



Reg. No: 40/2002

## PASUMAI ULAGAM - NGO

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# Prevention of Sexual Harassment (POSH) Policy

### Document Control Section

Document Name	Prevention of Sexual Harassment (POSH) Policy
Abstract	POSH policy outlines the provisions relating to sexual harassment complaints, redressal mechanism and duties of employer and employee.
Security Classification	Internal
Location	Tamilnadu
Policy Category	HR Policy

**Note:** The management reserves that right to modify/change this policy as deems fit. Any change in the guidelines narrated below would be communicated to all employees.

### 1. Introduction

1.1 Society is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct based on race, religion, sex, color, age, nationality, sexual orientation or any other basis protected by applicable law.

### 2. Objective and scope –

2.1 The Society aims to prohibit discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics.

2.2 This POSH policy applies to all persons involved in the operations of the Society. It applies to all vendors, customers, independent contractors, interns, volunteers, persons



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providing services pursuant to a contract and other persons with whom you come into contact while working in relation to the Society's operations.

### **3. Roles & Responsibility –**

#### **3.1 Employees:**

3.1.1 All employees are expected to uphold the ethical conduct in the workplace. All employees have a responsibility to refuse to participate in any activity which constitutes sexual harassment, support anyone in their efforts to reject the same.

#### **3.2 Management:**

3.2.1 All managers/NGO heads at the Society must ensure that no one is subject to harassment, that everyone receives equal treatment, that all employees understand that harassment will not be tolerated, that complaints will be taken seriously, and that the complainant, respondent/s, or witnesses are not victimized in any way.

### **4. Meaning:**

4.1 Sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

4.1.1 verbal conduct such as sexually colored remarks, epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages.

4.1.2 visual displays such as showing pornography, derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;

4.1.3 physical contact and advances including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis.

4.1.4 criteria such as the seniority of the Employee, length of the service, performance record, merit of the Employee, future potential contribution by the Employee and/or any such other criteria that may be determined by the Board. The Society may formulate detailed terms and conditions of the option scheme including a) lapse of Option in case of termination of employment for misconduct, b) the procedure for making a fair and reasonable adjustment to the number of options and to the exercise



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- 4.1.5 price c) the grant, vesting and exercise of Options in case of employees who are on long leave or sabbatical.
- 4.1.6 requests, threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors.
- 4.1.7 eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy.
- 4.1.8 retaliation for reporting or threatening to report harassment.
- 4.1.9 communication via electronic media of any type that includes any conduct that is prohibited by applicable law or by Society policy; and,
- 4.1.10 any other unwelcome, physical, verbal or non-verbal conduct of sexual nature.

#### 4.2 Other acts which may amount to sexual harassment are:

- 4.2.1 implied or explicit promise of preferential treatment in her employment; or
- 4.2.2 implied or explicit threat of detrimental treatment in her employment; or
- 4.2.3 implied or explicit threat about her present or future employment status; or
- 4.2.4 interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- 4.2.5 humiliating treatment likely to affect her health or safety.

#### **5. Internal Committee (IC):**

5.1 A committee consisting of six members has been constituted by the Society to inquire into and redress complaints of sexual harassment. The committee is headed by a woman employed at a senior level at the Society and not less than half the members of the committee are women. The committee also includes an external member, who is an advocate and generally familiar with issues of sexual harassment. Presently, the internal committee of the Society consists of the following:

- 5.1.1 Presiding Officer – Suguna .C
- 5.1.2 Chairperson – T. Sheela
- 5.1.3 Members – Saranya and Saraswathi
- 5.1.4 Governing Board – B. Biby Babu



