



Prevention of Sexual Harassment at Workplace

Guidelines for Members

10/2/2017

CEDAR's standpoint as a research organization has been in cultivating an environment which enables free speech and an intellectual flow of interaction between its members. Therefore, the organization encourages a communication productive, impersonal and participatory in nature and/or qualitatively contributing to the personal development or the future of the organization between the members during work hours.

Keeping that in mind, CEDAR is also committed to creating a safe and respectful working environment for everyone associated with the organization. The organization has a zero tolerance policy against any kind of Sexual harassment reported by any employee during their tenure in CEDAR, towards any other person who is an employee, research partner, donor, vendor and contractor, applicable within the premises or elsewhere in India & abroad. Anyone who harasses, demeans or does not respect anyone else in the organization shall be subjected to the legal procedure against sexual harassment laid by the Indian Law and aided by specific organizational guidelines.

Preventive Measures for a Safe Work Environment

- The primary means of professional communication is always electronic mail. Any other means chosen by the members should precede consent from the receiving member.
- Complimenting a fellow member is acceptable but time and place is key to expression.
- While congratulating a peer, a handshake or tap on the shoulder is acceptable.
- All members should maintain a professional and culturally appropriate attire at all times.
- Impersonal debates, discussions over matters within or out of the ambit of organizational research can be conducted while ensuring productivity, prior planning and inclusion of all active members of the organization.
- Any meeting post office hours should be intimated through marking another person

In case of Misconduct – What to do?

- **Communicate!** Be upfront to let the other person know about your discomfort regarding any professional conduct/misconduct of fellow members in order to avoid ambiguity or confusion and curb such occurrences in future. Healthy discussions often minimize work hostility and lead to better professional relationships.
- **Take action!** Stand up for yourself at the first instance of unacceptable professional behavior. In case of occurrence of such misconduct implying sexual harassment, immediately communicate the same to the members of ICC through proper channels. Any mode of communication can be used for communicating first information of any case of sexual harassment. To raise alarm, one can use any mode. However, a formal complaint is mandatory to proceed according to the organizational policy for sexual harassment.

Internal Complaints Committee (ICC)

CEDAR has constituted an Internal Complaints Committee (ICC) as per the Act and it comprises of five members - Head of Committee (Ghazala Shahabuddin), staff members – Anvita Pandey, Ishani Sachdeva, Prateek Sengupta and an external member – Nilam Shinde. Details of the committee members can be found on the website and notifications in the office premises. Any changes in the committee are formally communicated to the members of the organization.

How to File a Complaint?

- An aggrieved person (within the scope of CEDAR's policy) who has faced sexual harassment can make oral complaint followed by a written complaint duly signed by the complainant to any of the Internal Complaints Committee (ICC) members.
- Whether or not an oral complaint is made, a written complaint, duly signed by the complainant must be submitted to the committee.
- Emails to any of the committee members will also be considered as a preliminary complaint followed by a written complaint that is duly signed by the complainant.
- The complaint should be made **within 90 days of the incident**. If there are a series of incidents, the complaint will be within 90 days of the last incident.
- If for any reason there has been delay beyond 90 days, the committee will condone delay if reasonable grounds are provided and recorded.
- In every case the committee will record the testimony of the complainant.
- If the aggrieved person is incapacitated, complaint could be filed by another person.



Myths and Misconception about Sexual Harassment

a) **Myth:** Only women are harassed and only men are sexual harassers.

Fact: Anyone, irrespective of gender can be the victim of harassment or a harasser.

b) **Myth:** People invite sexual harassment by their behavior or dress.

Fact: Sexual harassment is not motivated act, but an expression of hostility and/or power focused on differences in gender or sexual orientation. People do not invite sexual harassment.

c) **Myth:** If ignored, the problem of sexual harassment and stalking will go away.
Fact: Generally, the harasser is persistent and does not stop on his/her own. If ignored by the harassed, the harasser may interpret such behavior as consent or motivation.

d) **Myth:** Sexual Harassment is a rare occurrence.

Fact: The rate of sexual harassment is increasing throughout the world day by day. It is not a



rare occurrence at all. Such incidents keep taking place each and every day. Few victims take strict against the harasser while a few incidents go unnoticed or not complained about.

