

ELEUTHEROS CHRISTAIN SOCIETY

SEXUAL HARASSMENT POLICY

PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT

Eleutheros Christian Society is committed to creating and maintaining a secure work environment where it's Employees, Volunteers, and Partners can work and pursue our cause together in an atmosphere free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the organization operations. The fundamental right to carry on any occupation, trade, or profession depends on the availability of as 'safe' working environment. Right to life means right to dignity. Hence it is the duty of the employer or other responsible person to prevent sexual harassment of its employee in workplaces.

The policy of ECS with regard to Prevention, Prohibition and Redressal of Sexual Harassment covers every "employee" across the Organization and encourages every employee who believes they are sexually harassed to use the redressal mechanism as provided in this policy.

DEFINATION

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

- i. Physical contact and advances; or
- ii. A demand or request for sexual favors; or
- iii. Making Sexually colored remarks; or
- iv. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; or
- vi. Unlawful representation of aggrieved person in social media;
- vii. Sending unwelcome messages through emails, mobiles.
- viii. Blackmailing
- ix. Abuse of power

The 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:

- i. Favor in return for promotions in job of the aggrieved person by the employer or superior;
- ii. Favor by threatening to destroy the aggrieved persons work or assignment;

- iii. Threatening the employee to fulfill the demands of the employer or superior to continually secure ones job or position;
- iv. Interfering with their work or creating an intimidating or offensive or hostile work environment by employer; superior or co-workers;
- v. Humiliating treatment likely to affect the health and safety of the aggrieved person.

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.

RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

1. All employees of ECS have a personal responsibility to ensure that their behavior is not contrary to this policy.
2. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment
3. To maintain confidential of the case if the aggrieved person desires.

INTERNAL COMPLAINTS COMMITTEE:

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

Initially, and till further notice, the Complaints Committee will comprise of the following five members out of which at least three members of the Committee have to be women. The committee shall comprise of a presiding officer and four other members including one from a legal background.

The Complaints Committee shall be responsible for:

1. Investigating every complaint of sexual harassment reported through formal letter, email, text messages or orally.
2. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment
3. Discouraging and preventing employment-related sexual harassment on both the gender.

COMPLAINT REDRESSAL MECHANISM

Any aggrieved person may make, in writing, a complaint of sexual harassment at workplace to the committee giving details of the sexual harassment meted out to her/him 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 Complaints Committee.

1. The Presiding Officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making complaint in writing, in case they are unable to do so.
2. Where the aggrieved person is unable to make a complaint on account of their physical incapacity, a complaint may be filed by
 - a) relative or friend; or
 - b) a co-worker; or
 - c) any person who has knowledge of the incident, with the written consent of the aggrieved person.
3. Where the aggrieved person is unable to make a complaint on account of their mental incapacity, a complaint may be filed by
 - a) a relative or friend; or
 - b) a special educator' or
 - c) a qualified psychiatrist or psychologist or
 - d) the guardian or authority under whose care they are receiving treatment or care; or
 - e) any person who has knowledge of the incident jointly with any of the above.
4. Where the aggrieved person 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.
5. Where the aggrieved person 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. Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.
7. The Complainant or person authorized on their behalf as per above provision, shall make a complaint to the Internal Complaints Committee through a copy of complaint along with supporting documents and names and address of witness shall be sent to Internal Complaints Committee at ethics
8. Internal Complaint 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.
9. Internal Complaint 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.
10. 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.
11. For conducting the enquiry the quorum of the Internal Complaints Committee shall be of 3 members including the presiding officer
12. 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
 - a. Monetary settlement will not be made as a basis of conciliation.

- b. 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.
13. Under extraordinary circumstances, the committee may also seek counsel from ECS leadership in the handling of a case.

ACTION:

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.
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.
3. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to:
 - a. To tender a written apology to the complainant
 - b. Issue a letter of warning
 - c. Withholding of promotions / increments of the Respondent
 - d. Suspension without pay
 - e. Terminating from service/employment.
 - f. Register an FIR against the respondent in case of the alleged act, prima facie constitute an offence under the Indian penal code
 - g. To deduct from 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. To order the respondent pay compensation to the complainant for undergoing treatment/counseling for the physical and mental trauma.
 - h. Such action will be taken within 60 days of the receipt of report.

FALSE ACCUSATIONS:

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by the organization. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaint Committee comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the Internal Complaint Committee may recommend action to be taken against the person who has made the complaint. In such a case, malicious intent has to be established after an inquiry, before any action is recommended.
3. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the Internal Complaint Committee concludes, that he/she has given false evidence or produced forged or misleading documents.
4. It is to be noted that this statement is not intended to discourage employees from coming forward with any complaints. The organization recognizes and expects that some claims may be

difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.

MISCELLANEOUS:

The organization may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding will be intimated to the employee.