

POLICY FOR PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE (POSH)

SHREEL FOUNDATION



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1. Executive Summary

- 1.1 Shreel Foundation is a not-for-profit, non-governmental organization officially registered in 2019 under the Societies Registration Act, 1860. The initial vision and discussions for the organization began in 2017, led by Mr. Rakesh Verma and other like-minded individuals committed to social development.
- 1.2 The Foundation primarily works in rural and semi-urban areas of Jharkhand. Its key focus areas include health, nutrition, livelihood generation, women's empowerment, and community awareness. The organization collaborates with various stakeholders including local communities, government departments, and donor partners to support marginalized groups, especially women, children, and excluded communities.
- 1.3 Shreel Foundation believes in a community-based approach and engages volunteers, field workers, and local youth in the design and implementation of its activities. With its practical and need-based initiatives, the organization aims to address grassroots challenges and contribute to social change in a modest yet meaningful way.

- 1.4 Shreel Foundation is committed to ensuring a safe, inclusive, and respectful workplace for all its employees, volunteers, and associates. The organization strictly prohibits any form of sexual harassment and maintains a zero-tolerance approach in this regard.

This policy aims to:

- Ensure protection of all employees and associates from sexual harassment at the workplace
- Promote awareness about the applicable legal provisions and internal redressal mechanisms
- Establish a fair, confidential, and time-bound process for handling complaints

2. Objective

- 2.1 Shreel Foundation believes that every employee and associate has the right to be treated with dignity and respect, and to work in an environment that is free from any form of sexual harassment.

2.2 The objective of this policy is to:

- Ensure a safe and respectful workplace environment, free from sexual harassment
- Prevent incidents of sexual harassment in all forms
- Provide a clear and confidential mechanism for employees to raise concerns or complaints related to sexual harassment
- Offer an appropriate and timely redressal process in line with principles of natural justice

2.3 Any act of sexual harassment is treated as serious misconduct under Shreel Foundation's Code of Conduct. Such behaviour invites disciplinary action in accordance with internal policies and applicable laws.

2.4 This policy has been developed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the rules made thereunder.

3. Applicability & Scope

3.1 This policy applies to all employees of Shreel Foundation, regardless of their gender, including full-time, part-time, contractual, volunteers, interns, and consultants.

3.2 The policy covers any instance of sexual harassment where the respondent is an employee or associate of Shreel Foundation, and the incident occurs at the office premises, project sites, field locations, training venues, or during any work-related travel or event.

3.3 The designated employees or project in-charges are responsible for the proper implementation and administration of this policy at their respective locations.

3.4 The location where the incident occurs, or where the respondent is based, holds the primary responsibility for handling and resolving the complaint as per this policy.

3.5 This policy is to be read and understood in conjunction with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and related rules.

4. Definitions

4.1 Sexual Harassment

Sexual harassment includes any one or more of the following unwelcome acts or behaviour, whether directly or by implication:

- Physical contact and advances
- Demand or request for sexual favours
- Making sexually coloured remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

The following circumstances, if connected to the above, may also amount to sexual harassment:

- Implied or explicit promise of preferential treatment at work
- Implied or explicit threat of adverse treatment at work
- Threat about current or future employment status
- Interference with work or creation of a hostile work environment
- Humiliating treatment likely to affect health or safety

4.2 Aggrieved Person

Any person, of any age or gender, who alleges to have been subjected to sexual harassment by the respondent at the workplace, including employees and non-employees.

4.3 Complainant

An aggrieved person or any employee of Shreel Foundation who files a complaint of sexual harassment against another individual.

4.4 Employee

Any person employed by Shreel Foundation on a regular, temporary, ad-hoc, daily wage, or voluntary basis, including staff appointed through a contractor, intern, trainee, or any person engaged in official work, with or without remuneration.

4.5 Employer

The Secretary of Shreel Foundation shall be considered the employer in relation to this policy and its implementation.

4.6 Workplace includes:

- All offices, field locations, camps, and centres operated by Shreel Foundation
- Any place visited by the employee in connection with work, including travel, training, events, off-site meetings & accommodation provided by the organization
- Vehicles and transportation arranged by the organization
- Other locations (such as hotels, restaurants, or residences) used for official purposes or work-related gatherings

Shreel Foundation may also, based on the situation, take cognizance of complaints arising from social or informal gatherings involving employees, if such incidents affect the workplace environment.

