

POLICY FOR CREATING AN INCLUSIVE AND EQUAL WORKING ENVIRONMENT THAT PROMOTES A CULTURE OF MUTUAL RESPECT AND DIGNITY IN WASSAN (2015)

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INTRODUCTION

WASSAN believes in promoting exploitation-free society and strives to create congenial working atmosphere for all workers of the organization, particularly for women staff. WASSAN believes that stress-free working atmosphere is essential for bringing out best from each person in the organization. WASSAN firmly believe that, ‘... *Men and women are equal in all respects and providing additional support/ opportunities to women members is an essential requirement for empowerment of women*’, given their additional gendered role of *taking care of children and housework*’. This position emerged from its understanding that, inequality between men and women is deep rooted in the society and it is manifested in discrimination against women in different forms, including sexual harassment of women at work place.

Given this orientation and latest developments on legal aspects of this issue, WASSAN developed the “Policy for Creating an Inclusive and Equal Working Environment that Promotes a Culture of Mutual Respect and Dignity in WASSAN (2015)”. This policy is to be considered as “**Anti Sexual Harassment (ASH) Policy of WASSAN (2015)**”. This policy broadly follows the philosophy and approach of the following guidelines/ acts of Government of India.

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- Vishakha Guidelines against Sexual Harassment at Workplace as per the Guidelines and norms laid down by the Hon'ble Supreme Court in Vishakha and Others Vs. State of Rajasthan and Others (JT 1997 (7) SC 384)
- The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (No 14 of 2013 – 22nd Apr 2013).

GUIDING PRINCIPLES

- Ensure gender equality and gender justice in all its interventions and practices.
- Sexual harassment infringes the fundamental right of a woman to gender equality under Article 14 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution which includes a right to a safe environment free from sexual harassment.
- Ensure an organizational climate free from discrimination and harassment, with a particular focus on sexual harassment.
- Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated.
- Sexual harassment is a form of misconduct and unwelcome behavior that undermines the employment relationship and work effectiveness and it is also personally offensive. It is also illegal. No employee, either male or female, should be subjected verbally or physically to unsolicited and unwelcome sexual overtures or conduct.
- Behavior that amounts to sexual harassment as defined in this policy will result in disciplinary action, up to and including dismissal. Any & all complaints or allegations of sexual harassment will be investigated promptly. Appropriate, corrective action will be taken based upon the results of the investigation, which is conducted as per the procedure laid down in this policy.

OBJECTIVES OF THE POLICY

- To promote a work place where there is culture of respect; safety and peace of mind for women and men

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- To promote institutional arrangements, protocols, systems and culture that is sexual harassment free and exploitation-free

SCOPE OF THE POLICY

- This policy covers all staff of WASSAN (men and women; full time; part time, consultants)
- WASSAN motivates its partners to develop similar policy/ practices for their organizational context.

IMPORTANT DEFINITIONS

These are the definitions of important key words of this policy:

- (a) "Workplace" means - Main office, field offices, and includes any place visited by the employee arising out of, or during and in the course of, employment/assignment/ delivery of her/his services
- (b) "Aggrieved employee" means any employee against whom any act of sexual harassment is alleged to have been committed;
- (c) "Respondent" means a person against whom a complaint has been made, by the aggrieved employee or by a co employee of such aggrieved employee;
- (d) "Employer" means:-The head of the organization or the person authorized by the BoT of WASSAN to perform such role; for the management, supervision and control of the workplace;
- (e) "Employee" and "staff" mean a person employed at a workplace for any work whether full-time, part-time, contracted, temporary, voluntary, and also researchers, trainees, consultants; whether the terms of employment are express or implied and includes a contract worker, probationer, trainee, apprentice or by any other name called;
- (f) "Committee" means an Internal Complaints Committee (ICC) constituted as per this Policy
- (g) "Chairperson" means the Chairperson of the Complaints Committee;
- (h) "Member" means a member of the Committee;
- (i) "Prescribed" means prescribed by rules made under this Policy;

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- (j) *“Sexual Harassment” means*
- a. Unwelcome sexually determined behavior, physical contact, advances, sexually coloured remarks, showing pornography, sexual demand, request for sexual favours or any other unwelcome conduct of sexual nature whether verbal, textual, physical, graphic or electronic or by any other actions;
 - b. Direct or implied requests by any staff for sexual favours in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment;
 - c. Other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to women staff may also constitute sexual harassment.