In Case of False Complaints

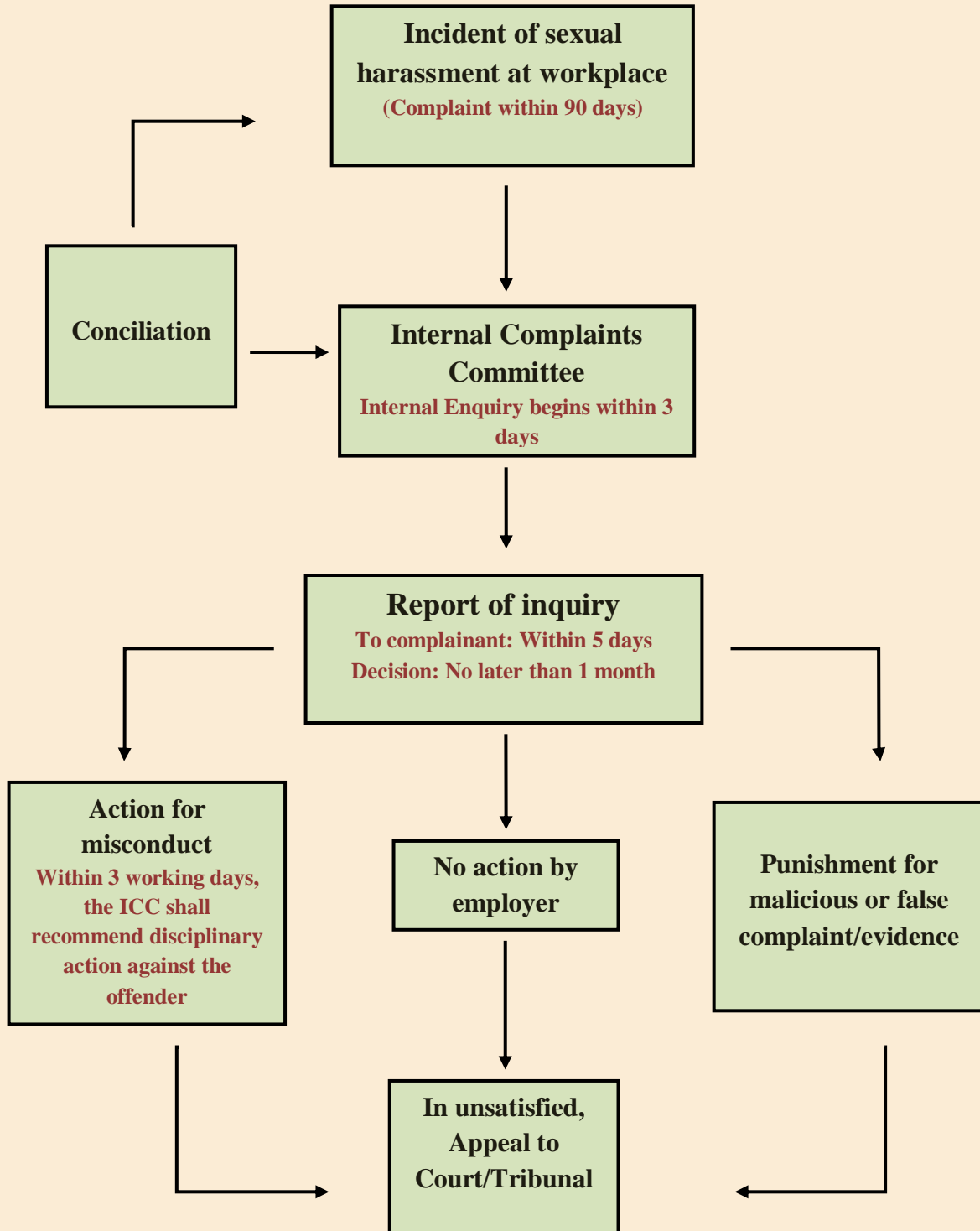
If the ICC concludes that the allegation made against a member of CEDAR is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry; disciplinary action can be taken against such complainant.

