



VAAN MUHIL TRUST

ANTI-SEXUAL HARASSMENT POLICY

Introduction to the policy

Vaan Muhil believes in equal employment opportunity and therefore does not tolerate verbal or physical conduct creating an intimidating, offensive, or hostile environment for staff. Harassment of any kind including sexual harassment is forbidden in the organization and every staff has the right to be protected against it. Vaan Muhil is committed to creating a healthy working environment that enables staff to work without fear of prejudice, gender bias and sexual harassment. The organization believes that all staff have the right to be treated with dignity.

Sexual Harassment is a violation of fundamental rights guaranteed under Articles 14, 15 and 21 of the Indian Constitution. The right to live with dignity and the right to employment are part of Article 21 in our Constitution.

And therefore any form of sexual harassment meted out to women staff in our organization is considered to be a violation of fundamental right, resulting in damage to the dignity of the women staff working in our organization and disrupting working environment of the organization. It also disturbs the gender equality and depriving the opportunities given to women staff. Therefore any form of sexual harassment is against equal opportunity, human dignity and protection of the women staff.

The Anti Sexual Harassment Policy has been framed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

This policy is applicable to Full time staff, part time staff, facilitators, volunteers, probationers, trainees, consultants and staff in contractual capacity. This policy shall be considered to be a part of the employment contract or terms of engagement of the persons in the above categories. Where the alleged incident occurs to our staff by a third party while on a duty outside our premises, the organization would take all reasonable and necessary steps to support our staff.

Sexual Harassment: meaning and definition

Sexual Harassment means such unwelcome sexually determined behavior (directly or through implication), like physical contact and advances by the staff(s) including:

- ❖ A demand or request for sexual favors, sexually colored remarks, showing pornography, any other unwelcome physical conduct of sexual nature, physical contact or molestation, stalking, sounds, display of pictures, signs;
- ❖ Eve teasing, physical confinement against one's will;
- ❖ A demand or request for sexual favors, whether verbally or non-verbally, where the submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or promotion/evaluation of work thereby denying an individual equal opportunity at employment;
- ❖ An act or conduct by a person in authority which makes the environment at workplace hostile or intimidating to a person or unreasonably interferes with the individual's privacy and productivity at work;
- ❖ Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references; demeaning, insulting, intimidating, or sexually suggestive comments (oral or written) about an individual's personal appearance or electronically transmitted messages (Jokes, remarks, letters, phone calls);
- ❖ Any other behavior, which the women staff perceives as having sexual overtones.

Redressal Mechanism

If a staff working in our organization and in the course of her work, she has been sexually harassed by anyone through means which are mentioned above, the organization urges the staff to come forward with a written complaint as early as she can. Her complaint will be taken seriously and confidentiality would be maintained by the organization in the matter. The organization will have zero tolerance towards such practices once they are proven.

The complaint must be given to the concerned person within 3 months of the occurrence (the complaint can be made within 6 months if the person is able to prove that there were some exceptional circumstances due to which the complaint could not be made earlier) and the organization advises the staff to be vigilant and keep any document with which can be used to substantiate an allegation.

The redressal system will work based on other evidence if she cannot produce any documentary evidence. If the complainant cannot make a written complaint because of physical or mental incapacity or death, the legal heirs can make the complaint on her behalf.

Internal Complaints Committee

An Internal Complaints Committee has been constituted for our organization to look into the matters concerning sexual harassment. The Committee consists of following persons:

1. Ms. K. Karpaga Sundari - Chairperson
2. Ms. K. Chandra Kala - Member
3. Ms. R. Mariammal - Member
4. Ms. S. Shanthi - Member
5. Ms. R. Indurani - Member
6. Ms. R. Johns Rani - Member
7. Mr. S. Arul Joseph - Member

The affected staff can approach any member of the committee with her written complaint. Once the complaint is received by the Committee:

1. The person who is charged by the complainant will be informed that a complaint has been filed against her (s/he will be made aware of the details of the allegation and also the name of the complainant as it would be necessary for proper inquiry) and no unfair acts of retaliation or unethical action will be tolerated.
2. The complainant has the opportunity to ask for conciliation proceedings by having communication with the accused in the presence of the Committee. But in such conciliation the complainant cannot demand monetary compensation. If the matter has been settled by conciliation, but the respondent is not complying with the terms and conditions, the aggrieved party can approach the Committee for Redressal.
3. The Committee will question both the complainant and the alleged accused separately. If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.
4. The Committee shall call upon all witnesses mentioned by both the parties.
5. The Committee can ask for specific documents from a person if it feels that they are important for the purpose of investigation.
6. The complainant has the option to seek transfer or leave till the inquiry gets completed.
7. The complainant and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 3 months of the receipt of the complaint. If the investigation reveals that the complainant has been sexually harassed as claimed, the accused will be subjected to disciplinary action accordingly.

A. The report of the investigation shall be submitted to the Executive Director, the charged and the complainant within 10 days of completion of the investigation.

B. The Executive Director will act on the recommendations of the Committee within 15 days of the receipt of the report.

C. Any party aggrieved by the report can prefer an appeal in the appropriate Court or Tribunal in accordance with the service rules within 60 days of the recommendation been given to the Executive Director.

Disciplinary Action:

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against the accused. Disciplinary action may include transfer, withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant.

If it is found out through evidence by the Committee that the complainant has maliciously given false complaint against the accused, disciplinary action shall be taken against the complainant as well.

Regardless of the outcome of the complaint made in good faith, the staff lodging the complaint and any person providing information or any witness, will be protected from any form of retaliation.

While dealing with complaints of sexual harassment, the Committee shall ensure that the complainant or the witness are not victimized or discriminated against by the accused.

Any unwarranted pressures, retaliatory or any other type of unethical behavior by the accused against the complainant while the investigation is in progress should be reported by the complainant to the Complaints Committee as soon as possible. Disciplinary action will be taken by the Committee against any such complaints which are found genuine.

This policy shall be disseminated to all staff of the organization as well as new recruits who will have to acknowledge that they have read and understood the policy and that they shall abide by the policy.