Explanation:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, displaying body parts;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.
- Abuse of authority (Quid Pro Quo) - demand by a person in authority, for sexual favours in exchange for work related benefits (e.g. a wage increase, a promotion, training opportunity, a transfer or the job itself).
- The behavior that creates an environment that is intimidating, hostile, or offensive for members of one sex, and thus interferes with a person's ability to work.

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OPERATIONALIZATION OF ASH POLICY

- ✓ Constitution of Internal Complaints Committee (ICC):
 - Internal Complaints Committee (ICC) consists of 7 members – 4 women staff members; 2 men staff members and one external expert (woman), who is knowledgeable on this subject, working with non-profit organization and concerned about gender justice.
 - The names of members of this committee would be formally approved by Board of Trustees of WASSAN.
 - The chairperson of the committee shall be a woman member. The committee meets at least once in a quarter and/or as when required.
 - Membership to the ICC shall generally be for a period of three years. Thereafter, new appointments shall be made. At least 2 members and not more than 3 should be retained for continuity. Tenure of a particular member may be extended to the extent necessary in order to ensure continuity of processes.
 - A member of the ICC shall cease to hold membership should any one of the following conditions arise:
 - Upon s/he ceasing to be a staff of WASSAN, in case the member is an WASSAN employee
 - Any member of the ICC against whom a complaint of sexual harassment, violation of WASSAN conduct of code of conduct or criminal charges are made and prima facie established
 - In the event of any vacancy on the ASH Committee due to resignation, termination, death or for any other reason whatsoever, the same shall, within a period of one month of such vacancy, be filled in accordance with the procedures prescribed by this policy.

- ✓ Purpose of the Internal Complaints Committee:
 - To ensure that this policy is operationalized in true spirit

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- To develop necessary systems, protocols and procedures for operationalizing the policy
- ✓ Functions of the ICC:

ICC will develop necessary systems, protocols and procedures that establish a culture of respect and safety among the staff members. The following are the main functions of ICC.

- Preventive Measures and Action:
 - Organize awareness campaigns, events, training programs and events that develop sensitivity and confidence among the staff.
 - Some of the functions under this category are the following:
 - Ensure each new employee is properly oriented on this policy as part of induction program. The appointment letter acceptance should state that they have seen the policy and accept it. This responsibility belongs to HR function.
 - Circulation of WASSAN's policy on sexual harassment to the staff and to all persons employed by or in any way acting in connection with the work and/or functioning of WASSAN
 - Ensuring and enabling a space where sexual harassment as an issue is raised and discussed at WASSAN meetings from time to time
 - Conduct in-house gender sensitization programs from time to time, for all staff of the organization
 - Develop code of conduct for WASSAN staff on issues related to this policy.
 - Names and contact numbers of members of the Internal Complaint's Committee (ICC) will be prominently displayed in all the offices/projects.
- Procedure for Dealing with Complaints of Sexual Harassment

Apart from preventive measures, WASSAN will also make efforts to establish required institutional mechanism for addressing the issues related to sexual harassment. For this, the following procedure/ protocol will be followed.

A. Complaint Process:

- If any staff at WASSAN believes that she has been subjected to sexual harassment, such an aggrieved employee may make a complaint of sexual harassment at workplace to any of the Committee Members.
- Where the aggrieved employee is not able to make a complaint on account of her physical or mental incapacity or death or otherwise, their representatives or any other co employee may make a complaint, on their behalf, subject to the authorization of the aggrieved employee.
- This complaint could be made informally or formally. However, the ICC facilitates the process of getting a formal complaint from the concerned persons by developing confidence on the system.