Disciplinary action shall include but not limit to - written apology, warning, reprimand, censure, withholding of assignments, terminating the respondent from service, undergoing a counseling session, or carrying out community service may be taken. However, the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious¹.



¹ Section 14 of the Prevention of Workplace Sexual Harassment Act

Sexual Harassment Complaint Framework





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Organizational Guidelines

10/2/2017

CEDAR's standpoint as a research organization has been in cultivating an environment which enables free speech and an intellectual flow of knowledge between its members. Therefore, the organization encourages a communication productive, impersonal and participatory in nature and/or qualitatively contributing to the personal development or the future of the organization between the members during work hours.

Keeping that in mind, CEDAR is also committed to creating a safe and respectful working environment for everyone associated with the organization. The organization has a zero tolerance policy against any kind of Sexual harassment reported by any employee during their tenure in CEDAR, towards any other person who is an employee, research partner, donor, vendor and contractor, applicable within the premises or elsewhere in India & abroad. Anyone who harasses, demeans or does not respect anyone else in the organization shall be subjected to the legal procedure against sexual harassment laid by the Indian Law and aided by specific organizational guidelines.

Preventive Mechanism

- Interns/Volunteers from within and outside India to be oriented about this policy, the committee and its scope and functioning
- Internal Complaints Committee will meet quarterly. If required they will have a meeting with the staff on a one to one basis or as a group.
- Once a year, all members and staff will meet for an orientation on this policy and the issue
- In a regular meeting of the staff there will be space given to discuss gender issues

Complaints Mechanism

- An aggrieved person (within the scope of CEDAR's policy) who has faced sexual harassment can make oral complaint followed by a written complaint duly signed by the complainant to any of the committee members.
- Whether or not an oral complaint is made, a written complaint, duly signed by the complainant must be submitted to the committee.
- Emails to any of the committee members will also be considered as a preliminary complaint followed by a written complaint that is duly signed by the complainant.
- The complaint should be made within 90 days of the incident. If there are a series of incidents, the complaint will be within 90 days of the last incident.
- If for any reason there has been delay beyond 90 days, the committee will condone delay if reasonable grounds are provided and recorded.
- In every case the committee will record the testimony of the complainant.
- If the aggrieved person is incapacitated, complaint could be filed by another person.

Powers of the Internal Complaints Committee (ICC)

The Prevention of Workplace Sexual Harassment Act stipulates that the ICC shall, while inquiring into a complaint of workplace sexual harassment, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of:

- a. Summoning and enforcing the attendance of any person and examining him on oath;
- b. Requiring the discovery and production of documents; and
- c. Any other matter which may be prescribed

Within 3 working days, the ICC shall commence official Internal Enquiry by:

- a. Informing the said complaint to the respondent
- b. Instructing to stop the alleged act of Sexual Harassment immediately
- c. Informing not to reach to the complainant directly or indirectly
- d. Asking an immediate explanation from him/her to the same
- e. Within 5 working days from the receipt of original complaint, the designated person shall respond in writing to the complainant informing him/her about the initial steps taken by CEDAR in order to stop the alleged act(s)
- f. Within 15 days from receipt of the original complaint, the ICC shall record and accordingly communicate in writing to the complainant and the respondent, its prima facie findings, upon giving the concerned parties a fair and due opportunity to represent themselves and upon conducting fact finding, truth verification and counseling sessions with persons involved in alleged act(s)
- g. A complaint will be closed no later than 1 month from receipt of original complaint by recording the decisions of the internal committee, accordingly informing to the complainant and the respondent of the same.
- h. Employees are duty bound to assist in investigative steps, employees' wholehearted participation shall be mandatory in this regard. Whistleblowers shall be protected from exposure, retaliation and hostility.
- i. Within 2 working days from receipt of prima facie findings or the charges, if the complainant or the respondent is dissatisfied with the decision of ICC, she or he may appeal specifying the reasons in writing to the Executive Director. Within 5 working days from the receipt, the appeal shall be finally disposed of by written communication to the said party. The decision of Executive Director shall be final and cannot be appealed.

