

**POLICY ON
PREVENTION
OF SEXUAL
HARASSMENT
(POSH) AT
WORKPLACE**



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INTRODUCTION

Conference of Religious Women India (CRWI) established in 1981 is a fraternal association of Catholic Religious Women's (Sisters / Nuns) Congregations working in India. It supports the formation of empowered women who become catalysts for change, preparing them to handle challenges and carry out their crucial ministries in Education, Healthcare and Social Development. CRWI in coming years aspire to empower sisters to become assertive and remain dignified while playing creative roles within the church through developing leadership skills. CRWI has a vision to uphold the equality, freedom and dignity of men and women religious. At the same time, CRWI is sensitive to ensure that workplace for women remain safe and consider its own responsibility.

CRWI believes that all employees have a right to be treated with respect and dignity. The organization is committed for creating a healthy working environment that enables employees to work without fear or prejudice, gender bias or sexual harassment.

The objective of the policy is to provide its employees a workplace, free from sexual harassment/ discrimination and wherein every employee is treated with dignity and respect.

PURPOSE

To create and maintain safe work environment, free from sexual harassment & discrimination for all its employees. Establish guidelines as per the guidelines of "The Sexual harassment of women



at workplace (prevention, prohibition & redressal) Act, 2013.

COMMITMENT

CRWI is committed to providing a work environment that ensures every employee is treated with dignity and respect and afforded equitable treatment. The organization is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity. The Organization will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees are not subjected to any form of sexual harassment.

1. SCOPE:

This policy applies to all categories of employees of the Organization, including all employees on rolls and workers, temporary staff, trainees, consultants, advisers, and employees on contract at its workplace or at visits to partner catholic organizations runs by sisters, IMD office and Bengaluru administrative office. The Organization will not tolerate sexual harassment, if engaged in by partners, or by suppliers or any other associates of the organization.

The workplace includes:

- i. All offices or other premises where the Organization's activities are conducted including Work from Home.
- ii. All Organization-related activities performed at any



other site away from the Organization's premises or during travel to such other place.

- iii. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

DEFINITION OF TERMS

a) **“Complainant”** means, in relation to a workplace, a man or a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

b) **“Employer”** means and includes.

- i. Management
- ii. Any person(s) or board or committee responsible for the formulation and administration of policies that enables management, supervision, and control of the workplace.

(c) **“Employee”** includes all categories of employees of CRWI either working part-time or full time:

- Employees on rolls
- Temporary employees
- Trainees
- Contract employees
- Consultants
- Advisers



(d) **“Internal Committee (IC)”** means a committee constituted by the employer for the purpose of dealing with all matters in relation to or connected with sexual harassment at the workplace.

(e) **“Respondent”** means a person against whom the complainant has made a complaint.

(f) **“Sexual harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:

- Physical contact and advances; or
- A demand or request for sexual favors; or
- Making sexually colored remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

CONSTITUENTS OF SEXUAL HARASSMENT:

Sexual Harassment is said to exist on occurrence of either or all the following events:

- a. Conduct Must Be Unwelcomed, Unwanted, Uninvited, Unreasonable, And Offensive to The Complainant Which Adversely Affects the Dignity of The Complainant.
- b. Physical Contact Is Not an Essential Factor for Sexual Harassment.



- c. A Person's Rejection of Or Submission to Such Conduct Is Used Explicitly or Implicitly as A Basis for A Decision Which Affects That Person's Job.
- d. Conduct That Creates an Intimidating, Hostile or Humiliating Working Environment for The Complainant.
- e. The Following Is Illustrative List of Some of The Acts or Incidents Which May Be Termed as Sexual Harassment:
- f. Malicious Leering or Ogling
- g. Suggestive Comments/Smutty Jokes or Sending These Through Text, Electronic Mail or Other Similar Means, Causing Embarrassment or Offense and Carried Out After the Offender Has Been Advised That They Are Offensive or Embarrassing Or, Even Without Such Advice, When They Are by Their Nature Clearly Embarrassing, Offensive or Vulgar
- h. Display Of Sexually Offensive Pictures, Screen Savers, Posters, Materials, Or Graffiti
- i. Unwelcome Inquiries or Comments About a Person's Sex Life or Private Life or Body
- j. Unwelcome Sexual Flirtation, Advances, Propositions
- k. Making Offensive Hand or Body Gestures at An Employee
- l. Persistent Unwanted Attention with Sexual Overtones
- m. Unwelcome Phone Calls with Sexual Overtones Causing Discomfort, Embarrassment, Offense, or Insult to The Receiver
- n. Unwelcome Touching or Brushing, Hugging or



