



ASEEMA CHARITABLE TRUST PREVENTION OF SEXUAL HARASSMENT POLICY

Aseema Charitable Trust

G3 Josephine Apartments, Ground Fl, Chimbai Road, Bandra West, Mumbai 400050



POLICY ON PREVENTION OF SEXUAL HARASSMENT

Ownership	Operations
Forum where approved	Board of Trustees
Date of Approval	October 2022

1. Objective:

- i. To provide a safe work environment for all its employees (especially women) free from discrimination on any ground and from harassment at work place including sexual harassment, within the premises of the Aseema Charitable Trust (“Workplace”).
- ii. To stipulate and pursue a policy to protect all its employees against sexual harassment at the Workplace.
- iii. To set up a mechanism for acting upon complaints of sexual harassment of employees at the Workplace.

Note: This document enunciates Aseema Charitable Trust’s (Aseema) policy of zero tolerance towards sexual harassment at the Workplace in broad and general terms, with a view to bring awareness and provide a redressal of grievances. It is not intended to be exhaustive, and is a supplement to the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013 (“Act”) and the Rules made thereunder.

2. Definitions and Interpretation:

1. “Act” means the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act 2013;

2. “Aggrieved Woman” means a woman of any age whether employed or not who alleges to have been subjected to any act of Sexual Harassment at the Workplace by the Respondent;
3. “Aggrieved Employee” means an employee of any age whether employed or not who alleges to have been subjected to any act of Sexual Harassment at the Workplace by the Respondent;
4. “Employee” means a person employed at the Workplace for any work on regular, temporary, ad hoc, or daily wage basis, either directly or indirectly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, contract worker, probationer, trainee, apprentice or called by any other such name.
5. Employer has the meaning given to it in the Act and includes any person responsible for the management, supervision and control of the workplace.
6. “Internal Complaints Committee” means the Committee established under section 4 of the Act;
7. “Respondent” means any person (can also be a third party) including an employee against whom an Aggrieved woman/employee has made a complaint of Sexual harassment at Aseema’s Workplace or the workplace where Aseema’s employee had visited for Aseema’s work;
8. “Sexual harassment” includes any one or more of the following unwelcome sexual acts or behaviour (whether directly or by implication) namely

- (a) physical contact or advances; or
- (b) a demand or request for sexual favours; or
- (c) making sexually coloured remarks; or
- (d) remarks of a sexual nature about a person's clothing or body;
- (e) making or posting sexual pranks, sexual teasing, sexual jokes, sexually demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc, showing pornography; or
- (f) any other unwelcome physical, verbal, or non-verbal conduct of sexual nature; or
- (g) any of the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment: -
 - i. implied or explicit promise of preferential treatment in the employment; or
 - ii. implied or explicit threat of detrimental treatment in the employment; or
 - iii. implied or explicit threat about the present or future employment status; or
 - iv. interference with work or creating an intimidating or offensive or hostile work environment for the employee; or
 - v. humiliating treatment likely to affect the health or safety of the employee.

Sexual harassment may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between an Aseema employee and someone with whom the

employee deals with in the course of his/her work who is not employed by Aseema.

9. “Workplace “has the meaning given to it in Section 2 of the Act, and shall also include any location where Aseema Charitable Trust has officially organized or participated in events such as Exhibitions, Games, Sports, seminars, Training, Conferences, Picnics,

it shall also include any place where the aggrieved woman/employee or the respondent visits in connection with his/her work, during the course of and/or arising out of employment/ contract/ engagement with Aseema, including transportation provided for undertaking such a journey.

3. Interpretation:

Words used but not defined in this Policy shall have the same meaning as in the Act.

4. Roles & Responsibilities

1. Responsibilities of every Individual: It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behavior
- c. Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviors are not intentional. While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behavior.

2. Responsibilities of Managers: All managers at Aseema must ensure that nobody is subject to harassment and there is equal treatment. They must

also ensure 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.

5. Internal Complaints Committee (ICC)

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "Internal Complaints Committee" is constituted at each location. The detail of the committee is notified to all covered persons at the location (workplace).

- 5.1 There shall be a 4 member Internal Complaints Committee (IC) of Aseema consisting of a Presiding Officer, who will be a woman (employed at senior level) and three other members. Out of the 3 other members again one will be a women and one will be an external.
- 5.2 The presiding officer and every member of the ICC shall hold office for such period, not exceeding three years from the date of their nomination as may be specified by the employer.
- 5.3 The ICC will serve as the highest point of escalation as regards complaints of Sexual harassment at the Workplace.
- 5.4 Procedures regarding complaints of Sexual harassment are listed in Clause 6 hereunder.
- 5.5 The names addresses and contact details of the members of the ICC will be available at the office of Aseema.
- 5.6 Other provisions w.r.t ICC will be as stipulated in the Sexual Harassment of Women at Workplace Act.