Response Mechanism

- All reports of sexual harassment will be handled with discretion and will be promptly and thoroughly investigated; this can include interviews of those involved as well as witnesses.
- The committee will communicate to the person(s) against whom the complaint has been made so that he/ she have a fair chance of representation. The committee will meet the complainant and hear the complaint in person. After hearing both the parties, if required, the

committee members may have a joint meeting with both the parties. The whole process will be documented. Copy will be given to both parties.

- Both parties will be given a fair opportunity for cross-examination. They can submit questions to committee and committee will record response of both. A minimum of three members will be present during the inquiry, necessarily including the Head of Committee and external member. If the Head of Committee is not available, then charge will be handed over to another member, however presence of external member is necessary. All actions of the committee (even other than enquiry) will require this quorum of three people. Within 24 hours of the enquiry, the ICC shall present the same to and inform its decision to the Executive Director. If required an interim order or interim recommendation can be made by the committee.
- Report of the enquiry will be submitted to the Executive Director within 10 days of completion of enquiry. The Executive Director will keep the full Governing Body (Core Group) informed in consultation with ICC without disclosing the identity of victim. If the ICC or Executive Director feels necessary in a particular case, further details could be shared with full Governing Body. The position of the offender and the criticality of the position occupied by the offender shall not be any hindrance to the disciplinary action taken against the offender.
- The disciplinary action that shall be commensurate with the nature of the gravity of the offence. **If the ICC concludes that the allegation is false or malicious or the complaint has been made knowing it to be untrue or forged or misleading information has been provided during the inquiry; disciplinary action can be taken against such complainant.** The disciplinary action shall include but not limit to - written apology, warning, reprimand, censure, withholding assignments, terminating the respondent from service, undergoing a counseling session, or carrying out community service may be taken. The statute further clarifies that the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious¹.
- The decision of the committee will be communicated to all concerned parties in writing, while ensuring confidentiality is ensured as per legal requirements.
- The committee will facilitate in taking legal recourse wherever necessary.
- The aggrieved person is free to exercise/activate other provisions of law. ICC will also simultaneously apply/facilitate application of other laws beyond SHWW 2013 wherever relevant.
- Any person aggrieved by the recommendations made by the committee can prefer an appeal to the appellate authority under the Industrial Employment (Standing Orders) Act.

¹ Section 14 of the Prevention of Workplace Sexual Harassment Act

- The committee will prepare an annual report listing the number of complaints received, disposed of, number of cases pending, number of workshops and orientation meetings organized on the issue and nature of actions taken by CEDAR. This report should be submitted to the Governing Body of CEDAR.
- The formation of the committee/s should be done in a democratic manner in a general body meeting in Dehradun.
- A report summarizing complaints and redressal of sexual harassment shall be prepared by Head of the Sexual Harassment Committee.
- The said report as well as all documents regarding Sexual Harassment complaints shall be in the custody of Executive Director and will be termed as ‘Strictly Confidential’.

Redressal

- Within 24 hours of closing the case file, the ICC shall present the same to ad inform its decision to the Executive Director.
- In case of decision establishing the offence of Sexual Harassment of the complainant, within 3 working days, the ICC shall recommend disciplinary action against the offender considering the nature and extent of injury caused to the complainant, prior complaints or repetition of offence etc and the impact of the offence on the company profile as a whole.
- The position of the offender and the criticality of the position occupied by the offender shall not be any hindrance to the disciplinary action taken against the offender.
- The disciplinary action that shall be commensurate with the nature of the gravity of the offence, shall include but not limit to – Warning, Written apology from offender, Bond of good behavior, Debarring from participation in organizational events such as conferences, workshops etc, Cancellation of specific work assignment, Suspension, Dismissal.
- A report summarizing complaints and redressal of sexual harassment shall be prepared by Head of the Sexual Harassment Committee.
- The said report as well as all documents regarding Sexual Harassment complaints shall be in the custody of Executive Director and will be termed as ‘Strictly Confidential’.



Prevention of Sexual Harassment at Workplace

CEDAR Policy

10/2/2017

1. Purpose

To create and maintain safe work environment, free from sexual harassment and discrimination of all its employees as per the guidelines of “The Sexual Harassment of women at workplace (prevention, prohibition & redressal) Act, 2013.

