

RAJAGIRI outREACH

POLICY ON PROTECTION OF SEXUAL EXPLOITATION AND ABUSE (PSEA)

The right to be protected from sexual harassment and sexual assault is guaranteed by the Constitution of India. This right is reiterated by the Directive Principles of State Policy contained in the Constitution, which are to be construed harmoniously with the fundamental rights. Crimes against women are an unacceptable violation of several human rights demanding strict punishment with deterrence to prevent similar crimes in future. Considering that sexual harassment of women at the workplace is still rampant in India, Parliament has enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Policy on Protection of Sexual Exploitation and Abuse (PSEA) framed as per guidelines stipulated in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Prevention of Sexual Harassment Act 2013”) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

This policy is deemed to be incorporated in the service conditions of all the Employees and comes into effect on April 01, 2022.

Why this Policy?

Rajagiri outREACH is committed provide a conducive atmosphere for the professional growth of all employees with an equal employment opportunity and a safe working environment that helps the employees to work without fear of exploitation, intimidation, harassment (in all forms) and discrimination based on gender, caste, creed and/or religion. As a Social Work agency where the people from all spheres of community visits or contacts, the agency is responsible to ensure that all its clients are treated with dignity and it is a safer place for all to approach. Hence Sexual harassment at work place or other than work place, if involving employees, is demeaning, offensive, a grave misconduct and is, therefore, punishable.

Scope of the Policy

Whom and when it is applicable?

- a. All those who are employed with Rajagiri outREACH including but not limited to permanent, temporary or contractual employees ("Employee(s)");
- b. All new individuals inducted in Rajagiri outREACH for employment;
- c. All those who visit the premises of Rajagiri outREACH for any purpose, such as clients, partners, volunteers, visitors etc. or anyone who is some way connected to Rajagiri outREACH as clients, partners, volunteers or in any other capacity ;
- d. All those who associated with Rajagiri outREACH as clients, customers, partners, volunteers whose premises the Employees visit during the course of service;
- e. An alleged act of sexual harassment against the Employee, whether the incident has occurred during or beyond office hours;
- f. An alleged act of sexual harassment against the Employee, whether sexual harassment has taken place within or outside the office premises; eg. Interactions arising as a result of employment within the office or in field
- g. Sexual harassment can occur between persons of different sexes or of the same sex.
- h. Sexual harassment most often exploits a relationship between persons of unequal power (such as between a supervisor and Employee), it may also occur between persons of equal power (such as between co-workers), or in some circumstances, even where it appears that the harasser has less power than the person harassed (for example, a junior Employee sexually harassing a senior colleague).
- i. Lack of intent to harass may be relevant to, but will not be determinative of, whether sexual harassment has occurred.

Which is the Work Place?

- a. The premises of Rajagiri outREACH and Rajagiri college of Social Sciences, Kalamassery
- b. Chapter offices and Project offices of Rajagiri OutREACH
- c. The houses/communities where the employees visits to render the service of Rajagiri outREACH
- d. Any places/offices where the staff visits for official purpose eg.to attend meeting, training
- e. Any places/vehicles during the travel related to official need

What is Sexual Harassment?

Sexual Harassment as defined by the Honorable Supreme Court of India: "Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as: According to Section 2(n) of the POSH Act, any of the following (either directly or by implication) shall include sexual harassment

1. physical contact and advances

2. a demand or request for sexual favors
3. sexually colored remarks or remarks of a sexual nature about a person's clothing or body
4. showing pornography, making or posting sexual pranks, sexual teasing, sexual jokes, sexual demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS etc
5. repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes
6. giving gifts or leaving objects that are sexually suggestive
7. eve teasing, physical confinement against one's will or any such act likely to intrude upon one's privacy
8. persistent watching, following, contacting of a person
9. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Section 3 of the POSH Act further widens the definition of sexual harassment by stating that any of the following also amount to sexual harassment:

1. implied or explicit promise of preferential treatment in the victim's employment
2. implied or explicit threat of detrimental treatment in the victim's employment
3. implied or explicit threat about the victim's present or future employment status
4. interferes with the victim's work or creating an intimidating or offensive or hostile work environment for her and
5. humiliating treatment likely to affect the victim's health or safety.

All the above and similar acts are prohibited through any mode of communication including in person, over the phone, on voice mail, through pen and paper, on e-mail, through chat, through SMS or any other form of communication.

Policy

- a) Any form of sexual harassment, subtle or otherwise, shall not be tolerated; violators shall be subject to disciplinary action including termination or transfer or criminal prosecution.
- b) Sexual harassment complaints may be filed regardless of whether or not the behavior characteristic of sexual harassment occurred on or off duty.

