



POSH POLICY



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Policy for Prevention of Sexual Harassment at the Workplace (POSH)

OBJECTIVES

Gramin Samaj Kalyan Samiti (GRASS) is committed to fostering a work environment that is free from gender-based discrimination and harassment. In alignment with this commitment, GRASS is dedicated to providing equal employment opportunities for all, ensuring that no one is subject to coercion, intimidation, or exploitation on the basis of gender. The organization values the unique skills, experiences, and perspectives of every individual, promoting an inclusive environment where all members can actively contribute to the success of GRASS.

The organization maintains a strict zero-tolerance policy against sexual or gender-based harassment, intimidation, or humiliation within the workplace. GRASS is fully committed to upholding and enforcing established guidelines and best practices to prevent and address acts of sexual harassment.

Respect and dignity are fundamental to the ethos of GRASS, and the organization unequivocally condemns any form of sexual harassment, discrimination, or intimidation. Furthermore, the organization strictly prohibits retaliation against employees who raise concerns or complaints regarding sexual harassment.

SCOPE AND COVERAGE

This policy is applicable to all employees of GRASS, covering any allegations of sexual harassment made by one employee against another, regardless of whether the incident occurred within the organization's premises or elsewhere during work-related activities. The policy aligns with the constitutional right to life, which includes the right to dignity and the fundamental right to pursue any occupation, trade, or profession in a safe working environment.

The policy is in full accordance with "The Sexual Harassment at Workplace (Prevention, Prohibition, and Redressal) Act, 2013," and "The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Rules, 2013," ensuring protection and redressal for women subjected to sexual harassment in the workplace.

DEFINITIONS

Sexual Harassment: Encompasses any unwelcome acts or behavior, whether directly or implied, including but not limited to:

- Physical contact and advances
- Demands or requests for sexual favors
- Making sexually colored remarks
- Showing pornography or similar material
- Any other unwelcome physical, verbal, or non-verbal conduct of a sexual nature

Circumstances that may constitute sexual harassment include:

- Promises of preferential treatment in employment
- Threats of detrimental treatment or adverse consequences in employment
- Interference with work or the creation of an intimidating, offensive, or hostile work environment
- Humiliating treatment likely to affect an individual's health or safety

Aggrieved Woman: Any woman associated with the workplace, irrespective of her age or status as an employee, who alleges that she has been subjected to sexual harassment by a respondent.

Complainant: The individual who files a complaint, either the aggrieved woman herself or a representative acting on her behalf if she is unable to do so due to physical or mental incapacity, or any other reason.

Member: Any individual associated with the organization, whether permanently or temporarily, on a full-time, part-time, ad-hoc, or daily wage basis, including co-workers, contractors, trainees, apprentices, or volunteers.

Respondent: The individual against whom the complaint of sexual harassment has been filed.

Workplace: Includes all locations associated with the organization's operations, as well as any other places visited by employees during the course of their employment, including transport provided by the organization.

INTERNAL COMMITTEES

The organization shall establish an Internal Committee (IC) to address complaints of sexual harassment. The IC shall comprise:

- A senior-level woman employee as the Lead Member
- At least two members committed to women's welfare or with expertise in social work or legal knowledge

Members of the IC shall resign or be replaced under circumstances such as violation of the policy, involvement in disciplinary proceedings, or being named as a respondent in a complaint. The Executive Committee shall be responsible for nominating replacements as necessary.

GUIDELINES

a) **Confidentiality:** All details related to a complaint, including the identities and addresses of the complainant, respondent, and witnesses, along with information about conciliation and inquiry proceedings, Internal Committee (IC) recommendations, and actions taken, must remain confidential. Disclosure to the public, press, or media is prohibited. Violation of this rule may result in a penalty of at least INR 5,000 (Rupees Five thousand) or other actions as per the terms of engagement. Confidentiality agreements must be signed by the complainant, respondent, and witnesses at the start of the proceedings and upon appearing before the IC.

b) **Public Information:** Information regarding the justice achieved for any victim within the organisation may be shared, provided that the complainant's and witnesses' identities, addresses, or any details leading to their identification are not disclosed.

c) **Assistance in Complaint Filing:** The Lead Member or any member of the IC is responsible for assisting the complainant in drafting the complaint, whether in writing or via electronic mail.