Kissing

- o. Sexual Assault
- p. Requesting For Sexual Favor in Exchange for Employment, Promotion, Local or Foreign Travels, Favorable Working Conditions or Assignments, A Passing Grade, The Granting of Honors or Scholarship, Or the Grant of Benefits or Payment of a Stipend or Allowance,
- q. Derogatory Or Degrading Remarks or Innuendoes Directed Toward the Members of One Sex, Or One's Sexual Orientation or Used to Describe a Person
- r. Verbal Abuse with Sexual Overtones
- s. Unwanted Invitations to Go Out on Dates or Requests for Sex
- t. Unnecessary Familiarity, Such as Deliberately Brushing Up Against Someone
- u. Insults Or Taunts of a Sexual Nature
- v. Sexually Explicit Emails or SMS Messages
- w. Accessing Sexually Explicit Internet Sites
- x. Inappropriate Advances on Social Networking Sites

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

RESPONSIBILITY OF EMPLOYER

- iv. **Notification:** The employer has notified the constitution of the IC and the penal consequences



of Sexual Harassment. The notification is circulated to all staff by e-mail. the Notification is also displayed at prominent place in CRWI Office premises.

- V. **Provide necessary facilities & assistance to the IC:** The employer shall provide all the required infrastructure, facilities, and assistance for dealing with the complaint and conducting an inquiry.
- Vi. **Provide assistance to complainant:** Employer shall offer Assistance to the complainant if he/she so chooses to file a complaint in relation to the offence under the Indian Penal Code (IPC) or any other law.
- Vii. **Initiate action under IPC:** Employer shall cause to initiate action under the IPC or any other law against the perpetrator, or if the complainant so desires, where the person is not an employee, in the workplace at which the incident of sexual harassment took place.
- Viii. **Treat Sexual Harassment at workplace as misconduct:** Treat sexual harassment as misconduct under the service rules and initiate action for such misconduct.

RESPONSIBILITIES OF EMPLOYEES:

- i. All employees of the Organization have a personal responsibility to ensure that their behavior follows this policy.
- ii. All employees are encouraged to reinforce the



maintenance of a work environment free from sexual harassment. That is, an Employee who notices any kind of sexual harassment against any co-employee or receives any information in good faith about any kind of sexual harassment at the workplace is also encouraged to report such incidents.

ROLES & RESPONSIBILITIES OF IC:

- i. IC shall ensure effective implementation of the Prevention of Sexual Harassment (POSH) policy of the organization.
- ii. IC may at periodic intervals organize workshops and training programs on sexual harassment in conjunction with the Human Resources department.
- iii. IC may at periodic intervals formulate programs for creating awareness of the policy amongst the employer and employees of the organization.
- iv. IC may from time to time bring out internal publications on Prevention of Sexual harassment and matters concerning implementation of this policy.
- v. IC shall prepare an Annual Report on its functioning and submit the same to the employer every year.
- vi. IC shall conduct an inquiry into the complaint according to the procedures established by law.
- vii. IC shall ensure and supervise the proper



constitution and functioning of the Sub-Committee for investigation of complaints.

- viii. IC shall take into consideration and discuss on each and every instance of sexual harassment that the organization may have come across, including during exit interviews, gossips, rumors.
- ix. IC shall recommend to the employer to take appropriate preventive steps sometimes.

COMPLAINT MECHANISM:

An appropriate complaint mechanism in the form of “Internal Committee” has been created by the employer for time-bound redressal of the complaint made by the complainant.

INTERNAL COMPLAINTS COMMITTEE (IC):

1. The Employer has constituted an Internal Complaints Committee for redressal of sexual harassment complaint.
2. In accordance with the sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee will comprise of the following:
 - i. Chairperson (Presiding Officer)- Shall be a woman employed at a senior level at workplace amongst the employees.
 - ii. Three members- Shall be amongst employees preferably committed to the cause of woman.
 - iii. One external Member who is possessing



adequate expertise on gender equality and sexual harassment at workplace.

iv. Provided that at least one-half of the total Members so nominated shall be women.

3. The Internal Committee is responsible for:

- i. Investigating every formal written complaint of sexual harassment.
- ii. Recommending appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
- iii. Discouraging and preventing employment-related sexual harassment and to make recommendations to the employer in this regard.

4. Tenure - The tenure of the committee will be for three years. The Employer shall reconstitute the committee 3 years after the date of formation of IC. In the event vacancy arises due to resignation, voluntary withdrawal or otherwise by any member of IC before the expiry of tenure, Employer shall exercise its right to reconstitute the committee within (15) fifteen working days from the date when such a vacancy arises.