- c) Any complaint of sexual harassment shall be acted upon on receipt complaint or suomoto on any staff becoming aware and inform the Project Director about it. Project Director for the purpose of this clause refers to the Management
- d) Project Managers/Project in charge who know that offensive sex based behavior was occurring on or off duty, or have been made aware of the behavior occurring off duty, and did not take timely action to inform the Project Director or the Internal Complaints Committee, shall also be subject to disciplinary action.
- e) Malicious or frivolous complaints of sexual harassment shall result in disciplinary action being taken against the Employee making such complaints.
- f) The accused shall not contact the complainant regarding allegations of harassment once a complaint has been filed. However, contact could be made in a formal appeal situation.
- g) Complete confidentiality shall be maintained to protect the identity of the complainant.
- h) In case the complaint is against a member of the ICC, then that person will cease to be a member of the Internal Complaints Committee.

Reprisals

- a) Reprisals are prohibited against any person who opposes a practice forbidden under this policy, or has filed a charge, testified, assisted or participated in any manner in an investigation, proceedings or hearing under this policy.
- b) Any act of reprisal toward the complainant, witnesses or others involved in the investigation shall be subject to disciplinary action, including termination.

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

- All staff have a personal responsibility to ensure that their behavior is not contrary to this policy.
- All staff are encouraged to reinforce the maintenance of a work environment free from sexual harassment.
- All staff have a personal responsibility to behave with mutual respect
- The Project Director is responsible for discouraging and preventing employment-related sexual harassment by ensuring that there is no hostile environment towards women at workplaces and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

- Every oral/written complaint of sexual harassment reported to the members of the Internal Complaints Committee should be reported to the Project Director to forward for the investigation.
- Appropriate remedial measures should be taken to respond to any substantiated allegations of sexual harassment.
- The Project Director and Internal Complaints Committee ensure that all staff including newly inducted are aware of the Policy of Rajagiri outREACH and their responsibilities with respect to preventing sexual harassment.
- The Project Director and Internal Complaints Committee are committed to maintain the confidentiality of the petitioner and the complaint.

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE (ICC)

As insisted in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 Rajagiri outREACH has been constituted an Internal Complaints Committee (ICC) to prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same. The details of the committee (names and contact details of the members) are notified in the administrative office and projects offices of Rajagiri outREACH. The committee shall consist of the following members to be nominated by the management, namely:

- A Presiding officer (Chairperson) who shall be a woman employed at a senior level from among the employees of Rajagiri outREACH
- One external woman member from a non-governmental organizations or associations committed to a cause of women or a woman familiar with handling the issues related to sexual harassment
- One member from Rajagiri College of Social Sciences
- Three senior staff from Rajagiri outREACH
- At least one half of the total members nominated being women.

The ICC shall be constituted on 1st January of every year and shall hold office for a period of 1 year from the date of their nomination. The tenure of Chairman and members of the ICC shall not exceed beyond two years from the date of their nomination. The member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the internal committee, by the management, as may be prescribed.

COMPLAINT RESOLUTION PROCEDURES LODGING A COMPLAINT

- Complaints should be submitted to the Project Director/ the Chairperson of ICC in writing within a period of 3 months from the date of incident/ last incident.
- The complaint can be made by any employee of Rajagiri outREACH who knows or has the knowledge of an employee being harassed or intimidated or

an employee is creating unhostile atmosphere in the office by using unwanted language or gestures.

- Investigations shall be conducted in accordance with procedures issued by the Internal Complaints Committee

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly committing harassment.
- A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar harassment.
- What, if any, steps the complainant has taken to try to stop the harassment.
- Any other information the complainant believes to be relevant to the harassment complaint.

Redressal Process

- a) Any Employee/Aggrieved party who is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to the Project Director or the Chairperson of the Internal Complaints Committee in writing within 3 months of last occurrence of incident.
- b) In the event of the physical or mental incapacity or death of the affected Employee or Aggrieved party, then her legal heirs also can file such complaint on her behalf.
- c) The complainant can send a complaint through email, notified for this purpose. The complainant is required to disclose their name, department, and location they are working.
- d) Procedure laid down by the Prevention of Sexual Harassment Act 2013 will be followed in the redressal process.

RESOLUTION PROCEDURE THROUGH CONCILIATION

- Once the complaint is received, before initiating the inquiry, the ICC may take steps to conciliate the complaint between the complainant and the respondent. This is only if requested by the aggrieved party.
- No monetary settlement can be made as a basis of conciliation.