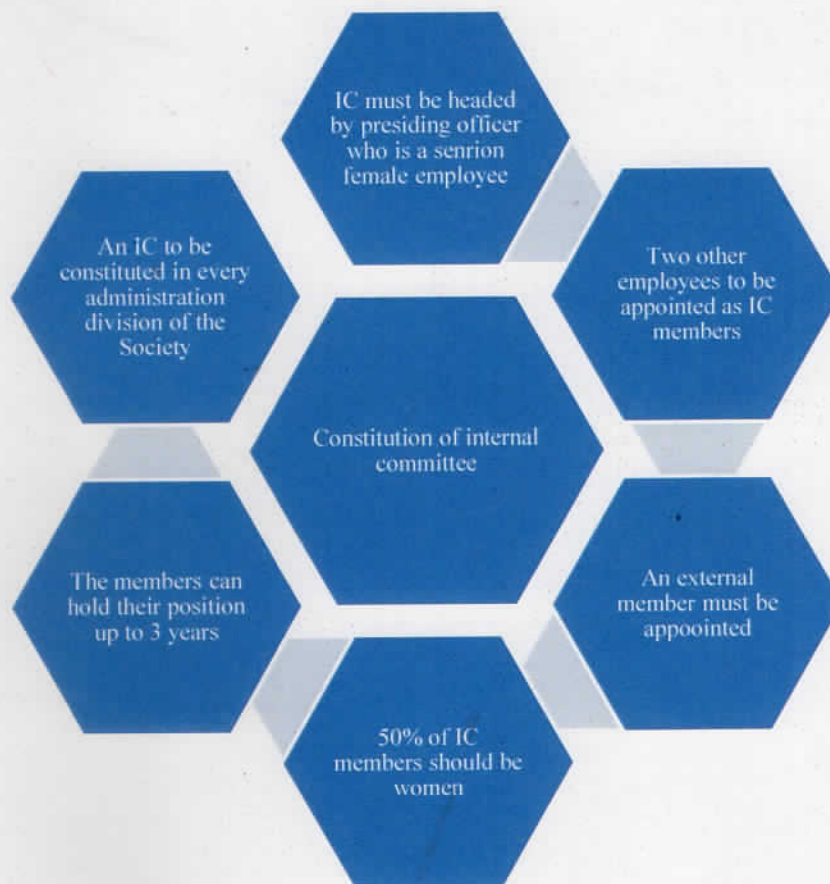
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### 5.1.5 External Member – Shyamala - Teacher



### **Pictorial presentation of IC formation**

#### **6. Responsibilities of IC:**

6.1. By passing an order to form an IC, the organization authorizes the IC to do the following:

- 6.1.1. To draft the Sexual Harassment Policy for the organization
- 6.1.2. To work towards providing a safe and respectful working environment
- 6.1.3. Organize training and awareness programs (classroom / eLearning) at regular intervals
- 6.1.4. To conduct meetings:



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6.1.4.1. When there is a complaint received in writing from any of the women employees,

6.1.4.2. To settle grievances and

6.1.4.3. To make sure there is appropriate compensation for any case of misconduct and sexual harassment

### **7. Handling of Complaint:**

6.1 Any woman who believes she is a victim of sexual harassment at the workplace of the Society and/or involving an employee of the Society, is required to report or complain in writing to the Internal Committee 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.

A well drafted complaint shall consist of the following particulars:

- The complaint should be addressed to the IC members and not the employer/HR representative.
- The complaint should be concise, i.e., it should be written in simple language which can be understood easily. Complaints that are well written and presented properly have greater credibility.
- Details of exact incident, date and time, witness etc. to be included. Circumstances preceding and following the incident to be recorded.
- The complaint should mention whether or not the complainant asked the respondent to desist from the unwelcome act(s).
- The complaint shall be appended with as many documents as possible in whatever format i.e., relevant e-mails, screenshots of SMS's/WhatsApp messages, call details, photographs, recordings etc.
- Details of the respondent including name, designation, reporting structure between complainant and respondent if any (whether subordinate, colleague or superior).
- Complaint shall not consist of any false or incorrect information
- The relief that is sought from the employer



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- 6.2 Where the aggrieved woman is unable to make a complaint on account of physical or mental incapacity, a complaint may be filed by her relative, friend, guardian, co-worker, an officer of the National Commission for Women or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved woman.
- 6.3 At the time of filing the complaint, the complainant shall submit to the committee two copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- 6.4 Before initiating inquiry, the committee shall take steps to settle the matter through conciliation, without monetary settlement as a basis. Where a settlement has been arrived at, the committee shall record the statement so arrived and forward the same to the Society to take action as specified in the recommendation. In case of a settlement, no further inquiry shall be conducted on the complaint by the committee.
- 6.5 The committee shall send a copy of the complaint and related documents to the accused/respondent within 7 (seven) working days of receipt of complaint.
- 6.6 Respondent is required to file his reply along with related documents within 10 (ten) working days of receiving copy of the complaint.
- 6.7 The committee shall make inquiry into the complaint in accordance with principles of natural justice.
- 6.8 The committee shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself for 3 (Three) consecutive hearings after giving a notice in writing, 15 (Fifteen) days in advance, to the party concerned.
- 6.9 Inquiry shall be completed by the committee within 90 (ninety) days of commencement of the same.
- 6.10 In conducting the inquiry, a minimum of 3 (three) members of the committee including the Presiding Officer shall be present.
- 6.11 During the pendency of an inquiry, on a written request made by the aggrieved woman, the committee may recommend to the Society to—



