate Smart agriculture

LEGAL STATUS OF THE ORGANISATION

ASWASRO got its legal entity in the year 2001 by registering under the Societies Registration Act of XXI 1860 and transformed into a non- governmental organization with the mandate of empowering the marginalized sections of the society to attain dignified quality life with an ultimate goal of self-reliance approach.

POLICY ON SEXUAL HARASSMENT AT THE WORKPLACE**Scope of the Policy**

The policy is applicable to all employees (females and males) and also to third parties associated with ASWASRO. The third party with respect to ASWASRO would include the volunteers, students, and visitors etc. who are associated to the organization. An Anti Sexual Harassment committee will be formed by the organization, which will undertake preventive action as well as it will act as a grievance redressal body where complaints of sexual harassment at the work place will be contemplated. The committee will have representation of the members from across all staff cadres. The operational definitions of the following terms will be considered by the committee while dealing with these complaints.

Definitions and Explanations

Sexual harassment:

Sexual harassment is hereby defined as any conduct that is sexual in nature and unwelcome, imposed and unreciprocated by the recipient. This type of harassment is defined by its impact on the recipient and not the intent of the harasser. The impact may cause deep effect on the receiver of such harassment thus causing the work environment to become unfavorable. Such harassment may negatively impact the performance of the person at the receiving end of this.

Sexual harassment is identified into two primary categories:

- ✓ Quid Pro Quo harassment.
- ✓ Hostile environment harassment

i) Quid pro quo: This refers to the demands for sexual favours made by the offender to the recipient of favourable work conditions, increase in salary, higher position in the organization, etc.

(ii) Hostile environment: This refers to the creation of unfriendly atmosphere for the recipient of sexual harassment by the harasser due to refusal of granting sexual favours, thus making the organizational environment non-conducive and less productive.

(iii) Work place: Work place includes any place where the employees of the organization carry out tasks to further the organizational goals and objectives. This will not include any place of work that is beyond ASWASRO's premises and control. However the grieved party will be provided support to carry out necessary action as and when required.

(iv) Employee/ staff

An employee of ASWASRO is an individual who has been appointed by the organization to carry out certain tasks so as to fulfil the organizational goals and objectives. It covers all the staff on the payroll including the field staff, part time staff, incentive based, consultant, students, Visitors etc.

(v) Third party:

A third party refers to any individual or member of any group/organization that is/are associated with ASWASRO. Examples of third party include sexual harassment to ASWASRO's Staff by the volunteers, students, visitors, community members, SHGs, CSOs, and CBOs.

Preventive Action

Preventive action will be taken in the organization so as to evade any instances of sexual harassment. The efforts of the management will be as follows:

(i) Gender sensitization workshops:

Although ASWASRO is a non-profit organization with socially aware and sensitive individuals associated with it, there is a need to conduct gender sensitization workshops for employees at all levels as well as for third party individuals/groups. These workshops will aim at eliminating any gender biases of individuals, making them more gender sensitive.

(ii) Workshops on Sexual Harassment at the workplace:

Such workshops will be conducted to induct staff and third parties about the issue of Sexual harassment at the workplace, the Supreme Court guidelines and Vishakha judgment as well as about the organizational policy on sexual harassment at the work place.

(iii) Information on appointment:

It will be made mandatory to include a feature on the existing ASWASRO policy on sexual harassment at the workplace and its scope in the appointment letter of new employees. An induction will be provided to the new appointee with regard to the policy.

Anti Sexual Harassment committee

ASWASRO will form a committee to deal with complaints of sexual harassment at the workplace for employees and third parties. The key items of the cell are as enlisted below.

(a) Facilitating body

The anti sexual harassment committee will work in coordination with the management of ASWASRO will ensure regularity of meetings and follow-up of cases of sexual harassment that may arise. This body will also ensure preventive action to be taken to avoid sexual harassment at the work place.

(b) Members

There will be Nine individuals selected by the facilitating body to be members of the Anti sexual harassment cell. Out of the nine members, maximum representation has to be of women, and the Chairperson of the committee has to be the Secretary of ASWASRO. One member has to be a representative of another organization, thus ensuring transparency in procedures, and delivery of justice. In case of differences of opinion in a case the decision of the majority of the committee members will prevail.

(c) Selection of members

Members will be selected based on their commitment and sensitivity to the issue. They must be gender sensitive and compassionate individuals. They must be non-judgmental and tactful in their approach of handling such cases.

(d) Period of membership

Membership will be for a period of two years, after which a new set of members will be appointed. However few members if willing can continue their membership to help evolve and guide the new members.

(e) Termination of membership

Membership will be terminated in the event of retirement or resignation of a member from his/her post in the organization, or if a member has been found guilty in a case of sexual harassment. Membership will also be transferred to another person after the completion of two years tenure.

(f) Appointment of new members

New members will be appointed by the facilitating body. An individual who has been previously elected as a member on the committee can be elected again.

(g) Women's representation

Out of the nine members, including one representative from another organization, five have to be women. Moreover, the chairperson of the anti sexual harassment cell must be a woman.

