

## **Swaraj Abhiyan's Policy on Sexual Harassment**

### **A. BACKGROUND**

1. At Swaraj Abhiyan, we have zero tolerance for harassment, including sexual harassment. We value each and every volunteer, member and functionary of Swaraj Abhiyan and are duty bound to protect their dignity and self-respect.
2. Hence, Swaraj Abhiyan prohibits any form of sexual harassment, within the organization or in any organizational interaction with the public. In doing so, Swaraj Abhiyan is determined to promote a working environment in which persons of all genders complement each other as equals in an environment that encourages pursuit of collective goals while maintaining personal dignity.
3. In this background, this Policy of Swaraj Abhiyan shall abide by The Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act 2013 and rules thereunder; to maintain an environment free of all forms of sexual harassment. This Policy is to be read as a gender-justice policy even though it specifically mentions women functionaries therein for simplicity.

### **B. OBJECTIVES**

1. To provide protection against sexual harassment within the organization and/or its administrative offices and for the prevention, prohibition and redressal of sexual harassment and matters connected therewith.
2. To prevent or deter the commission of acts of sexual harassment and to provide procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.
3. To protect the public from sexual harassment by any volunteer, member, functionary and employee of Swaraj Abhiyan at any level.

### **C. SCOPE**

1. This Policy covers every volunteer, member, functionary and employee of Swaraj Abhiyan and any member of public who comes in contact with Swaraj Abhiyan.
2. Every volunteer, member, functionary and employee of Swaraj Abhiyan is strongly advised to abstain from acts and words that maybe perceived as inappropriate by another individual of the same or another gender. For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:
  - a) Physical contact and advances;
  - b) A demand or request for sexual favours;
  - c) Sexually coloured remarks;
  - d) Displaying, forwarding or posting offensive, sexually suggestive pictures, jokes or materials (including e-mails and social media);

- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

#### **D. INTERNAL COMPLAINTS COMMITTEE**

1. A Central Internal Complaints Committee (**ICC** or **Internal Committee**) is established for Swaraj Abhiyan and shall address the issue of sexual harassment cases at all locations. The ICC shall consist of 5 members, as follows:
  - a) 1 senior women member/employee of Swaraj Abhiyan, who shall act as the Presiding Officer of ICC.
  - b) 2 members committed to the cause of women or who have had experience in social work or have legal knowledge.
  - c) 2 member from outside Swaraj Abhiyan, from amongst non-governmental organisations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
2. A majority of ICC members shall be women.
3. ICC members shall hold their position for a period of 3 years from the date of appointment.
4. Names of Members of the present ICC have been given in **Annexure I**, which shall be updated from time to time.

#### **E. COMPLAINT REDRESSAL MECHANISM**

##### **1. Complaint Receipt and Inquiry**

- a) Any aggrieved person may make in writing, a complaint of sexual harassment at workplace (in context of organizational work and in respect of volunteers, members and functionaries of Swaraj Abhiyan) to the ICC, giving details of the sexual harassment meted out, within a period of 3 months from the date of the incident (in case of a series of incidents, the complaint must be made within a period of 3 months from the date of last incident) against the respondent (which expression means a person against whom the aggrieved woman has made the complaint). This period may be extended for a further period of 3 months. If circumstances warrant, allowing further extension to specific period shall be at discretion of the ICC.
- b) The Presiding Officer or any member of the ICC can render reasonable assistance to the person for making a complaint in writing, in case they are unable to do so.
- c) The aggrieved person or the respondent should represent in person but will be entitled to seek assistance from fellow member or employee, as the case may be, in the proceedings before the ICC.
- d) On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the aggrieved person and respondent.
- e) The ICC, before initiating an inquiry, based on discussion with or at the request of the aggrieved person, may take steps to settle the matter between her/him and the respondent through conciliation (conciliation process has been mentioned later in this

- document), provided that no monetary settlement shall be the basis of conciliation.
- f) At the first meeting, the ICC shall hear the aggrieved person and record her/his allegations. ICC may, if required, ask the aggrieved person to submit any corroborative material with documentary proof, if any, oral or written materials etc., and to furnish additional information about the alleged harassment.
  - g) The ICC shall maintain complete confidentiality, sensitivity and appropriate judgment while investigating.
  - h) No legal practitioner will be allowed to represent either the aggrieved person or the respondent in the proceedings before the ICC.
  - i) The ICC shall provide every reasonable opportunity to the complainant and to the respondent for putting forward and defending their respective case.
  - k) The ICC shall hand over the statement of allegation (Chargesheet) to the respondent in writing and give the aforesaid an opportunity to submit a written explanation if he/she so desires, within three days.
  - l) The ICC members shall meet every 3 months or such further period as it may decided, even in the absence of a complaint and document the date of the meeting.
  - m) The Presiding Officer of the ICC will be responsible for calling meetings and for maintaining records.
  - n) All Complaints with relevant information and documents should be sent to the to ICC at [genderjustice.swarjabhiyan@gmail.com](mailto:genderjustice.swarjabhiyan@gmail.com)