d) **Compensation Determination:** The IC shall consider all legally required factors when determining the compensation to be awarded to the complainant.

e) **False Evidence:** If a witness provides false evidence or presents forged, fabricated, or misleading documents during the inquiry, they may face disciplinary action in line with the applicable engagement rules.

f) **Natural Justice:** The IC must ensure that the principles of natural justice are upheld during complaint hearings, granting both the complainant and respondent a fair opportunity to present their cases.

g) **Report Confidentiality:** The contents of the IC report must be kept confidential by both the IC and the organisation.

h) **Attendance and Cooperation:** Any refusal by a member of the organisation to attend a hearing before the IC when summoned or to provide any documents or information within their possession may be deemed misconduct and could lead to adverse action by the organisation.

i) **Forwarding Recommendations:** All IC recommendations and inquiry reports must be submitted to the Executive Committee for appropriate action.

j) **Prohibition of Retaliation:** The organisation strictly prohibits and will not tolerate any form of retaliation against members who, in good faith, report suspected misconduct, ask questions, or raise concerns.

k) **Disciplinary Action for Retaliation:** Any individual engaging in or encouraging retaliation, directly or indirectly, will face disciplinary action. Retaliation is considered major misconduct and is strictly prohibited, especially in cases involving reports of sexual harassment. Retaliation includes any harmful employment actions taken against individuals. Anyone suspecting or experiencing retaliation should report it to Human Resources. If a retaliation complaint is not promptly addressed, it can be escalated to the Executive Committee. Retaliation cases are treated as seriously as the original harassment complaints, even if the harassment complaint is not substantiated.

PROCESS

Complaint of Sexual Harassment

a) **Filing Period:** A complainant must submit a written complaint of sexual harassment to the Internal Committee (IC) within three months of the incident. In cases of multiple incidents, the complaint should be filed within three months of the most recent incident. The IC may extend this deadline by up to three additional months if the complainant provides valid reasons for the delay.

b) **Filing Due to Physical Incapacity:** If the complainant is unable to file the complaint due to physical incapacity, it may be filed by a relative, friend, co-worker, an officer of the National Commission for Women or State Women's Commission, or any other person with the complainant's written consent.

c) **Filing Due to Mental Incapacity:** If the complainant is unable to file the complaint due to mental incapacity, the complaint may be submitted by a relative, friend, special educator, qualified psychiatrist or psychologist, guardian, or any knowledgeable person, in collaboration with the complainant's relative, friend, special educator, qualified psychiatrist or psychologist, or guardian.

d) **Filing Due to Other Reasons:** If the complainant is unable to file the complaint for any other reason, the complaint may be submitted by any person with the complainant's written consent.

e) **Filing on Behalf of a Deceased Complainant:** If the complainant is deceased, a complaint may be filed by any person with the written consent of the complainant's legal heir.

f) **Submission of the Complaint:** The complainant may notify any IC member and submit a written complaint.

g) **Details to Include in the Complaint:** The complainant should provide a detailed account of the complaint, including any supporting documents, specifics of the alleged incident(s), the respondent's name and details, and the names and addresses of any witnesses, to an IC member.

h) **Oral Complaints:** Depending on the circumstances, the IC may accept oral complaints. These will be documented in writing, and the complainant's signature will be obtained to confirm the details.

Conciliation

a) **Initiation of Conciliation:** Before beginning an inquiry, the Internal Committee (IC) may, at the Complainant's request, facilitate a settlement between the Complainant and the Respondent through conciliation. It is important to note that any settlement reached through conciliation must not involve a monetary component.

b) **Documentation of Settlement:** If a settlement is successfully reached, the IC will document the terms of the agreement and forward the details to the Executive Director - Human Resources, who will take action as recommended by the IC.

c) **Distribution of Settlement Copies:** The IC will provide copies of the recorded settlement to both the Complainant and the Respondent. Once a conciliation agreement is reached, the IC will not be required to conduct any further inquiry into the matter.