6. Complaints Process

- 6.1 Any Aggrieved Woman/employee may make a complaint in writing to the ICC of any act of sexual harassment committed by the Respondent against her/him within a period of three (3) months from the date of the

incident and in case of a series of incidents, within a period of three (3) months from the date of the last incident.

6.2 If the Aggrieved Woman/employee cannot make the complaint in writing for any reason, then the Presiding Officer or any member of the ICC shall render the Aggrieved Woman/employee all reasonable assistance for making the complaint in writing.

Further if the aggrieved woman/employee is unable to lodge the complaint in account of their incapacity, the following may do so on their behalf, with their written consent

- Legal heir, relative or friend
- Co-worker
- Any person having the knowledge of the incident

If the initial complaint is made to a person other than a committee member, upon receiving such a complaint, it will be the responsibility of the complaint receiver to report the same to the committee immediately.

6.3 If the Aggrieved Woman/employee is not able to file the complaint within the period specified in clause 6.1 then the ICC may, if it is satisfied with the circumstances which had prevented the Aggrieved Woman/employee from filing the complaint within the said period, extend the time limit not exceeding three (3) months and record the reasons in writing for such extension.

6.4 The Aggrieved Woman/employee at the time of filing the complaint shall submit six (6) copies of the complaint along with supporting documents and the names and addresses of witnesses (if any) to the ICC.

6.5 The ICC member who receives the complaint will make / cause to make a record of the same in the complaint register.

7. Receiving a Complaint (guidelines)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint. The following points are to be kept in mind by the receiver of the complaint:

- Complaint is listened to and the complainant informed that the Company takes the concerns seriously. Complainant is informed that these concerns will be reported to the appropriate committee and follow up will be done speedily.
- Situation is not to be pre-judged. Written notes are taken while listening to the person. Complainant is allowed to bring another person to the meeting if they wish. When taking accurate notes, complainants own words, where possible, is used. Clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. Complainant's agreement is taken to allow proceeding with the matter, which involves a formal investigation.
- The complainant is advised that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

8. Inquiry procedure to be followed by the ICC

8.1 The ICC may, before initiating any inquiry procedure under clause 6.3, and at the request of the Aggrieved Woman/employee, take steps to settle the matter between her/him and the Respondent through conciliation. Monetary settlement will not be made the basis for the conciliation.

8.2 If a settlement is arrived at through conciliation, then the ICC shall record the settlement and forward the same to the Employer to take action as specified in the ICC's recommendation. No further inquiry shall be conducted in regard to the complaint in such a case and the

matter will be treated as “closed”. A copy of the settlement shall be provided to the Aggrieved Woman/employee and the Respondent.

8.3 The ICC shall initiate the enquiry procedure, upon receipt of the complaint.

8.3.1 The ICC shall send a copy of the complaint received from the Aggrieved Woman/employee to the Respondent within seven (7) working days of the receipt of the complaint and the Respondent shall file a reply with the ICC to the complaint along with his documents and names and addresses of witnesses (if any) within a period of ten (10) working days from the date of receipt of the complaint and documents accompanying the complaint.

8.3.2 The ICC shall make an inquiry into the complaint of Sexual harassment in accordance with the principles of natural justice.

8.3.3 The ICC shall have the right to terminate the inquiry proceedings or proceed to decide the complaint ex parte if the Aggrieved Woman/employee or the Respondent respectively fails, without sufficient cause, to present herself or himself for three (3) consecutive hearings convened by the Presiding Officer. The termination or the ex parte decision may not be passed by the ICC without giving a fifteen (15) days advance notice in writing to the party concerned.

8.3.4 The parties concerned shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

8.3.5 The ICC shall conduct the enquiry in the presence of minimum three (3) members of the ICC which includes the Presiding Officer.

8.3.6 The ICC may during the pendency of the inquiry, on a written request made by the Aggrieved Woman/employee, recommend to the Employer to:-

- (a) Restrain the Respondent from reporting on the work performance of the Aggrieved Woman/employee or writing their confidential report, and assign the same to another officer; or
- (b) Restrain the Respondent from supervising any academic activity of the Aggrieved Woman/employee; or
- (c) Transfer the Aggrieved Woman/employee or the Respondent to any other Workplace; or
- (d) Grant leave to the Aggrieved Woman/employee up to a maximum period of three (3) months (which shall be in addition to the leave she/he would otherwise be entitled to).