2. Scope:

CEDAR aims to adopt zero tolerance policy against any kind of Sexual harassment or discrimination caused by any employee during their tenure in CEDAR towards any other person who is an employee of CEDAR, research partner, donor, vendor and contractor at CEDAR, applicable within the premises or elsewhere in India or abroad.

3. Sexual Harassment

Sexual harassment is defined as “unwelcome sexual favor and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work environment.” CEDAR’s policy addresses issues pertaining to sexual harassment in the workplace beyond the limitations of the Indian legislations and extends the ambit to a gender neutral perspective also taking into account same sex harassment which generally goes unnoticed. CEDAR’s organizational guidelines have outlined the rights & responsibilities of its employees, both male and female, in an unbiased manner.

3.1 Legal guidelines

The Prevention of Workplace Sexual Harassment Act defines ‘sexual harassment’ in line with the Supreme Court’s definition in the Vishaka Judgment. Following guidelines as per the statute include unwelcome sexually tinted behavior, whether directly or by implication, such as:

- Physical contact and advances,
- Demand or request for sexual favors,
- Making sexually colored remarks,
- Showing pornography, or
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature¹.
- Presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; threat of detrimental treatment in employment; threat about present or future employment;
- Interference with work or creating an intimidating or offensive or hostile work environment;
- Humiliating treatment likely to affect the lady employee’s health or safety could also amount to sexual harassment².

3.2 Specific Guidelines

The organization has defined certain guidelines which prohibit specific behavior at the workplace to ensure zero tolerance on matters amounting to varying degrees of sexual harassment such as:

- Discussion of sexual content pertaining to personal details in during any official conversations in the office premises

¹ Section 2(n) of the Prevention of Workplace Sexual Harassment Act

² Section 3(2) of the Prevention of Workplace Sexual Harassment Act

- Remarks on physiological aspects with sexual connotation (e.g. weight loss/gain, attractiveness, appearance etc) which make the person visibly uncomfortable and/or expressed verbally about discomfort
- Humor (Displaying, discussing or sharing) containing sexual remarks
- Discrimination on the basis of gender, ethnicity, financial background or religion in participating or accessing professional engagements (meetings, seminars, conferences, workshops, trainings etc)
- Intrusive queries about an employee's personal life and choices
- Utilizing office resources such as internet to browse, share or display pornographic material to an employee
- Making unwanted sexual advances towards an employee while traveling or staying within or outside India for work purposes.
- Ignorance by the organizations senior authority regarding occurrence of any or all of the abovementioned acts communicated formally or informally after such occurrence shall also be viewed as equivalent to sexual harassment.

3.3 Safeguards

While the organization highly encourages freedom to convey any discomfort regarding conduct with members to avoid any untoward experience the aggrieved and immediate correction of any errors at the root, it also defines safeguards to ensure 'good' behavior and avoid circumstances which may extend to sexual harassment:

- All employees must respect the personal space of an employee and refrain from accessing personal material such as mobile phone, taking pictures or videos without prior consent
- Contacting an employee during late hours of the night is viewed as inappropriate unless urgent or important, however, under circumstances pertaining to official work, one must email in advance informing the same and proceed with telephonic conversation or other social mediums such as Whatsapp with due consent of the person being contacted.
- Appropriate dressing in the office and field areas is strongly recommended for a fruitful professional conduct and organizational reputation (refer to details on dos and don'ts of office attire in organizational guidelines)
- Smoking is permissible only in the defined smoking areas of the office i.e. the backyard
- Consumption of alcohol and any other intoxicants/substances shall not be permissible in office gatherings, celebrations, field visits or during travel to field sites or official meetings such as conferences etc; however, there is not restriction on such substances while not on duty. It is advisable to not consume alcohol while staying in field sites as well. (refer to field etiquette section of organizational guidelines)

4 Complaints Committee

CEDAR has constituted an Internal Complaints Committee (ICC) as per the Act and it comprises of five members:

- a) Head of Committee (Female),
- b) 2 female staff members
- c) 1 male staff member and
- d) An external member.

Details of the committee can be found on the website and notifications in the office premises. Any changes in the committee are formally communicated to the members of the organization.