

**POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT
WORK PLACE**

(POSH POLICY)



Lend A Hand India

Building A Skilled Tomorrow

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1.0 Overview

Lend-a-hand-India (LAHI) is a not for profit organisation with HO in Pune and various field offices in different states in India.

Our mission is to make difference in the lives of poor students through self-help, by facilitating better access to education, vocational training, career development employment and entrepreneurial opportunities.

This “Policy for prevention, prohibition and redressal of sexual harassment of women at work place” (Policy or POSH Policy) is a set of guidelines, prepared for our team members working across different work locations in India.

This Policy is an extension of the Organization’s Code of Conduct and Ethics Policy.

We hope that all concerned will find these guidelines useful.

2.0 Purpose and Scope of Policy Statement

LAHI (the “Organization”), being a responsible organization, is committed to the “cause” with integrity, transparency, equity, accountability and in compliance with the laws of the land, established audit principles and the Organization’s Code of Conduct and Ethics (“the Code”) Policy. The stakeholders in the Organization are encouraged to play an important role in pointing out any violations of the Code.

Lend A Hand India as an organization aims to provide a safe working environment for women and prohibits any form of sexual harassment. Hence any act of sexual harassment or related vengeance against or by any member is unacceptable. This POSH policy therefore, intends to prohibit such occurrences and also details procedures to follow when an employee believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding sexual harassment.

Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of policy.

Lend A Hand India team members must ensure that they themselves as well as their team are aware of the Policy on Prevention of Sexual Harassment in place and strictly adhere to it.

Thus POSH Policy (the “Policy”) is formulated to provide a framework along with guidelines to promote responsible and secure alerts within the Organization.

Organization’s internal committee will promptly investigate complaints received and take appropriate action, up to and including termination of employment.

This Policy is applicable to all those associated with the organization irrespective of work location and type of association i.e. Regular Employment, Contract Employment, Part-Time Employment and covers all other Contractual Associates. The policy also extends to those who are not members of the organization, such as customers, visitors, probationer, trainee, apprentice or called by any other such name, but are subjected to sexual harassment at the work location. Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent.

3.0 Definitions

3.1 “Aggrieved Person” means a WOMAN whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.

3.2 “Work place” means any such location where organization’s work is being carried out. “workplace” includes any department, organization, undertaking, establishment, enterprise institution, office or branch unit. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

3.3 “Employee” means a person employed or hired or engaged at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly 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, a contract worker, probationer, trainee, apprentice or called by any other such name;

3.4 “Internal Committee” means a committee constituted by the organization as per the sexual harassment ACT

3.5 “Respondent” means a person against whom the aggrieved person has made a complaint.

3.6 “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:

3.6.1 Physical contact and advances; or

3.6.2 A demand or request for sexual favors; or

3.6.3 Making sexually colored remarks; or

3.6.4 Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or

3.6.5 Any other unwelcome physical, verbal or non - verbal conduct of sexual nature;

3.6.6 Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment:

3.6.6.1 implied or explicit promise of preferential treatment in their employment;

3.6.6.2 implied or explicit threat of detrimental treatment in their employment;

3.6.6.3 implied or explicit threat about their present or future employment status;

3.6.6.4 Interfering with their work or creating an intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.

3.6.6.5 Humiliating treatment likely to affect the health and safety of the aggrieved person.

3.6.7 In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.

4.0 Prevention Actions –

The LAHI Internal committee and HR shall take reasonable steps to ensure prevention of sexual harassment at work place which may include circulating applicable policies and other relevant information to all employees. All new appointments and existing employees of the organization are required to give an undertaking that they will not involve in any kind of act which will violate this policy. Discuss the policy highlights during induction program and possibly spread awareness on platforms during internal events / meetings which are relevant and related.

5.0 Internal Committee -

5.1 Every complaint received shall be forwarded to Internal Committee, formed under the policy for redressal. The investigation shall be carried out by Internal Committee constituted for this purpose.

5.2 Internal Committee is a structured group and constitute of the following members, nominated by the organization.

5.2.1 A woman employee employed at a senior level amongst the employees shall act as Presiding officer of the committee.

5.2.2 Not less than 2 members from amongst employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.

5.2.3 One member shall be from amongst Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

5.2.4 The Names of the Members of the Internal Committee is as per Annexure A of this Policy and any change in such composition shall be effected in the policy

5.2.5 At least half the total members of the Committee have to be women. The Presiding Officer and every member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

5.2.6 The Committee members and HR representatives will be provided with necessary training inputs to handle such issues effectively and with the required sensitivity and concern.