B. Process of Enquiry:

- Though there may be a difference in the nature of complaints (for Informal and Formal complaints), the ICC would follow robust process of enquiry.
- The members of ICC will interact with the aggrieved employee, respondent and others (who are associated with the incidents) and understand the situation.
- The process would begin after receiving a formal complaint.
- The ICC members will carefully document the series of events, situations and allegations / counter allegations related to the complaint.
- The ICC will give ample opportunity to every member to voice their concerns, experiences and thoughts on this complaint. All proceedings of the enquiry and statements of persons involved in the enquiry at all stages would be carefully documented and shared with aggrieved employee and respondent.
- Based on this enquiry, ICC will develop a comprehensive report on this complaint which describes the origin of complaint; nature of complaint; time line of events and situation in which the events took place,

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allegations/ counter allegations; observations, inferences and assessment of the situation.

- The Committee will take a formal position on the complaint after carefully reviewing the circumstances, evidence and relevant statements in all fairness. The report would also have a set of recommendations for necessary action in the light of the complaint.
- The ICC will complete the enquiry within a period of 30 days from the date of receiving the complaint and submits the report to Executive Secretary for necessary action. .

C. Action on Recommendations:

- Executive Secretary/ authorized person(s) shall act upon the recommendation of ICC within 30 days from the date of receiving such recommendations.
- Based on the recommendations of the report, the actions may vary from case to case, without diluting the spirit of the policy.
- The punitive actions for misconduct could be proposed in accordance with the provisions of the service rules of the organization. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action.
- The provisions of this policy will not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or any other legal remedies.

D. Necessary Support to ICC:

- Executive Secretary and Board of Trustees of WASSAN will actively assist and do all that is necessary to ensure the safety of a complainant in the office premises or otherwise in respect to any duties/activities performed in connection with her/his work, which take place outside office premises.
- Executive Secretary and Board of Trustees of WASSAN would ensure the ICC to retain its autonomy and work unhindered.

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- The ICC shall be empowered to do all things necessary to ensure a fair hearing of the complaint, including all things necessary to ensure that victims or witnesses are neither victimized nor discriminated against while dealing with the complaint.
- During the process of enquiry, the Committee may recommend to the Employer to;
 - transfer the aggrieved employee or the respondent to any other workplace; or
 - grant leave to the aggrieved employee; or
 - grant any other relief to the aggrieved employee, which the Committee feels as necessary for that time.
- In the course of investigating any complaint of sexual harassment, the ICC shall ensure that the principles of natural justice are adhered to namely:
 - Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the ICC;
 - Upon completion of the investigation, both parties will be informed of the results of that investigation.
 - Documents which form part of the official record shall also be given to the complainant if need be.
 - Maintain all the confidentiality of all matters regarding any complaint related to sexual harassment, to preserve and protect the individual dignity and right to privacy of the persons involved in such incidents.
 - The contents of the complaint, the identity and addresses of the aggrieved employee, respondent and witnesses, or any information relating to conciliation and enquiry proceedings, recommendations of the Committee, and the action taken by the employer under the provisions of this Policy shall not be published, communicated or made known to the public, press and media in any manner.

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- **Appeal**

- Any person aggrieved by any action as per the recommendations of ICC and Executive Secretary of the Organization, may prefer an appeal to the Board of Trustees (BoT) and BoT may initiate the process it deems correct.

DEALING WITH WASSAN PARTNERS ON SEXUAL HARASSMENT RELATED ISSUES

WASSAN encourages its partners to have a commitment to sexual harassment free working atmosphere within their organization level.

- To the extent possible, WASSAN will have partnership with such organizations which have defined Anti Sexual Harassment (ASH) policy in place, at their level and/or willing to adapt WASSAN guidelines
- In other cases, while respecting the autonomy of the partner organization, WASSAN will play a facilitating role within the partner organization, by
 - Orienting the Partner Organizations on the sexual harassment free work climate
 - Helping in the formation of an ASH Policy and ICC