



# Future Hope Policy Document

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## PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

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# POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

## I. CONTEXT

Future Hope is committed to providing a work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment.

We are also committed to promoting a work environment that is conducive to the professional growth of our employees and encourages equality of opportunity.

We will have zero tolerance to any form of sexual harassment and are committed to take all necessary steps to ensure that our employees are not subjected to any form of harassment.

The Sexual harassment at workplace Bill was passed by the Lok Sabha on the 2<sup>nd</sup> of September, 2012. It is now The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. It defines sexual harassment as laid down by the Supreme Court in Vishakha and others vs The State of Rajasthan (1997) case.

The introductory text of the Act is:

*An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.*

*WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;*

*AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;*

*AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.*

## II. SCOPE

This policy applies to all categories of employees of the Organisation, including permanent management and workmen, temporaries, trainees and employees on contract at their workplace or at client sites. The Organisation will not tolerate sexual harassment, if engaged in by clients or by suppliers or any other business associates.

The workplace includes:

1. All offices or premises where the Organisation's business is carried out.
2. All organisation-related activities performed at any other site away from the Organisation's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

### III. DEFINITION OF SEXUAL HARASSMENT

A whole range of behaviour is designated as sexual harassment. These range from some of the most egregious behaviour prohibited by the criminal law — rape, sexual assault — to conduct which can, in certain circumstances, be an innocuous part of day-to-day interaction — comments, jokes, physical contact.

#### Physical conduct

##### Examples of sexual harassment

- Physical violence
- 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 social invitations
- Insults based on the sex of the worker
- Condescending or paternalistic remarks

#### Non-verbal conduct

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

### IV. 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.

### V. 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.

### VI. 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 until further notice, the Internal 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:

- CEO (Presiding Officer)
- Director Operations (Member)
- Principal (Member)
- Member from an NGO or Lawyer (Member)

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 Policy on Prevention of Sexual Harassment at Workplace

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

The Organisation will provide a supportive environment to resolve issues related to sexual harassment as under:

### A. Informal Resolution Options

When an incident of sexual harassment occurs, the victim 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:

- i. 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 and location they are working in.
- ii. 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.
- iii. 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.
- iv. 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.
- v. The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Managing Trustee as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint. The Managing Trustee will ensure corrective action on the recommendations of the Complaints Committee and keep the complainant informed of the same.

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

## VIII. 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.

## IX. 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 Organisation except where disclosure is required under disciplinary or other remedial processes.

## X. 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.

## XI. 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.

Policy on Prevention of Sexual Harassment at Workplace, Version 1.2, 31<sup>st</sup> December, 2014