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- 6.11.1 transfer the aggrieved woman or the respondent to any other workplace; or
- 6.11.2 grant leave to the aggrieved woman up to a period of 3 (Three) months; or
- 6.11.3 restrain the respondent from reporting on the work performance of the aggrieved woman and assign the same to another officer.
- 6.11.4 grant such other relief to the aggrieved woman as may be prescribed.
- 6.12 On completion of inquiry, the committee shall provide a report of its findings to the Society within 10 (ten) days.
- 6.13 In the event of the committee coming to the conclusion that the complaint is true, it will advise the management in writing on initiating disciplinary action against the respondent.
- 6.14 The Society shall act on the recommendations of the committee within 60 (sixty) days of receipt of the same.

### **7 Disciplinary action:**

The POSH Act prescribes the following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment:

- i) punishment prescribed under the service rules of the organization;
- ii) if the organization does not have service rules, disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service; and
- iii) deduction of compensation payable to the aggrieved woman from the wages of the respondent.

The POSH Act also envisages payment of compensation to the aggrieved woman. The compensation payable shall be determined based on:

- i) the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee.
- ii) the loss in career opportunity due to the incident of sexual harassment;
- iii) medical expenses incurred by the victim for physical/ psychiatric treatment;
- iv) the income and status of the alleged perpetrator; and
- v) feasibility of such payment in lump sum or in instalments



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In the event that the respondent fails to pay the aforesaid sum, IC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer

### **8 Appeal:**

8.1 Any person aggrieved by the recommendations of the committee may prefer an appeal within 90 (Ninety) days from the date of recommendations in accordance with applicable law.

### **9 Annual Report Filings**

9.1 As per section 21 of the POSH Act 2013, it is mandatory for the Internal Committee to file an annual report with the District Officer

9.2 The act states "The Internal Committee or the Local Committee, as the case may be, shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer and the District Officer."

### **10 Consequences of non-compliance**

If an employer fails to constitute an IC or does not comply with the requirements prescribed under the POSH Act, a monetary penalty of up to rupees 50,000 may be imposed.

A repetition of the same offence could result in the punishment being doubled and/or de-registration of the entity or revocation of any statutory business licenses.

### **11 Confidentiality/Prohibition of Publication**

11.1 **Confidentiality:** The Society shall ensure that the contents of the complaint, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the committee, and the action taken by the Society pursuant thereto shall not be published, communicated or made known to the public, press and media in any manner. Any





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11.2 person acting in breach of this provision shall be strictly liable to punishment in accordance with law

11.3 **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 Society except where disclosure is required under disciplinary or other remedial processes or under applicable laws

### 11.4 **Protection to Aggrieved Party**

11.4.1 The Society is committed to ensure that no Employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action

11.4.2 The Society will ensure that victim or witnesses are not victimized or discriminated against while dealing with complaints of Sexual Harassment. Anyone who abuses the procedure will be subject to disciplinary

11.5 **Statutory Compliance:** The above policy is aimed at complying with the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013. 8.4.2. The Society reiterates its commitment to provide its Employees a workplace free from harassment/ discrimination and where every Employee is treated with dignity and respect.

## **12 Awareness, Communication and Employer Duties:**

The emphasis of Society's policy against sexual harassment shall be preventive rather than prescriptive. In that vein, the Society will ensure that all of its Employees are aware of and fully understand the tenets and conduct requirements laid out in this policy. The Society shall:

12.1 display at conspicuous locations in the workplace, the penal consequences of sexual harassment; and the order constituting the ICC

12.2 regularly organize workshops and awareness programs to sensitize the Employees to the provisions of the Act and orientation programs for the members of the ICC

12.3 provide necessary facilities to the ICC to deal with the complaint and conduct an enquiry