5. Meeting-IC shall meet at regular intervals.

6. Quorum- At least 50% of IC members must be present to make the proceedings of IC meeting valid. If the quorum is not available in a meeting, then the meeting should be adjourned, notifying a specific date. If a quorum Not present even in the adjourned meeting, the meeting can be held as valid.



7. Formation of sub committees- on receipt of complaint, IC may form subcommittee. The Presiding Officer and external member should be members of the subcommittee. The subcommittee should consist of at least 3 members including presiding officer and external member.

8. Powers of IC: The IC shall have the following powers:

- i. Summoning and enforcing the attendance of any person and examining him/her on oath.
- ii. Requiring the discovery and production of documents; and
- iii. Any other matter which may be prescribed.

2. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

The Organization is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

Informal Resolution Options:

- i. When an incident of sexual harassment occurs, the victim of such conduct can communicate his/her disapproval and objections immediately to the harasser and request the harasser to behave appropriately.
- i. If the harassment does not stop or if victim is not comfortable with addressing the harasser directly,



she/he can bring her/his concern to the attention of the IC for redressal of his/her grievances.

- ii. IC will thereafter provide advice or extend support as requested and will undertake prompt investigation to resolve the matter.

Complaints:

- ii. Any employee with a sexual harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer of IC constituted by the Employer.
- i. Alternatively, the complainant shall submit written Complaint to any member of IC along with supporting documents, if any and the names and addresses of the witnesses if any, in writing and may either be in the form of a letter, preferably within 3 months from the date of occurrence of the alleged incident, sent in a sealed envelope or by email addressed to ICC members.

The complainant is required to disclose the following:

- i. the full name and address of the complainant.
- ii. the full name and address of the respondent.
- iii. a specification of the charge or charges.
- iv. a brief statement of the relevant and material facts.

To enable the Presiding Officer to contact him/her and take



the matter forward.

The IC is empowered to extend the time limit not exceeding three months for the reasons to be recorded if it is satisfied that the circumstances were such which prevented the person from filing the complaint within the said period.

The complaint may also be forwarded by the employer.

The Presiding Officer or any member may also render reasonable assistance to the person for making any complaint in writing if the person cannot make the complaint in writing.

Legal heirs or such other persons may also make the complaint if the complainant is unable to make the complaint on account of his/her physical or mental incapacity or death or otherwise.

1. The IC shall send either a copy of the complaint or abstract (if complainant identity is not to be revealed to respondent) to the respondent within 7 working days.
2. The respondent shall file his/her reply to the Complaint along with supporting documents if any, and the names and addresses of the witnesses if any, within a period not exceeding 10 working days from the date of receipt of the complaint.
3. The IC have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (complainant)



or Harasser (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Presiding Officer as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 days (about 2 weeks) in advance, to the party concerned.

A withdrawal of the complaint made or filed at any stage of the proceedings shall not preclude the IC from proceeding with the case investigation.

If so requested by the complainant, pending completion of the inquiry, the IC may recommend Employer to (a) transfer the complainant or the respondent to any other workplace; or (b) grant leave to the complainant; or (c) grant such other relief to the complainant or recommend appropriate restraint orders against the respondent as may be prescribed by rules of the organization. The Employer shall implement such recommendations and send a report of such implementation to the IC.

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

The IC shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as soon as practically possible and in any case, not later than 10 days (about 1 and a half weeks) from the date of completion of inquiry. The Employer shall act upon the recommendation within 60 days



(about 2 months) and communicate the same to the IC.

The inquiry report shall also be made available to concerned parties.

3. MANNER OF TAKING ACTION AGAINST THE RESPONDENT:

A. Conciliation

- i. The complainant may request the IC to take steps to settle the matter between complainant and the respondent through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
- ii. The IC shall then record the settlement so arrived and forward it to the employer to act as specified in the recommendation.
- iii. The IC shall also provide the copies of the settlement to the complainant and the respondent.
- iv. Where a settlement is arrived under conciliation, no further inquiry shall be conducted by the IC.

B. Inquiry into Complaint

- A) If the complaint is not addressed through "conciliation procedure," IC shall initiate inquiry. Inquiry shall also be initiated if there is



breach of terms set out in “Conciliation Settlement.”