6.0 Complaint Redressal Mechanism -

- 6.1** Any aggrieved women may make, in writing, a complaint (preferably in the format as given in Annexure1) of sexual harassment at workplace to the internal committee giving details of the sexual harassment meted out to her within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident, which may be extended for a further period of 3 months, if circumstances warrant such extension in the opinion of the Internal Committee, for reasons to be recorded in writing.
- 6.2** The Presiding Officer or any Member of the Internal Committee can render reasonable assistance to the women for making complaint in writing, in case they are unable to do so.
- 6.3** On receipt of complaint, the Internal Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The Internal Committee shall follow principles of Natural Justice while handling such complaints.
- 6.4** Where the aggrieved women is unable to make a complaint on account of their physical incapacity, a complaint may be filed by any one below-
- 6.4.1 a relative or friend; or
 - 6.4.2 a co-worker; or
 - 6.4.3 an officer of the National Commission for Women or State Women's Commission; or
 - 6.4.4 Any person who has knowledge of the incident, with the written consent of the aggrieved person.
- 6.5** Where the aggrieved WOMEN is unable to make a complaint on account of HER mental incapacity, a complaint may be filed by-
- 6.5.1 a relative or friend; or
 - 6.5.2 a special educator' or
 - 6.5.3 a qualified psychiatrist or psychologist; or
 - 6.5.4 the guardian or authority under whose care they are receiving treatment or care; or
 - 6.5.5 Any person who has knowledge of the incident jointly with any of the above.
- 6.6** Where the aggrieved WOMEN for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with their written consent.
- 6.7** Where the aggrieved WOMAN is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
- 6.8** Internal Committee on receipt of such written complaint (format Annexure 1), may, if require, ask the aggrieved WOMEN to furnish additional information about the alleged harassment.

6.9 The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Committee through following mode:

6.9.1 Copy of complaint along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee.

6.10 On receipt of such complaint, Internal Committee shall provide a copy along with supporting documents of such complaints to the Respondent within 7 working days.

6.11 Respondent shall file reply within 10 working days of receipt of the complaint along with list of documents, names and addresses of witnesses

6.12 Internal Committee shall investigate in detail into the matter of the complaint. The Internal Complaint committee shall have the right to call the person against whom the complaint is made or any other witnesses as when necessary.

6.13 During the enquiry process, the Complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.

6.14 The Committee will conduct enquiry in accordance with the principles of natural justice and will ensure to give both parties, the aggrieved as well as the respondent, a right to be heard and present their case before the Committee.

6.15 The Committee shall ensure confidentiality during the enquiry process and will ensure that sufficient care is taken to avoid any retaliation against the witnesses.

6.16 Internal Committee shall have the right to terminate the enquiry or give ex-parte decision on the complaint, if the Respondent or complainant remains absent for 3 consecutive hearings, without sufficient cause, provided that such termination or ex-parte Order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

6.17 The Internal Committee must complete its investigation within a period of 90 days.

6.18 The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.

6.19 For conducting the enquiry the quorum of the Internal Complaints Committee shall be of 3 members including the Presiding Officer.

6.20 The Internal Committee may before initiating an inquiry, and at the aggrieved person's request, attempt to settle the matter through conciliation. However, Internal Complaints Committee shall ensure that:

6.20.1 Monetary settlement will not be made as a basis of conciliation.

6.20.2 Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.

6.20.3 Where, a settlement is arrived as mentioned hereinabove, no further enquiry shall be conducted by the Internal Complaints Committee.

6.21 The Internal Committee during such investigation may exercise the power of a civil court, vested in it, in respect of:

6.21.1 summoning and enforcing the attendance of any person and examining him under oath;

6.21.2 requiring discovery and production of documents;

6.21.3 Any other prescribed matter.

6.22 During such enquiry, upon written request by the aggrieved women, the committee may at its discretion recommend:

6.22.1 to transfer the aggrieved women or the respondent to any other workplace;

6.22.2 Grant leave to the aggrieved person of up to three months which is in addition to leave to which she is otherwise entitled.

6.22.3 Provided, the aggrieved women has to tender justified reason for such transfer or leave, such as threat to work in the workplace.

6.23 Action -

6.23.1 The Committee shall on completion of the enquiry provide a report of its findings within 10 days from the date of completion of the enquiry and such report shall be made available to the concerned parties.

6.23.2 If the allegation against the respondent has not been proved, the Committee may recommend that no action needs to be taken in the matter.

6.23.3 If the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, or if such complaint is proved to be false or malicious, it shall recommend to take action against concerned for sexual harassment as a misconduct, as per the following punishment matrix

Penalty	Disciplinary action
Minor	Warning, Reprimand, Written apology to the Complainant
Moderate	Withholding of promotions / increments, Rescinding of bonus, Carrying out community service, Transfer from present location
Stringent	Compensation or deduction from the salary / wages of the respondent or issue direction for payment; such sum as it may consider appropriate to be paid to the aggrieved person or to their legal heirs, as it may determine, Suspension, Termination / dismissal from employment, Legal action under the Criminal Code

7.0 Procedure For Dealing With Complaints -

7.1 The Committee will ask the aggrieved women to prepare a detailed statement of incidents/allegations. The Aggrieved women may be required to submit six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses. The statement of allegations will be shared with the respondent within seven (7) working days.