- In case a settlement is arrived at, the ICC records & reports the same to the management for taking appropriate action. Resolution through conciliation is to happen within 2 weeks of receipt of complaint.

- The ICC shall provide copies of the settlement to complainant & respondent. Once the action is implemented, no further inquiry is conducted.

RESOLUTION PROCEDURE THROUGH FORMAL INQUIRY

The ICC will initiate inquiry in the following cases:

- a. No conciliation is requested by aggrieved party.
- b. Conciliation has not resulted in any settlement.
- c. Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent

Interim Relief

During pendency of the inquiry, on a written request made by the complainant, the ICC may recommend to the CEO through Project Director to:

- Transfer the complainant or the respondent to any other workplace.
- Grant leave to the aggrieved party of maximum 3 months, in addition to the leave she would be otherwise entitled.
- Prevent the respondent from assessing complainant’s work performance.
- Grant such other relief as may be appropriate. Once the recommendations of interim relief are implemented, the same is informed to the ICC

HARASSMENT GRIEVANCE REDRESSAL PROCEDURE/MECHANISM

SL No	Action	Time Schedule
1	Submission of Complaint by the Complainant (i.e. aggrieved person) to PD/ICC	Within 3 months of the last incident
2	If the complaint is received by PD, transferring the same to ICC after verifying the nature of the complaint	Within a period of 5 working days
3	On receipt of the complaint, the ICC shall send a copy of the same to the respondent (i.e. the person against whom the complaint is made)	Within a period of 7 working days
4	Respondent shall file his reply	Within 10 days of the date of receipt of

	of the complainant to ICC along with supporting documents and details of witnesses	the copy of the complaint
5	Conciliation between the parties (i.e. the complainant and the respondent) on the request of the complainant may be provided by the ICC.	Within 2 weeks of the receipt of the complaint in ICC
6	If settled through Conciliation, report to the CEO through Project Director and copy of the settlements is to be provided to both parties	Within 2 days of the settlement
7	In case conciliation is not opted for or if no resolution is arrived at, a formal inquiry will be initiated by the ICC	Inquiry shall be completed within 90 days from the date of initiation
8	On the completion of inquiry, the ICC shall provide a report of its findings to the management through the Project Director.	Within 10 days of the completion of the inquiry
9	The management shall act upon the recommendation of the ICC	Within 60 days of the receipt of the recommendation from ICC
10	Appeal may be made by either of the party to the CEO through the Project Director if not satisfied with the inquiry report	Preferred within a period of 90 days of the receipt of the copy of recommendation of the ICC

Complaint substantiated

Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the management to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- Apology to be tendered by respondent
- Warning and Counselling
- Suspension without salary for the period to be fixed by the management
- Stoppage of increment
- Fine
- Demotion
- Discharge/termination of service

- Dismissal from service without notice or pay in lieu.
- Legal actions including domestic enquiry proceedings.

Malicious Allegations

Where the ICC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved party or any other person making the complaint has made the complaint knowing it to be false or the aggrieved party or any other person making the complaint has produced any forged or misleading document, it may recommend to the management to take action against the woman or the person making the complaint. While deciding malicious intent, the ICC should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

Appeal

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the CEO through the Project Director, within 90 days of the recommendations being communicated.

Confidentiality

It is difficult 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 person complained against and any others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigative process to the extent practicable and appropriate under the circumstances. All records of complaints, including contents of meetings, interviews, results of investigations and other relevant material will be kept confidential by ICC, Project Director & CEO except where disclosure is required for disciplinary or other remedial processes.

INTERNAL COMPLAINTS COMMITTEE (ICC) OF RAJAGIRI outREACH
FOR THE PERIOD FROM 1st April 2022 to 31st March 2023

Sl. No	Name	Designation	Contact Details	Role in ICC
1	Maria Tency V.S.	Senior Donor Service Officer	tencyfelix123@gmail.com 9495495092	Chairperson
2	Dr. Bindiya M. Varghese	Head of the Department, Computer Science	bindiyabhi@gmail.com 9846281188	Member from Rajagiri College
3	Adv.Teena Cheriyan	Founder President, Jenika Foundation	advtteena@gmail.com 9447508532	External Member
4	George V.A.	Senior Co- ordinator	Georgevadakkepurathan 3@gmail.com 9447985543	Member
5	Ligi V.E.	Senior Development Officer	ligipalatty@gmail.com 9447608838	Member
6	Biju C.P.	Development Promoter SIA & Liaison Officer	kanjoorcp@gmail.com 9447605051	Member