8.3.7. The Employer shall implement the recommendations given if any under Clause 8.3.6 and send the report of such implementation to the ICC.

8.4 All information received in the course of the inquiry, contents of the complaint, identity and addresses of the Aggrieved Woman/employee, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC and the action taken by the Employer under the provisions of the Act shall not be published, communicated, or made known to the public, press, media, in any manner, other than the information 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 Aggrieved Woman/employee and witnesses.

8.5 If any person who is entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Policy discloses any such information as mentioned in the above section 6.4, then that person shall be liable for penalty in accordance with the provisions of the service rules or where no such service rules exist, in such manner as may be prescribed under the Act. Aseema shall also be liable to recover a sum of five thousand rupees as penalty from such person.

8.6 Internal Complaints Committee for the purpose of making an enquiry shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters: -

8.6.1 summoning and enforcing the attendance of any person and examining him on oath

8.6.2 requiring the discovery and production of documents; and

8.6.3 any other matter which may be prescribed

9 Submission of Findings of the ICC

9.1 On the completion of an inquiry, the Internal Complaints Committee shall provide a written Enquiry Report of its findings to the Employer, within a period of ten (10) days from the date of completion of the enquiry and such report should also be provided to the Complainant/Aggrieved Woman/employee and the Respondent.

9.2 The Enquiry Report shall specify the details of the charge(s) against the Respondent, the statements made and evidence presented in the enquiry and a discussion of the reasons upon which the findings are arrived at by the Internal Complaints Committee.

9.3 If the Internal Complaints Committee finds no merit in the complaint, or it arrives at the conclusion that the complaint has not been proved, it shall recommend to the Employer that no action is required to be taken in the matter.

9.4 If the ICC arrives at the conclusion that the complaint has been proved, it shall recommend to the Employer: -

9.4.1 To take action for Sexual Harassment as misconduct in accordance with the provisions of the applicable service rules and in the absence of service rules, in such manner as may be prescribed under the Act (which may include taking a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increment, terminating the service of the Respondent, or undergoing a counseling session or carrying out community service).

9.4.2 To deduct, notwithstanding anything in the service rules, from the salary or wages of the Respondent, or direct him to pay, a compensation amount determined by considering the following factors:

- (a) the mental trauma, pain suffering and emotional distress caused to the Aggrieved Woman/employee;
- (b) the loss in career opportunity due to the incident of Sexual Harassment
- (c) medical expenses incurred by the victim for physical or psychiatric treatment
- (d) the income and financial status of the Respondent
- (e) the feasibility of such payment in lump sum or in instalments.

9.5 If the Respondent fails to pay the sum specified by the ICC as per clause 9.4.2, where he is no longer employed with Aseema then ICC may forward the order for recovery of the sum as per the provisions of the Act to the concerned district officer (as defined in the Act).

9.6 If the Internal Complaints Committee arrives at a conclusion that the allegation against the Respondent is malicious or the Aggrieved

Woman/employee or the witness on her/his behalf has made the complaint knowing it to be false or the Aggrieved or witness on their behalf has produced any forged or misleading document, it may recommend to the Employer to take action against the Aggrieved Woman/employee or the witness or the witness on their behalf in accordance with the provisions of the applicable service rules and if no service rules are available then in such manner as may be prescribed under the Act. Without limiting the foregoing, it shall be open to the Internal Complaints Committee to recommend that a written apology be procured, a warning, reprimand or censure may be given, promotion, pay rise, increments may be withheld, Aggrieved Woman's/employee's service may be terminated, or that she/he must undergo counseling sessions.

- a. Malicious intent on part of the Aggrieved Woman/employee or the witness on their behalf can be established only after an enquiry. Mere inability to substantiate a complaint or provide adequate proof need not attract action under section 9.6 against the Aggrieved Woman/employee or the witness on her behalf.

10. Acting upon the ICC's Findings, Appeal

10.1 The Implementation of the recommendation given in the Enquiry Report by the ICC shall be carried out by the Employer within 60 days from the date of receipt of the Enquiry Report.

10.2 Any person aggrieved by the ICC's recommendations or by the non-implementation of its recommendations, may prefer an Appeal to any court or tribunal of competent jurisdiction in the manner as may be prescribed under the Act, within a period of 90 days from the date of the recommendations.

11 Confidentiality

The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

12 Awareness and training

A brief shall be given to all existing employees regarding the features of this Policy and to new employees during their initial induction. Notice showing the name of the Internal Complaints Committee members shall be displayed at every establishment at a conspicuous place.

13 Review of the Policy

The policy on sexual harassment will be reviewed annually or as and when required.