- 7.2** The respondent will be asked to prepare a response to the statement of allegations, along with the list of documents and names and addresses of the witnesses and submit to the Committee within a period not exceeding ten (10) working days.
- 7.3** The statements and other evidence obtained in the inquiry process will be considered confidential.
- 7.4** The Committee will organize verbal hearings with the complainant and the respondent, in accordance with the principle of natural justice.
- 7.5** During the course of inquiry, the Committee shall make a copy of the findings available to both the Parties enabling them to make representations against the findings before the Committee.
- 7.6** The Committee will take testimonies of other relevant persons and review the evidence wherever necessary. The committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- 7.7** During the inquiry process, the complainant and the respondent shall refrain from any form of threat, intimidation or influencing of witnesses.
- 7.8** The committee will conduct inquiry in accordance with the practices of natural justice, i.e. the Complainant will be offered to the respondent for cross-examination and vice versa.
- 7.9** The Committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidence and relevant statements.
- 7.10** The Committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigating a complaint:
 - 7.10.1** Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents;
 - 7.10.2** Upon completion of the investigation, both parties will be informed of the results of the investigation.
- 7.11** The Committee will 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 a complaint of sexual harassment. In this regard the Committee will also have the discretion to make appropriate interim recommendations in relation to a respondent person (pending the outcome of a complaint) including suspension, transfer, leave, change of work location etc.
- 7.12** The Committee shall have the right to terminate the inquiry proceedings or to give ex-parte decision on the complaint, if the Aggrieved Associate or respondent fails, without sufficient cause, to present herself or himself for three consecutive hearing convened by the Presiding officer, provided fifteen (15) days advance notice is provided to the party concerned, provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- 7.13** The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

7.14 For the purpose of making an inquiry, the Committee shall have the same powers as are vested in the civil court under Code of Civil Procedure, 1908.

7.15 The committee will investigate and prepare an enquiry report with recommendations within ninety (90) days.

7.16 The parties to the complaint shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.

7.17 In conducting the inquiry, a minimum of three members of the Committee including the Presiding Officer, shall be present for the hearing or participate through audio calls.

8.0 Determination Of Compensation -

8.1 For the purpose of determining the sums to be paid to the aggrieved women, the Committee shall have to regard the following:

8.1.1 the mental trauma, pain, suffering and emotional distress caused to the Aggrieved women;

8.1.2 the loss in the career opportunity due to the incident of sexual harassment; medical expenses incurred by the victim for physical or psychiatric treatment;

8.1.3 the income and financial status of the respondent; and

8.1.4 feasibility of such payment in lump sum or in installments

9.0 Prohibition Of Publication Or Making Known Contents

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved women, respondent and witnesses.

10.0 Policy Implementation And Review -

The policy will be implemented and reviewed by the HR department. Lend A Hand India reserves the right to amend, abrogate, modify, rescind / reinstate the entire policy or any part of it at any time.

11.0 References:

- a) Code of Conduct & Ethics Policy of the Organization
- b) POSH Act

ANNEXURE 1**INTERNAL COMPLAINT COMMITTEE MEMBERS**

1. Medha Bankar (Presiding Officer)

Mob.: 82089 16532

Email: medha.bankar@lend-a-hand-india.org

2. Asha Latkar (Member)

Mob.: 9552906122/ 08830944314

Email: asha.latkar@lendahandindia.org

3. Smitha Mundodi (Member)

Mob: 9611128896

Email: smitha.mundodi@lend-a-hand-india.org

4. Rajeshwar Gaikwad
(Member)

Mob: 88301 25261, 95185 17429

Email: rajeshwar.gaikwad@lend-a-hand-india.org

5. Dr. Ujjwala Sakhalkar
(Legal Expert)

Mob: 95185 17429

Email: sakhalkar@gmail.com

Co-ordinator –

Madhura Kulkarni – (HR representative)

Mob: 9890196347

Email: madhura.kulkarni@lend-a-hand-india.org

ANNEXURE – 2**POSH Policy Undertaking**

To,
Lend A Hand India,
Prahlad Arcade, Bhakti marg,
Off Law College Rd, Erandwane, Pune, Maharashtra 411004
India

Subject: Prevention of Sexual Harassment against Women at workplace – Policy undertaking

I, Mr./Ms./Mrs. (name)_____son/daughter of_____Residing at
(address)_____is employee of Lend a Hand India from (date- dd/mm/yyyy)
_____to (date- dd/mm/yyyy)_____.