Inquiry

a) **Non-Compliance with Settlement:** If the Respondent fails to adhere to any term or condition of the settlement, the Internal Committee (IC) will initiate an inquiry into the complaint.

b) **Notification to Respondent:** Upon receipt of the complaint, the IC will send details or copies of the complaint to the Respondent within 7 working days.

c) **Respondent's Reply:** The Respondent must submit their response to the complaint, along with any relevant documents and the names and addresses of witnesses, within 3 working days of receiving the complaint.

d) **Rejoinder:** The Complainant may file a rejoinder to the Respondent's reply within 7 working days of receiving it or opt to proceed directly to a personal hearing.

e) **Surrejoinder:** If a rejoinder is filed by the Complainant, the Respondent may submit a surrejoinder within 3 working days of receiving the rejoinder or proceed to a personal hearing.

f) **Inquiry Procedure:** The IC will conduct the inquiry following the principles of natural justice, ensuring that all parties are notified of the time and date of meetings at least 2 days in advance.

g) **Committee Composition:** A minimum of 3 IC members, including the Lead Member, must be present during the inquiry. If this quorum is not met, the Executive Committee may appoint alternate members.

h) **Power to Summon:** The IC has the authority to summon individuals, require their attendance, examine them, and request necessary documents for the inquiry.

i) **Failure to Appear:** If either the Complainant or the Respondent fails to attend three consecutive hearings without valid reason, and provided that a 15-day advance notice has been given, the IC may terminate the inquiry or issue an ex-parte decision.

j) **Representation:** Legal practitioners are not permitted to represent either party during the inquiry. However, each party may be accompanied by a supportive colleague who may not interfere with the proceedings unless allowed by the IC.

k) **Confidentiality:** All colleagues and witnesses involved in the inquiry must maintain confidentiality and sign non-disclosure agreements.

l) **Opportunity to be Heard:** Both the Complainant and the Respondent will be given the opportunity to present their case, and a copy of the findings will be provided to both parties, allowing them to make representations against the findings if desired.

m) **Completion Timeframe:** The inquiry must be completed within 60 days from the date the complaint is received.

Action during Pendency of Inquiry

a) While an inquiry is pending, the Internal Committee (IC) may recommend the following measures upon receiving a written request from the Complainant:

i) Transfer the Aggrieved Woman or the Respondent to a different workplace.

ii) Grant leave to the Aggrieved Woman for up to 3 months.

iii) Provide any other relief to the Aggrieved Woman as prescribed by applicable law.

iv) Prevent the Respondent from evaluating the Aggrieved Woman's work performance or preparing her confidential report, and assign these tasks to another officer.

b) The Executive Committee will act on the recommendations provided by the Internal Committee (IC) and will report back to the IC on the implementation of these measures.

Inquiry Report and Actions

a) Upon completing the inquiry, the Internal Committee (IC) must submit a written report of its findings to the Executive Committee within 10 days. The report should also be shared with the concerned parties.

b) If the Internal Committee (IC) determines that the allegation against the Respondent is not substantiated, it will recommend to the Executive Committee that no further action is required.

c) If the Internal Committee (IC) finds the allegation to be substantiated, it will provide written recommendations to the Executive Committee for appropriate action. Possible actions may include:

i) A written apology from the Respondent.

ii) Issuing a letter of warning to be placed in the Respondent's personal file.

iii) Reprimand or censure.

iv) Immediate transfer or suspension without pay.

v) Termination from service.

vi) Withholding of pay rise or increments.

vii) Mandatory counseling sessions.

viii) Community service.

ix) Filing a First Information Report (FIR) if the alleged act constitutes an offence under the Indian Penal Code.

x) Deducting amounts from the Respondent's salary, wages, or retainer-ship fee to be paid to the Aggrieved Woman or her legal heirs.

xi) Any other action deemed appropriate by the Internal Committee (IC) given the case circumstances.

d) If the organization is unable to deduct amounts from the Respondent's salary, retainer-ship fee, or termination benefits due to their absence or cessation of employment, it may direct the Respondent to pay the sum to the Complainant within 30 days. If the Respondent fails to comply, the Internal Committee (IC) may forward the order for recovery as an arrear of land revenue to the district officer in accordance with the Act.

e) The organization must implement the Internal Committee (IC)'s recommendations within 30 days of receiving them.