4.7 Employer (under law)

As defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

4.8 Respondent

A person against whom a complaint of sexual harassment has been filed by the aggrieved person or complainant.

4.9 Local Complaints Committee (LCC)

A committee formed at the district level by the appropriate District Officer to receive and address complaints of sexual harassment in establishments where an Internal Complaints Committee does not exist.

5. Constituents of Sexual Harassment

5.1 Sexual harassment is a serious violation of human dignity and equality. It infringes upon the right to life, liberty, and the right to work in a safe and respectful environment. Such acts are considered misconduct and are dealt with seriously under the organization's disciplinary framework.

6. Internal Complaints Committee (ICC)

6.1 Shreel Foundation constitutes an Internal Complaints Committee (ICC) at its office level in accordance with the Sexual Harassment of Women at Workplace Act, 2013. The committee comprises:

- **Presiding Officer:** A senior woman employee of the Foundation, or nominated from another office/project location if needed
- **Two Members:** From among employees, preferably those with social work experience, legal knowledge, or commitment to women's welfare
- **One External Member:** From an NGO, Legal Expert or association familiar with issues related to gender or sexual harassment

At least 50% of the total members of the ICC are women.

6.2 The constitution of ICC, along with details of its members and the consequences of sexual harassment, is displayed on the office notice board and made accessible to all employees.

6.3 The tenure of any ICC member, including the Presiding Officer, does not exceed three years from the date of nomination. Necessary changes in the composition of the ICC are made promptly when required.

6.4 If an ICC member resigns, passes away, or ceases to be associated with Shreel Foundation during their term, an alternate member is nominated without delay.

6.5 A member of the ICC is removed from the committee under the following circumstances:

- If they disclose any confidential information related to a complaint, parties involved, inquiry proceedings, or recommendations to media, public, or any unauthorized person
- If they are convicted or under investigation for any legal offence
- If they are found guilty in disciplinary proceedings, or if such proceedings are pending against them

6.6 ICC Member of Shreel Foundation:

The Internal Complaints Committee (ICC) at Shreel Foundation has been constituted as follows:

S.N.	Name	Designation	Role in ICC
01.	Mahima Devi	Joint-Secretary	Presiding Officer
02.	Khushbu Devi	Project Incharge	Member
03.	Simpi Kumari	Project Incharge	Member
04.	Uttam Dubey	NGO Expert	Member
05.	Viresh Verma	Senior Advocate	Legal Expert (External)

Note: The ICC at Shreel Foundation is constituted in compliance with Section 4 of the POSH Act, 2013, ensuring at least 50% representation of women, and includes an external member with experience in gender issues.

7. Registration of Complaint

7.1 Any employee or aggrieved person may file a written complaint of sexual harassment to the Internal Complaints Committee (ICC). It is also the responsibility of managers and supervisors to report such incidents to the ICC if they witness or become aware of them.

7.2 All complaints related to sexual harassment must be submitted within 3 months from the date of the incident. In case of a series of incidents, the complaint should be filed within 3 months from the last occurrence.

7.3 The ICC may extend the time limit by an additional 3 months, if it is satisfied that the delay was due to reasonable circumstances which prevented the complainant from filing the complaint earlier. Such reasons are recorded in writing.

7.4 A complaint can also be filed by others on behalf of the aggrieved person in the following situations:

(i) In case of physical incapacity:

- Legal heir
- Relative or friend
- Co-worker
- Officer from National or State Women's Commission
- Any person with knowledge of the incident, with written consent of the aggrieved person

(ii) In case of mental incapacity:

- Legal heir
- Relative or friend
- Special educator
- Qualified psychiatrist or psychologist
- Guardian or caregiver
- Any person having knowledge, along with the above-mentioned persons

(iii) In other valid cases where the aggrieved person is unable to complain:

- Legal heir or any person having knowledge, with the written consent of the aggrieved person

(iv) In case the aggrieved person is deceased:

- Legal heir or any person with knowledge of the incident, with consent of the legal heir

8. Conciliation

8.1 Before initiating a formal inquiry, the Internal Complaints Committee (ICC) may, at the request of the employee or aggrieved person, attempt to resolve the matter through conciliation. However, monetary settlement is not permitted as the basis of conciliation.

8.2 If both parties agree to a settlement, the ICC records the terms of settlement and forwards it to the employer for necessary action as per the recommendations.