## **2. Inquiry Report and Action**

- a) The ICC shall, complete the inquiry within 90 days.
- b) The ICC shall provide a report of its findings within 10 days from the date of completion of the inquiry to the Office Bearers of Swaraj Abhiyan and such report shall also be made available to the concerned parties.
- c) If the allegation against the respondent has not been proved, the ICC may recommend that no action needs to be taken in the matter.
- d) If the ICC arrives at the conclusion that the allegation against the respondent has been proved, the respondent shall be subject to disciplinary action within 60 days of the ICC providing its report to the Office Bearers of Swaraj Abhiyan.
- e) Disciplinary action may involve warning, formal reprimand, suspension of membership, termination of membership, relieving from any post/ responsibility for a specified period or on a permanent basis, or any other punishment deemed fit.
- f) Where any misconduct is found by the ICC, recommended disciplinary action shall mandatorily be taken against the respondent by the Office Bearers, as per rules laid down in the Act.
- g) Where the Office Bearers of Swaraj Abhiyan leadership team is legally advised that any such incident constitutes a criminal offence, they shall will inform the relevant authority, provide full details and request appropriate action. If the aggrieved party directly takes any action, against the respondent, either civil or criminal, the ICC on becoming aware of such action by the aggrieved party, shall be entitled to, suo moto, start the internal enquiry/investigation and recommend appropriate action.

- h) This Policy does not bar the aggrieved person or the respondent to pursue formal legal remedies or resolution.

### **3. Process of Conciliation**

- a) The ICC may, before initiating an inquiry, at the request of the aggrieved person, take steps to settle the matter between her/him and the respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation.
- b) Where a settlement has been arrived, the ICC shall record the settlement so arrived and forward the same to the Office Bearers of Swaraj Abhiyan to take action as specified in the recommendation.
- c) The ICC shall provide the copies of the settlement to the aggrieved person and the respondent.
- d) Where the settlement is arrived, no further inquiry shall be conducted by the ICC.
- e) Where the aggrieved person informs the ICC that any term or condition of the settlement arrived at has not been complied with by the respondent, the ICC shall proceed to make an inquiry into the complaint or as the case may be, forward the complaint to the police.

### **4. Confidentiality:**

All information received through the investigation shall be kept confidential. Any person (including witnesses) who breach confidentiality shall be liable for Disciplinary Action.

## **F. AWARENESS**

1. All volunteers, members, employees and relevant persons shall have access to this Policy at any given point of time. Clarifications with regard to this Policy shall be addressed by Swaraj Abhiyan's Office Bearers.
2. A brief shall be given to all existing volunteers, members and employees regarding the features of this Policy and such brief shall also be given to new volunteers, members and employees during their induction.

## **G. FALSE ACCUSATIONS**

1. Complaints of sexual harassment shall be taken up with utmost seriousness. However, there shall be zero tolerance for false complaints and accusations.
2. If the ICC comes to a conclusion that the allegations were made with malicious intention and/or were based on false/forged documents or with misleading intent, the ICC shall proceed to satisfy itself beyond reasonable doubt about such malicious intent, falsehood, forgery or misleading intent and once satisfied, the ICC may recommend action to be taken against the person who has made the complaint, which may include termination of service or suspension or termination of membership, as the case may be.

**Note: It is to be noted that this provision is not intended to discourage volunteers, members, or employees from coming forward with any complaints. Swaraj Abhiyan understands that some claims maybe difficult to prove or support with documents/evidence or may not, in fact, necessarily be deemed to constitute sexual harassment. These types of complaints will not be considered to be false accusations.**

#### **H. CONCLUSION**

1. Swaraj Abhiyan has the right to make any alteration or amendment to any part of this Policy as and when finds it necessary to do so. Any such alterations or amendment will be intimated by way of publication.
  2. All reports of alleged harassment will be promptly investigated with due regard for the privacy of everyone involved and disciplinary actions, as appropriate, will be taken.
  3. Swaraj Abhiyan will not tolerate retaliation or reprisal against any volunteer, member or employee who has made, in good faith, a complaint of harassment or discrimination. Each accusation shall be investigated, and will be subject to confidentiality with appropriate judgment.
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#### **Annexure I**

[Refer Para D (1) above]

#### **Composition of Central Internal Complaints Committee**

Following shall be the members of the Central Internal Complaints Committee for handling any complaint of sexual harassment in Swaraj Abhiyan till further notice of change.

1. Ms. Christina Samy - SI Member, *Presiding officer*
2. Ms. Shalini Malviya - SI Member
3. Mr. Manohar Elavarthi - SI Member
4. Ms. Monika Garg - Independent Member
5. Mr. Santosh Kumar - Independent Member