Malicious Complaint

a) If the Internal Committee (IC) determines that the allegation against the Respondent is malicious or that the Complainant knowingly made a false complaint or submitted forged, fabricated, or misleading documents, the IC may recommend that the organization take appropriate action against the Complainant in line with organizational policies or applicable law.

b) The inability to substantiate a complaint or provide sufficient proof alone does not warrant action against the Complainant. Any recommendation for action against the Complainant must be based on evidence of malicious intent established through the inquiry process.

Appeal

If any person is dissatisfied with the recommendations made by the Internal Committee (IC) or the non-implementation of such recommendations, they may appeal to the relevant authority, as specified by law, within 90 (ninety) days of receiving the recommendations.

ROLES & RESPONSIBILITIES

Members are responsible for upholding the Code of Conduct and statutory guidelines as follows:

i) Read, understand, and comply with the terms of this Policy.

ii) Use the mechanisms provided by this Policy to report complaints or issues related to Sexual Harassment or similar matters.

- iii) Promptly forward any written complaints from an Aggrieved Woman to the Internal Committee (IC) and support or cooperate during investigations.
- iv) Adhere to all applicable laws, organizational policies, and procedures.
- v) Avoid engaging in any prohibited or inappropriate behaviors or activities while representing the organization.
- vi) Acknowledge that the organization takes allegations seriously and will require cooperation in any investigations.
- vii) Participate in the investigation procedure if a complaint is filed. If choosing not to participate or to withdraw a complaint, it must be formally documented; management will still review the findings of the complaint.
- viii) Provide complete and truthful information and assist with investigations into alleged Policy violations.
- ix) Handle all information related to known or suspected violations of this Policy with discretion and confidentiality.
- x) Refrain from conducting personal investigations into suspected violations; involve the Internal Committee (IC) as required.
- xi) Exemplify appropriate workplace behavior and ethical standards.

Manager / Team Leader

- a) A Manager / Team Leader is any individual responsible for overseeing work outcomes and who has a reporting relationship with the Complainant within the organization.
- b) In addition to the general responsibilities outlined for Members, the Manager / Team Leader has specific duties as a custodian of the Code of Conduct and statutory guidelines, including:
 - i) If a Member or stakeholder reports Sexual Harassment to the Manager / Team Leader, it is their responsibility to instruct the Complainant to submit a written or electronic complaint to the Internal Committee (IC).
 - ii) Provide comprehensive support to the Internal Committee (IC) during the investigation process.
 - iii) Maintain a thorough understanding of relevant laws and answer inquiries about policies and procedures.
 - iv) Immediately forward any report or complaint regarding violations of this Policy, along with all relevant information, to the Executive Director - Human Resources.
 - v) Handle all disclosed information with confidentiality, ensuring it is shared only on a “need-to-know” basis.
 - vi) Refrain from conducting any investigation or verification of information unless directed by the Internal Committee (IC).
 - vii) Fully cooperate with and assist the Internal Committee (IC) to ensure a swift and thorough investigation.
 - viii) Facilitate the attendance of the Complainant, Respondent, witnesses, and related parties at inquiry proceedings as scheduled.
 - ix) Implement all corrective actions and remedial measures as prescribed in the final decision.
 - x) Ensure that all Members are informed about and understand the organization’s Policy.
 - xi) Enforce a zero-tolerance stance against retaliation and Sexual Harassment.
 - xii) Exemplify proper workplace behavior and uphold ethical standards in accordance with the Code of Conduct.

Human Resources

- Human Resources team members have the same responsibilities as any other member, with additional responsibilities as custodians of the Code of Conduct and statutory guidelines, including:
- i) Providing access to information, policies, and procedures through the Organisation’s Intranet and periodic mailers.
 - ii) Recording any written complaints and promptly forwarding them to the Internal Committee (IC), while offering full support for the inquiry process.
 - iii) Ensuring clear communication of the Policy to Members and stakeholders.
 - iv) Avoiding independent investigation or verification of complaints unless directed by the Internal Committee (IC).
 - v) Implementing all corrective measures and remedies as outlined in the final decision.
 - vi) Exemplifying proper workplace behaviour and ethical standards in accordance with the Code of Conduct.