8.3 Copies of the recorded settlement are shared with both the aggrieved person and the respondent.

8.4 Once a settlement is reached through conciliation, no further inquiry is conducted by the ICC.

8.5 If the aggrieved person later informs the ICC that the respondent has **not complied** with the terms of the settlement, or if no settlement is reached, the ICC proceeds to conduct a formal inquiry into the complaint.

9. Conducting of Inquiry by the Internal Complaints Committee

9.1 The complainant submits a written complaint to the ICC, along with any supporting documents and the names and addresses of witnesses. The complaint must include all relevant details and clearly name the respondent(s).

9.2 Within 7 working days of receiving the complaint, the ICC provides a copy of the complaint to the respondent. The respondent must submit a written reply, along with supporting documents and witness details, within 10 working days of receiving the complaint.

9.3 The ICC initiates the inquiry process promptly, ensuring adherence to the principles of natural justice. Both the complainant and respondent are given equal opportunities to present their case. Legal representation by advocates is not allowed for either party. Copies of the findings are shared with both parties, giving them a chance to respond before final decision.

9.4 For the purposes of inquiry, the ICC holds the powers of a civil court under the Code of Civil Procedure, 1908, including:

- Summoning and examining witnesses under oath
- Requiring production of documents
- Handling any other matter relevant to the case

9.5 If either the complainant or respondent fails to appear for three consecutive hearings without sufficient cause, the ICC may, after giving 15 days' written notice, proceed ex parte or terminate the inquiry. The ICC will make all efforts to complete the inquiry within 90 days from the receipt of the complaint.

9.6 During the pendency of the inquiry, upon written request from the complainant, the ICC may recommend to the employer:

- Transfer of either party to another location
- Grant of up to 3 months' special leave to the complainant
- Restriction on the respondent from evaluating the complainant's performance or writing their confidential report, assigning it to another officer

9.7 The special leave granted under this provision is in addition to the regular leave entitlements under the organization's leave policy.

9.8 The employer implements the ICC's recommendations under Clause 9.6 and submits a compliance report to the ICC.

10. Local Complaints Committee (LCC)

10.1 In cases where the complaint is against the employer or where an Internal Complaints Committee is not constituted, the aggrieved person may file a written complaint with the Local Complaints Committee (LCC) formed under the relevant law in the concerned district.

11. Investigation Report

11.1 After completion of the inquiry, the ICC prepares a written report of its findings and submits it to the employer within 10 days from the date of inquiry completion. A copy of the report is also shared with both the complainant and the respondent.

11.2 If the ICC concludes that the allegations are not proven, it recommends to the employer that no further action is required.

11.3 If the ICC concludes that the allegations are proven, it recommends appropriate disciplinary action as outlined in this policy.

11.4 The employer is required to implement the ICC's recommendation within 30 days of receiving the report.

12. Disciplinary Action:

12.1 For the purposes of this Policy, disciplinary action for sexual harassment may result in any one or more of the following;

- Written apology
- Warning
- Reprimand or censure
- Withholding of promotion

- v) Withholding of pay rise or increments
- vi) Termination from service
- vii) Undergoing counseling session
- viii) Carrying out community service

12.2 In addition to the disciplinary action taken in terms of 12.1, an appropriate amount as determined by the ICC shall be deducted from the salary or wages of the Respondent and paid to the Employee/ Aggrieved Person or to Aggrieved Person's legal heirs as compensation.

12.3 If due to absence of the Respondent from his duty or cessation of his/her employment, the employer is unable to deduct the amount referred to in clause 12.2, the employer can direct the Respondent to pay such amount to the Employee/ Aggrieved Person directly.

12.4 If the Respondent fails to pay the amount referred to in clause 12.2 to the Aggrieved Person or his/her legal heirs, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the District Officer in accordance with the Act.

12.5 In determining the compensation required to be paid by the Respondent to the Employee/ Aggrieved Person as per clause 12.2, the ICC shall have regard to:

- i) The mental trauma, pain, suffering and emotional distress caused to the complainant;
- ii) The loss in the career opportunity due to the incident of sexual harassment;
- iii) Medical expenses incurred by the victim for physical or psychiatric treatment;
- iv) The income and financial status of the Respondent; and
- v) Feasibility of such payment in lump sum or in installments.

13. False or Malicious complaint and false evidence:

13.1 Where the ICC or the Local Complaints Committee, as the case may be arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false or the Complainant has produced any forged or misleading document, it may recommend to the employer of the Complainant or the District Officer, as the case may be, to take action against the Complainant in accordance with the provisions of clause 12.1 or the service rules applicable to the Complainant.

