



POLICY ON SEXUAL HARASSMENT AT WORKPLACE

(PREVENTION, PROHIBITION AND REDRESSAL)

Sabuj Sangha's Code of Ethics & Business Conduct at Work



SABUJ SANGHA

30/9, Rajdanga Main Road, (East) Kolkata, West Bengal- 700 107



I. PREFACE

The Organisation has adopted the Code of Ethics & Business Conduct, which lays down the principles and standards that should govern the actions of the Organisation and its employees.

The Policy on Sexual Harassment of Women at Workplace of Sabuj Sangha has been approved by the Board of Sabuj Sangha as per the terms of the provisions of the Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) ACT, 2013 (POSH). The Act aims 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.

Any actual or potential violation of the Code, howsoever insignificant or perceived as such, would be a matter of serious concern for the Organisation. The role of employees in pointing out such violations of the Code cannot be undermined. Accordingly, in line with the POSH Act, this Policy on Sexual Harassment of Women at Workplace (“the Policy”) has been formulated with an aim to reinforce the organization’s commitment to its values, attitudes and behaviours towards women for their overall safety and for preserving the dignity of women.

II. POLICY

This policy applies to all staff of Sabuj Sangha and those of Partner organizations, as well as Vendors and Vendor organizations who are in a relationship with Sabuj Sangha. Our organization is committed to providing work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment. The organization is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity.

Sabuj Sangha is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. The organization will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of harassment.

Sabuj Sangha will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

The policy covers responsibility to report all wrongful acts committed by staff of Sabuj Sangha, partners and members of the governing body only to the **Sexual Harassment Complaint Committee**, who are officially appointed to receive complaints, initiate the



investigation. The Presiding Officer will also keep track of all reported cases and report the same to Board.

The Organisation is committed to adhere to the highest standards of ethical, moral and legal conduct of business operations. To maintain these standards, the Organisation encourages its employees who have concerns about suspected misconduct to come forward and express these concerns without fear of punishment or unfair treatment. This policy aims to provide an avenue for employees to raise concerns on any form of sexual harassment or violations.

III. SCOPE

This policy applies to all employees (full-time, part-time, trainees and those on contractual assignments) of the organization including all associated vendors and partner organizations. The organization will not tolerate sexual harassment, if engaged in by funders/clients or by suppliers or any other business associates.

The workplace includes:

1. All offices or other premises where the organization's business is conducted.
2. All organization-related activities performed at any other site away from the organization'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.

This Policy defines and lays down the process for raising a 'Complaint', the safeguards in place for the person raising a Complaint, the roles and responsibilities of all stakeholders and also sets the time lines for all processes to be followed. In all instances, the Organisation retains the prerogative to determine when circumstances warrant an investigation and the appropriate investigative process to be employed, in conformity with this Policy and applicable laws and regulations.

Complaints related only to Sexual Harassment of women at workplace will be dealt by this Policy. Any other complaints will be addressed by other competent authority under appropriate policies of the Organization.

IV. APPLICABILITY

This Policy covers all directors, managers, employees, third party vendors, consultants, and partners operating out of any location of the Organisation.

V. DEFINITIONS

- **“Sexual harassment”** is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations



which create an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal.

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.

Inappropriate conduct could also be a joke, a prank or even a compliment. These gestures also lead to harassment although the intention of the individual might not be to offend the other person. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct:

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging,
- fondling, or inappropriate touching
- Physical violence, including sexual assault
- 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 and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct:

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



- “**Act**” means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and any amendment thereto.
- “**Disciplinary Action**” means any action that can be taken on the completion of /during the investigation proceedings including but not limited to a warning, imposition of fine, suspension from official duties or any such action as is deemed to be fit considering the gravity of the matter.
- “**Aggrieved Woman**” means any female Employee of Sabuj Sangha or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.
- “**Employee**” means every employee of Organisation (whether working in India or abroad)
- “**Respondent**” means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.
- “**Complaint**” means the reporting of any such sexual harassment or violation to the Complaint Committee made in good faith would constitute a complaint.
- “**Complaint Committee**” means the Committee constituted by the Board of the Organisation in accordance with the applicable law.
- “**Presiding Officer**” means any individual appointed to independently carry out an initial investigation of the Complaints lodged by the said victim of the Organisation.

VI. POLICY DETAILS

It is the duty of all directors, managers and employees to notify the organization if they observe, or learn of, any such Practices. Failure to promptly raise a known or suspected violation is considered as an unethical behaviour and contravene of this policy.

VII. REPORTING RESPONSIBILITY REGARDING SEXUAL HARASSMENT

It is obligatory for all of Sabuj Sangha staff to 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. Any wrongful acts or suspected wrongful acts in accordance with this policy needs to be reported. Staffs of Partner organizations are also required to report such acts committed by Sabuj Sangha staff or their own staff in the execution of their Partnership agreements.

VIII. COMPLAINT MECHANISM

An appropriate complaint mechanism in the form of “**Complaints Committee**” has been created in the organization for time-bound redressal of the complaint made by the victim.. The committee will be responsible for ensuring that the case is dealt with in accordance with the policy on Sexual Harassment of Women at workplace.