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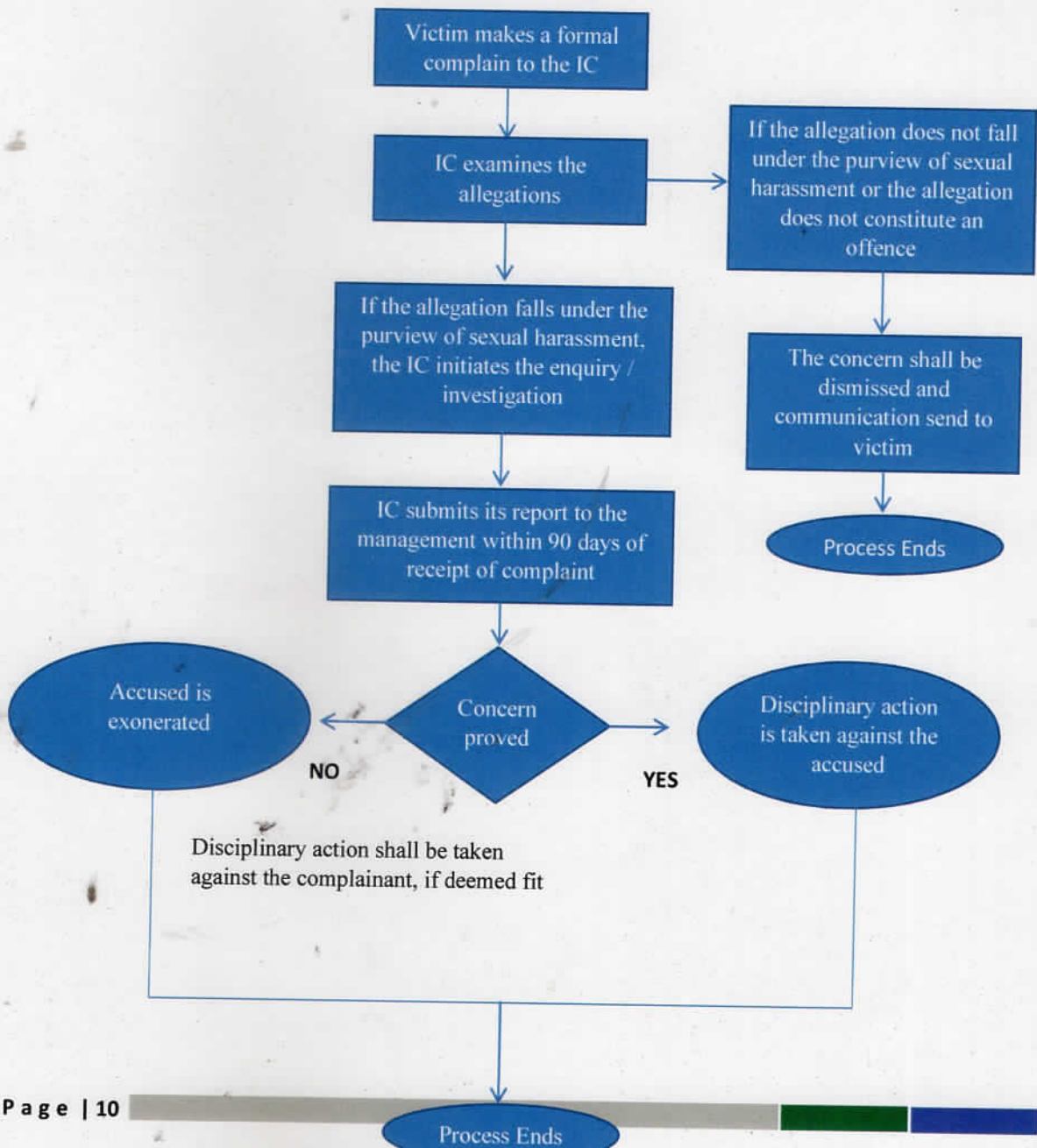
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- 12.4 assist in securing the attendance of respondent and witnesses before the ICC
- 12.5 make available required information to the ICC
- 12.6 monitor the timely submission of reports by the ICC

### Process Flow-Chart



"It is each and everyone's duty to do service for the needy"



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Approved by:

For Pasumai Ulagam

Board Members

Sign: -

Name of the Board Member

Sign: -

Name of the Board Member

Date: - 06-02-2023

Place: - Erode