13.2 A mere inability to substantiate a complaint or provide adequate proof will not attract action against the Complainant.

13.3 Before any action is recommended by the ICC, the malicious intent on part of the Complainant shall be established after an inquiry in accordance with the procedure prescribed in the rules framed by the Company under this Policy.

13.4 Where the ICC or the Local Complaints Committee, as the case may be arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading documents, it may recommend to the employer of the witness or the District Officer, as the case may be, to take action in accordance with the provisions of the service rules applicable to the witness.

13.5 In cases of proven false or malicious complaints, the Company shall take appropriate steps to restore the reputation of the accused person.

14. Confidentiality:

- 14.1 All proceedings, documents and records maintained under this Policy shall be confidential.
- 14.2 Special privacy safeguards will be applied to the investigation and complaints will be handled on a confidential “need to know” basis. A pseudonym may be used in place of the Complainant’s name.
- 14.3 All persons involved in the proceeding under this Policy including the parties, witnesses, facilitators, ICC members shall be under a duty to respect and maintain confidentiality.
- 14.4 The contents of the complaint made, the identity and addresses of the Employee/ Aggrieved Person, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC or the Local Complaints Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Policy shall not be published, communicated or made known to the public, press and media in any manner.
- 14.5 However, information may be disseminated regarding the justice secured to any victim of sexual harassment under this Policy without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Employee/ Aggrieved Person and witnesses.
- 14.6 Any person who is entrusted with the duty to handle or deal with the complaint, inquiry or recommendations or action under this Policy and contravenes the provisions of confidentiality will be liable for penalty as per the service rules of the Organization or shall pay a fine of INR 5,000 (Rupees Five Thousand only) to the employer.

15. Victimization/ Retaliation:

- 15.1 The employer will ensure that any Employee subjected to sexual harassment or any Employee giving evidence in connection with an instance of sexual harassment is not victimized or discriminated against while dealing with complaints of sexual harassment and/or in his/her career in the Organization.
- 15.2 No Employee will be subjected to retaliatory action relating to his or her report of any alleged sexual harassment.
- 15.3 The employer shall forbid and take necessary steps to prevent any form of retaliation against witnesses. Even where the witness is found to be false and malicious, action shall be taken against him/her as defined in this policy.

16. Appeal:

16.1 Any person, if aggrieved by the findings and recommendation of the ICC or non-implementation of ICC recommendations, may file an appeal to a court or tribunal in accordance with the Act, within a period of 90 (ninety) days of the recommendations.

17. Annual Report:

17.1 ICC shall prepare an annual report at the end of the financial year and submit such report to the employer and to the District Officer as required under the Act. The annual report will contain information of complaints received from Aggrieved Person.

17.2 The annual report shall contain the following details:

- a) Number of complaints of sexual harassment received in the year;
- b) Number of complaints disposed of during the year;
- c) Number of cases pending for more than 90 (ninety) days;
- d) Number of workshops or awareness programs against sexual harassment carried out; and
- e) Nature of action taken by the employer or District Officer.

18. Awareness:

18.1 Shreel Foundation conducts training sessions, workshops, awareness programs for sensitizing the Employees with the provisions of the Act and on sexual harassment. It is mandated that Employees should attend these awareness programmes/ training sessions.

18.2 Any clarification/s or explanation in respect of this policy will be provided by the respective members of the ICC from that the City office.

18.3 Shreel Foundation will provide necessary facilities to the ICC established by the Organization/ or Local Complaints Committee for dealing with the complaints and conducting an inquiry.

18.4 Shreel Foundation will provide assistance in securing the attendance of Respondent and witness before the ICC of the Organization / Local Complaints Committee.

18.5 Shreel Foundation will make available all the necessary information required by the ICC of the Organization and Local Complaints Committee, as the case may be.

18.6 Shreel Foundation shall provide assistance to the Aggrieved Person if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code, 1860, or any other law for the time being in force.

- 18.7 A copy of this Policy on Prevention of Sexual Harassment at the Workplace and the rules framed under this Policy will be displayed on the notice board of the City Offices. The names, contact numbers and email ids of the members of the ICC will be displayed on the notice board of each of the city offices.
- For any clarification on this Policy, an Employee can approach the POC of the location.

*Approved by
Secretary, Shreel Foundation
Dated: 04.01.2023*