I give this understanding that I have read and understood the POSH policy and I will refrain myself from involving any of the Activity mentioned in the posh policy and will abide by it. In case of any deviance or Complaint against me, I understand that the legal action can be taken against me.

According to posh policy, by the internal committee or legal proceedings can be initiated against me in the criminal court.

Signature _____

Name of the employee:

Designation:

Date:

Place:



Lend-A-Hand-India

ANNEXURE 3**COMPLAINT FORM (POSH POLICY)**

Instructions:

1. This form, duly filled should be sent to the LAHI POSH Committee presiding officer or any Committee Member. Committee details given on page 2.
2. Page 1 & 2 are to be filled in by the complainant.
3. Soft copy of this form is available with HR

Date: _____

PART IPersonal Information

Name of the Complainant: _____

Address: _____

Contact No.: _____

Department / Project: _____

Position / Job Title: _____

Name of Immediate Supervisor: _____

PART II

Respondent Name: _____

Department: _____

Position / Job Title: _____

Name of immediate supervisor: _____

LAHI INTERNAL COMMITTEE:

1. medha.bankar@lend-a-hand-india.org
2. madhura.kulkarni@lend-a-hand-india.org
3. asha.latkar@lend-a-hand-india.org
4. smitha.mundodi@lendahandindia.org
5. rajeshwar.gaikwad@lend-a-hand-india.org

PART III

Complaint (Please give details of the complaint like date, place, nature and number of incidents. Also any kind of documentary or other evidence. If there is no evidence an affidavit can be made. Witnesses of the incident / incidents, if any should be also mentioned)

Aggrieved woman signature: _____

Date: _____

ANNEXURE 4

SOP POSH Policy –Quick Ref guide

LEND A HAND INDIA				
PROCEDURE TO BE FOLLOWED BY AGGRIEVED WOMAN , Respondent and the Internal Committee				
Step	Action	Who	Period	Reference
1	Written Complaint to be submitted to Committee or any member of the committee (Committee Names - annexure 1 of policy)	1. Any Aggrieved woman 2. IF not possible to her, any Committee member may assist her to make a complaint in writing	1. Within 3 months from date of last incident, 2. Committee can extend the period for further 3 months in case sufficient and reasonable reasons are found by the committee for the aggrieved women been unable to make a complaint. reasons for condoning delay is to be recorded.	clause 6 of posh policy - Complaint redressal mechanism
	The Aggrieved women is required to submit six (6) copies of the complaint along with supporting documents and the names and addresses of the witnesses.			Refer clause 7.1 of POSH Policy
2	The committee member has to decide whether there is prima-facie case of sexual harassment or not if not than the reasons for that is to be recorded and a copy to be given to the complainant	Committee	within 3 working days from the date of committee meeting	
3	If Complaint accepted, notice to be sent to respondent	Committee	Within 7 working days date of meeting	refer clause 6.10 of POSH policy
4	Respondent shall file reply.	Respondent	within 10 working days from the receipt of notice	refer clause 6.11 of POSH policy
5	The Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.	Aggrieved woman, Respondent and Committee members	Before initiating an inquiry	ref clause 6.20 of POSH policy
6	Where a settlement has been arrived, the settlement terms shall be signed by both the parties and shall be provided with a copy of it.	committee	Immediately	refer clause 6.20.2 of POSH policy
7	If settlement is not possible, notice to be sent to aggrieved woman and respondent for hearing.	committee	within a week from the date of settlement.	refer clause 6.3 of POSH policy
8	First hearing of inquiry- to be intimated to Respondent, Aggrieved woman and witness about date, time, venue	committee	7 days in advance of the hearing date (time period)	
9	If Respondent fail to attend 3 consecutive hearings because of no valid reason, enquiry proceeding can be terminated and ex-parte decision can be given on complaint	Committee	15 days notice in advance to be given to the concern party.	refer 6.16 of POSH policy
10	If Aggrieved woman and Respondent wants to ask any questions to each other, it should be in written form and through Committee only. IF committee finds irrelevant questions, can disallow to ask	Respondent / Aggrieved woman		
11	After concluding the investigation, a details reasons report to be submitted to Organization.	Committee	Within 10 days from data of last committee meeting of this complaint	
12	If committee finds allegations against the respondent TRUE, can recommend actions to be taken against respondent to the organization, as per guidelines of POSH Policy.			Refer clause 6.23 of POSH Policy
13	If the Committee finds the complaint / allegation against respondent is malicious OR false complaint with misleading documents, then committee recommend to take action against this falsification.			Refer clause 6.23.3 of POSH Policy
14	If the allegations are proved against the respondent, committee direct the organization to ensure the action against the respondent as per POSH Policy.			Penalty Matrix given on page no. 10 under 'ACTION'
15	Court Practicing Lawyers cannot be part of the inquiry proceedings as per the policy of the organization			Refer clause 7(4)(k) of POSH Policy