(h) Meetings

Meetings will be held once every quarter, whether or not a case of sexual harassment has been registered. This is so as to discuss and plan for preventive actions and to make recommendations to the facilitating body. The venue and the time for the meetings will be as per the decision of the members of the committee.

(i) Contact details of members

The contact details of members of the Anti sexual harassment cell, as well as of the First information contact persons will be made available to all associates of ASWASRO.

(j) First information persons

First information persons will be elected from each project of ASWASRO. The role of these individuals will be to act as vigilance bodies in their respective projects, as well as to provide immediate support to victims of sexual harassment in their respective projects. It is the job of the first information person to give initial warnings to the harassers of the dire consequences that s/he might have to face if/when the matter reaches the anti sexual harassment cell. It is also this persons' responsibility to encourage associates of ASWASRO to place complaints with the Anti sexual harassment cell.

Guidelines for placing a complaint

(a) Application

A written application will be required to be given to the Anti sexual harassment cell, which will then be deliberated upon. The application must consist of all the details of the event/s of sexual harassment that occurred, as well as the name of the alleged offender. Approximate date/time of the event/s could also help during investigation. Applications, delayed by any amount of time since the occurrence of events of sexual harassment will be accepted by the cell.

(b) Contact

A contact will be established with the victim/applicant and the first information person who may have approached the cell for justice. An initial interview with the applicant will commence the investigation of the case. The report of the enquiry should be signed by all the committee members present during the enquiry. The language of the enquiry

(c) Confidential Investigation

Confidentiality will be maintained during the investigation. The committee will ensure that no other individuals will know of the complaint besides the applicant and the witnesses, if any, brought in by the applicant. Investigation must be carried out within a period of one month. If required a cross examination of the complainant and the accused and if any witness available can be done. This will be at the discretion of the Committee Members. At any stage of the proceedings, if the aggrieved women wish to withdraw her complaint, the committee shall permit her to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry. In case of withdrawal if it is brought to the notice of the committee that, pressure is being brought on the complainant or the witnesses to withdraw their statements or not go through the proceedings conducted by the Committee then the Committee will record this.

d) Principal of Natural justice

The principal of natural justice will be adopted during investigation. Thus, both parties, the applicant as well as the alleged offender, will be given a platform to produce their respective views of the event/s and will be given a chance to explain their sides. The investigation will include interviews with witnesses produced by both sides, as well as other intervention that may be required. A copy of the investigative report, which consists of the investigation findings, will be given to both parties at the end of the investigation, as also a copy of the recommendations made by the cell to the management will be submitted to both parties. In case of any settlement brought about by the Committee must be mutually acceptable to both the aggrieved woman and defendant.

(e) Punitive action

Action to be taken will be recommended by the cell, based on the findings from the investigative report. These will be reviewed by the management and as joint decision will be taken up. Punitive action could be in the nature of transfer, termination, slash the remuneration, consideration in annual performance appraisal, and demand for an apology to the victim, or any other, as deemed fit by the cell. The decision for punishment will be based on the impact of the harassment on the recipient of the same.

(f) Recommendations

Recommendations will be made by the cell to the facilitating body. These may be to bring into effect policy change/modification, or else to carry out some preventive action.

(g) Forward to management

The investigative report, findings and recommendations of a case of sexual harassment must be duly forwarded to the management to effect action. Once the committee has reached a decision, management must acquiesce with its recommendations in the following manner:

1. If the accused is found guilty, no recognized victim will be forced to work under or with that person. If such a provision requires the transferring of people, the victim's preferences should take priority.
2. If the committee reaches a verdict of guilty it must then decide upon the appropriate penalty. This decision may take into account past offences. In other words, repeat offenders may be given harsher penalties.

3. Penalties may be broadly grouped as

• Minor Penalties:

- A. The harasser is required to write a letter of apology to the victim
- B. Management writes a letter of reprimand to the harasser including a warning against further activity
- C. Harasser is suspended
- D. Management withholds the increment from harasser for one year.
- E. The harasser is fined up to Rs 2000 or more depending on the position.

Major Penalties:

- A. The harasser is demoted
- B. Management terminates employment of the harasser
- C. Management withhold the increment from harasser for more than one year
- D. The harasser is fined more
- E. If the harasser is a service taker or third party, management terminates service to the harasser.

4. If the Committee is of the opinion (based on the substantiated facts) that the complaint of sexual harassment was made falsely and with malicious intent, then such action will be considered misconduct. In such case the committee may make a recommendation of the appropriate action to management.

Management Obligations

The management of ASWASRO is required to carry out all action recommended by the anti sexual harassment cell, as well as to take action against the individual/group found to be guilty of sexual harassment at the work place. In case there are differences of opinion in terms of the punitive action to be taken against the offender, the Committee's decision over rides that of management.

Third Party Harassment

This would keep in mind the harassment done to ASWASRO staff by the third party or harassment of the third party members by ASWASRO staff.

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