IX. COMPLAINTS COMMITTEE

Sabuj Sangha has instituted a *Complaints Committee* for redressal of sexual harassment complaint (made by the said 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:

1. **Presiding Officer:** Woman employee at the level of Manager or above
2. Senior Woman Employee from HR (**Member**)
3. Personnel Head, Manager or any other Senior employee of the location from where the complaint has originated (**Member**)
4. Member from Legal (**Member**)

The Presiding Officer reserves the right to nominate more members of appropriate seniority and rank in the committee to conduct such enquiries to ensure equal representation of the gender as that of the complainant or for any other valid reason.

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, and
- Discouraging and preventing employment-related sexual harassment.

X. COMPLAINT PROCEDURE

The complaint can be made in any of the following methods:

1. **Written Complaint:** A written complaint can be sent to any of the following address:

**The Presiding Officer,
Complaints Committee for Redressal of Sexual
Harassment Complaint,
Sabuj Sangha,
30/9, Rajdanga Main Road,
(East) Kolkata, West Bengal- 700 107**

2. **Email Complaint:** A complaint can be sent via email to the Presiding Officer, Complaints Committee for Redressal of Sexual Harassment Complaint (CCRSHC) at “ccrshc@sabujsangha.org”.

All complaints received will be immediately reported to the Presiding Officer appointed by Sabuj Sangha.

XI. PROCEDURE FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

The organization 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.

When a designated person receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome she wants
- ensure that the victim understands the organization's procedures for dealing with the complaint
- discuss and agree the next steps: either informal, formal or outside complaint mechanisms, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the organization through the relevant legal framework of the country

The Presiding Officer should be able to try to solve the grievance informally before escalating the matter to the formal Committee within a period of three months from the date of incident.

B. Formal Resolution Mechanism

The Aggrieved Woman 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, submitted within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident. The Complaints Committee can extend the timeline for filing the complaint, for reasons to be recorded in writing, by a period of 3 months. Alternately, the victim can send complaint through an email. The aggrieved employee is required to disclose her name, department, division and location she is working in, to enable the Presiding Officer to contact her and take the matter forward.

Aggrieved woman may also write directly to the Presiding Officer, Complaints Committee for Redressal of Sexual Harassment Complaint, appointed by Sabuj Sangha, at ccrshc@sabujsangha.org.



The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that the all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event preferably within 30 days of the complaint being made. 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.
- 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.
- Where such conduct, on the part of the accused, amounts to a specific offence under the law, the organization shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.
- The Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations on action to be taken to the “Presiding Officer” appointed by the organization as soon as practically possible and in any case, not later than 90 days from the date of receipt of the complaint. The Presiding Officer, Head- Personnel & Administration and the Director of the organization will jointly take decision on the corrective action based on the recommendations of the Complaints Committee and keep the complainant informed of the same.
- Sanctions and Corrective action:
Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:
 - (i). Formal apology (verbal or written warning)
 - (ii). Counselling
 - (iii). Written warning to the perpetrator and a copy of it maintained in the employee’s file.
 - (iv). Change of work assignment / transfer for either the perpetrator or the victim.



(v). Suspension or termination of services of the employee found guilty of the offence. The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

C. Outside Complaints Mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the organization. She can do so through the mechanism depending on country's legal framework – i.e. employment tribunal, under the Indian Penal Code, etc. She may inform the Sabuj Sangha management of the same, and the management will provide necessary assistance to the Aggrieved Woman to file the complaint in relation to the offence under the IPC appropriately.

XII. PUNISHMENT FOR FALSE COMPLAINTS

Where the Complaints Committee arrives at a conclusion during or after the inquiry that the allegation against the Respondent is either malicious or false, appropriate disciplinary action may be taken by the Director as per service rules applicable on recommendations of the committee.

XIII. CONFIDENTIALITY

1. The organization 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.
2. 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.
3. The confidentiality of the reports will be kept to the extent possible, consistent with the need to conduct an adequate investigation. However, in certain cases, this may not be possible, particularly in instances warranting police investigation or when a disciplinary hearing is held, where individuals will need to make a statement.

XIV. 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 organization except where disclosure is required under disciplinary or other remedial processes.

XV. PROTECTION TO COMPLAINANT / VICTIM

The organization 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 organization 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.

XVI. MONITORING AND EVALUATION

Sabuj Sangha recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the organization will evaluate the effectiveness of this policy and make any changes needed.

XVII. NOTIFICATION

1. All Managers, are required to notify and communicate the existence and contents of this policy to the employees of their department and to all new employees respectively.
2. The onus of making the Partners aware of their responsibilities vests with Director or the person assigned for the purpose by Sabuj Sangha Management who will ensure that programme staff make Partners aware of their responsibility and make them understand that they may report any wrongful conduct of Sabuj Sangha staff in the execution of a Partnership agreement.

XVIII. RETENTION OF DOCUMENTS

All Protected Disclosures in writing or documented along with the results of the investigation relating thereto, shall be retained by Sabuj Sangha for a minimum period of 7 years as a normal practice.

XIX. COMMUNICATION

1. This policy as amended from time to time shall be disclosed on the website of the Organization and in the report of the Board of the Organization.
2. The Audit Committee reviews the policy and its implementation on periodic basis and is provided a quarterly update on the status of various complaints received and investigated.

XX. CONCLUSION:

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