Internal Committee (IC)

Members of the Internal Committee (IC) share the same responsibilities as other members, with additional duties as custodians of the Code of Conduct and statutory guidelines. These responsibilities include:

- i) Assessing situations, conducting investigations, and delivering verdicts with fairness.
- ii) Carrying out the inquiry process and recommending appropriate actions in compliance with statutory requirements.
- iii) Informing all involved parties of the inquiry proceedings in a timely and written manner.
- iv) Upholding the principles of natural justice, treating all individuals involved with dignity and respect.
- v) Submitting an annual report to the Executive Committee detailing all cases and actions taken.
- vi) Ensuring confidentiality of disclosed information and sharing confidential information only on a "need-to-know" basis.
- vii) Assisting members who experience Sexual Harassment outside the organisation in filing complaints with the appropriate authorities.
- viii) Setting an example of proper workplace behaviour and ethical standards in line with the Code of Conduct.
- ix) Indicating in the report if the offence falls under the Indian Penal Code and initiating appropriate action for making a police complaint if necessary.

The Organisation

The organisation is committed to ensuring a safe working environment free from harassment, bias, and prejudice. To uphold this commitment, the Executive Committee will:

- i) Address sexual harassment as a form of misconduct according to the organisation's policies and take appropriate action.
- ii) Promote respectful and dignified behaviour at all times across the workplace.
- iii) Maintain zero tolerance towards any acts of sexual harassment.
- iv) Publicly disclose the names and contact details of all Internal Committee (IC) members.
- v) Display the penal consequences of sexual harassment prominently in the workplace and on the Intranet.
- vi) Regularly organise workshops and awareness programs to educate members about the provisions of this policy.
- vii) Conduct orientation and skill-building programs for members of the Internal Committee (IC).
- viii) Provide necessary facilities, including administrative and secretarial support, to the Internal Committee (IC) for handling complaints, conducting inquiries, recording statements, and preparing reports.
- ix) Assist in securing the attendance of the respondent and witnesses before the Internal Committee (IC) and provide any required information regarding the complaint.
- x) Support the complainant if they choose to file a complaint related to the offence under the Indian Penal Code (refer Annexure 2).
- xi) Initiate action under the Indian Penal Code or any other applicable law against the respondent if requested by the complainant, or in cases where the respondent is not a member of the organisation but was involved in the incident of sexual harassment.
- xii) Oversee the timely submission of reports by the Internal Committee (IC).
- xiii) At its discretion, offer additional support to the aggrieved woman, which may include: 1. Transfer options for the aggrieved woman or the respondent, if proven guilty, to a different location. 2. Role or department changes, if feasible. 3. Support for professional counselling. 4. Compensation for mental trauma, pain, distress, or loss of career opportunities, based on relevant factors including the respondent's salary/retainer-ship fee and financial status.
- xiv) At its discretion, appoint a senior legal professional within the organisation to assist with responsibilities related to the Internal Committee (IC) and to support the implementation of this policy.

EXCEPTIONS

Any exception to this Policy requires the approval of the Executive Committee of the Organisation.

AMENDMENTS

The Executive Committee reserves the right to amend this Policy as needed to comply with any new or updated laws, rules, or regulations related to sexual harassment. The most current version of the Policy, including the composition of the Internal Committee (IC), will be available on the Organisation's intranet.

In accordance with the Indian Penal Code, Section 354A has been introduced to classify certain acts of sexual harassment as 'cognizable offences'. This means that individuals charged with sexual harassment can be arrested without a warrant. Section 354A defines the following acts as offences of sexual harassment:

1. **Sexual Harassment Acts:**

- Physical contact and advances involving unwelcome and explicit sexual overtures
- Demands or requests for sexual favours
- Showing pornography against a woman's will
- Making sexually coloured remarks

2. **Penalties:**

- For acts listed in clauses (i), (ii), or (iii) above: rigorous imprisonment for up to 3 years, a fine, or both
- For acts listed in clause (iv) above: imprisonment for up to 1 year, a fine, or both

In addition to Section 354A, acts of sexual harassment may also fall under other IPC offences, such as assault or criminal force to a woman with intent to outrage her modesty, voyeurism, stalking, rape, and any word, gesture, or act intended to insult a woman's modesty.

COMMITTEE MEMBERS

1. Deepa Sirari, Lead Member
2. Chandra Bisht, Member
3. Meena Arya, Member
4. Jaya Pant, Member
5. Prema Bisht, Member