- B) The IC shall follow the prescribed procedures as laid down under the Act and Rules to conduct the inquiry and submission of the Inquiry Report.
- C) IC shall abide by the principles of natural justice and shall give “opportunity of being heard” to both the parties.
- D) The inquiry shall be completed within ninety days. The IC shall forward the copy of findings to both the parties to make representation against findings of the IC.
- E) On completion of proceedings of inquiry, IC shall prepare Report on the findings and share with complainant, respondent & employer.
- F) Where the IC arrives at the conclusion that the allegation against the respondents has been proved, it shall recommend to the employer to take one or more of the following actions:
 - a) Written apology;
 - b) Warning;
 - c) Reprimand or Censure.
 - d) Withholding of Promotion.
 - e) Withholding of pay raise or increments.
 - f) Terminating the respondent from service.
 - g) Undergoing a counselling session or carrying out community service.
 - h) Monetary compensation by Respondent to Complainant. While arriving at monetary settlement,



IC shall have regard to:

- i) The mental trauma, pain, suffering, and emotional distress caused to the complainant.
- j) the loss in the career opportunity due to the incident of sexual harassment.
- k) Medical expenses incurred by the complainant for physical or psychiatric treatment.
- l) the income and financial status of the respondent.
- m) Feasibility of such payment in lump sums or in instalments.

C. Virtual Inquiry proceedings

While the inquiry/ conciliation proceedings shall ordinarily be conducted face-to-face with the parties and witnesses physically appearing for meetings at the office premises or any other location specified by the IC, in certain circumstances, the IC may allow the parties or witnesses to appear before it through videoconference or telephonic means. In such situations, the following guidelines shall also be observed:

- 1) Videoconference or telephonic proceedings shall be conducted only with the consent of the parties and witnesses involved.
- 2) The parties or witnesses required to depose before the IC shall be given enough notice of 24 hours to ensure they have enough time to set up the infrastructure required for taking a



video-conference call.

- 3) The IC members/ parties/ witnesses to any inquiry or conciliation will be bound by the same standards of confidentiality as in the case of face-to-face proceedings. Audio or video recording of proceedings shall not be permitted. The IC member/party/ witness appearing through virtual means must ensure that they are alone in the room when taking the call and that no part of information relating to the proceedings is made known to any unauthorized individual.
- 4) Parties/ witnesses will be sent a copy of the minutes of meetings or other relevant documentation (such as inquiry/ findings reports, evidence etc.) via email.
- 5) All communication (including consent, confirmations, questions, comments, responses, statements) shall be made through email and/or with digital signatures.
- 6) If videoconference or telephonic proceedings are not feasible, the IC may postpone the same until physical meetings can be conducted.



D. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE

Where IC arrives at a conclusion that the allegation against the respondent is malicious or the complainant has made the complaint knowing it to be false or the complainant making the complaint has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to her or him.

E. CONFIDENTIALITY

The Organization understands that it is difficult for the complainant to come forward with a complaint of sexual harassment and recognizes the complainant's interest in keeping the matter confidential. To protect the interests of the complainant, the accused person and others who may report incidents of sexual harassment, confidentiality shall be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

F. ACCESS TO REPORTS AND DOCUMENTS

All records of complaints, including contents of meetings, results of investigations and other relevant material shall be kept confidential by the Organization except where disclosure is required under disciplinary or other remedial processes.

G. PROTECTION TO COMPLAINANT / VICTIM

The Organization is committed to ensuring that no employee



who brings forward a sexual harassment concern is subject to any form of reprisal or retaliation. Any reprisal or retaliation shall be subject to disciplinary action.

The Organization shall ensure that complainant or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

H. REVISIONS TO THE POLICY

The Employer/IC may review or modify this Policy, if required, to make its enforcement more expedient or to accommodate any changes in the law.

I. CONCLUSION

In conclusion, the Organization reiterates its commitment to providing all its employees, a workplace free from harassment/ discrimination and where every employee is treated with dignity and respect

This is to acknowledge that I have received a copy of the Policy on Sexual Harassment of Women at Workplace as per the law The Protection of Women from Sexual Harassment Act, 2013. This Policy formulated as per the aforesaid mentioned law sets forth the policies and the modalities for administering those pertaining to sexual harassment. I understand and agree that it is my responsibility to read and familiarize myself with all the provisions of the Policy. I understand that under the provisions



of this Policy, the Organization reserves the right to amend, modify, rescind, delete, supplement or add to the provisions of this Policy as it deems appropriate from time to time in its sole and absolute discretion. The Organization will provide notification of any changes as they occur. I am committed to abide by the policy and to act in a professional manner that will respect the dignity of our colleagues, seniors, subordinates & visitors.

Date:

Signed: (Employee/ Third Party)

Place: