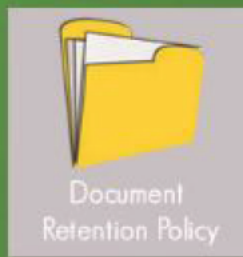
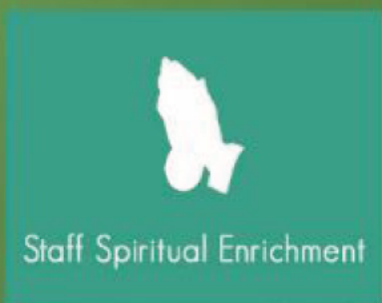
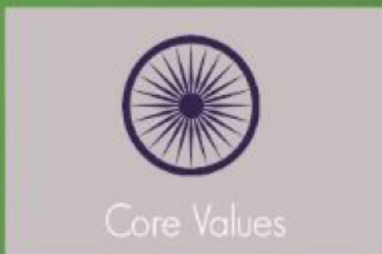


JK DAG HR Manual



JK Developmental Action Group (JK DAG)
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JK DAG HR MANUAL

ORGANISATION POLICIES

POLICY AGAINST SEXUAL HARASSMENT AT THE WORK PLACE



Policy
Against
Sexual
Harassment
At The
Workplace

Preamble:

JK DAG is working to establish a just, responsible and compassionate society,

- It is committed to promote an environment that is of mutual respect and understanding.
- It believes in creating a safe and secure environment that enables people and communities to achieve their full potential to Glorify God.
- It believes in the principles of stewardship, transparency, accountability and inclusivity.
- To further the objectives and the principles it embodies, the board of JK DAG has resolved to create policies and guidelines to achieve its stated objectives.

The Source of its Values, Principles and Practices

2. Our involvement will be based on the voices of different groups in a community and primary and secondary data.

Application of the Policy

This Policy applies to

- Any Staff Member who are define in JK DAG Employment Policy.
- Any Representatives, which includes: All Board and Society Members, Guests, Visitors, Supporters. Consultants, Journalists, Photographers, Media Persons, Interns etc.

JK DAG's Policy Against Sexual Harassment at Work Place states as under.

Definition

Sexual harassment includes:

- a. Any unwelcome sexually determined behaviour, whether directly or by implication and includes:
 - a.1. Physical contact and advances
 - a.2. A demand or request for sexual favours
 - a.3. Sexually coloured remarks
- b. Unwelcome sexual advances, verbal, non-verbal, or physical conduct loaded comments slander, remarks or jokes, letters, phone calls or e-mail, gestures of a sexual nature, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature which creates an intimidating, hostile or offensive environment in office
- c. Unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made in exchange for work related benefit such as employment, promotion, incentives, or evaluation of a person's performance.

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The Board directs the Management to draft and implement appropriate rules, guidelines and actions to be taken to fulfil the JK DAG's Policy Against Sexual Harassment at Work Place.

The Board of Management at its meeting dated July 26, 2019, adopted "JK DAG's Policy Against Sexual Harassment at Work Place". The Board of Management approved the rules, regulations and processes as recommended by the Management for the implementation of the policy.

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JK DAG's Policy Against Sexual Harassment at Work Place's rules, regulations and processes

A. BACKGROUND

The Constitution of India confers on its citizen fundamental rights of which Right to Life is perhaps the most significant. Over a period of time 'Right to Life' has been interpreted by various High Courts and the Supreme Court of India to mean not only 'mere physical existence' but also to live a 'life with dignity'. Further, the right to work inherently entails the right to work in an environment that is free of harassment of any form. After the Vishakha judgment in 1997 and the Sexual Harassment of Women at the workplace, Prevention, Prohibition, and Redressal Act, 2013 has made it imperative for organisations to have a policy against such harassment.

JK DAG as an employer seeks to totally eliminate any form of sexual harassment from the workplace, which is also consistent with JK DAG's core values of 'Valuing people' and 'Good Commitment and Character'. JK DAG recognizes that right to life leads to employment where it is required that staff have an environment where they work without fear of being harassed.

B. DEFINITION

1. Aggrieved person: An "Aggrieved person" could be any person who alleges that she/he is the victim of sexual harassment.
2. Internal Complaints Committee (ICC): Is the committee set up under the provision of the Sexual Harassment at the workplace (Prevention, Prohibition and Redressal) Act, 2013.
3. Gender Sensitization Committee Against Sexual Harassment (GSCASH).” Is the committee set up under this policy to provide, gender sensitization training programmes, and to hear cases that do not fall under the ICC.
4. The ICC shall also take the role of GSCASH and act accordingly.

C. THIRD PARTY HARASSMENT

Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider upon JK DAG staff or upon the targeted community members, JK DAG will take all steps necessary and reasonable, to assist the affected person in terms of support and preventive action.

D. PROACTIVE MEASURES

Consistent with the existing law for women in the nation and keeping to its principles JK DAG will take all steps to ensure a healthy working atmosphere and prevent sexual harassment at work. This requires:

1. Circulation of the policy in all field offices
2. Share with the community members from the beginning of the project itself during community meetings, the expected behaviour of the staff and representatives, that they should not be involved in any Sexual Harassment act and develop a complaint mechanism in discussion and input from the community members and minute the

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same in the community committee meetings.

3. Put systems in place for the targeted community members to seek assistance from JK DAG for appropriate action if they face sexual harassment.

4. Ensuring that sexual harassment as an issue is discussed at JK DAG meetings from time to time.

5. Conduct in-house gender training on Sexual harassment atleast once in a year.

6. A poster in local language and in English inviting staff, representatives and communities to report on Sexual Harassment with contact details shall be pasted in JK DAG office and in community centres appropriately.

7. A poster in local language and in English giving details of the process by which the community, staff and representative should inform concerned authorities on Sexual Harassment shall be pasted in JK DAG office and in community centres

8. If JK DAG staff come to know riately. Sexual Harassment case in the community, they should inform the Line Manager and file Incident Reporting Format (Annexure I) and send it to the Convenor of the Vulnerable Adult/Child Safeguarding Committee.

9. Appoints an Internal Complaints Committee to adjudicate on complaints that are fille alleging sexual harassment in the workplace.

10. Publicize widely that Sexual Harassment is a crime and should not be tolerated through posters and provide a clear flo chart on the process of Complaint and Redressal.

11. JK DAG will partner with organizations that have a clear policy on the prevention of Sexual Harassment at the workplace. If they do not have such a policy, then, JK DAG will help them to develop the Policy. Till the new Policy is developed for the partner organization, JK DAG's Anti-sexual Harassment Policy will be applied to them. The Organization should sign in agreement to this with JK DAG.

E. SYSTEMS AND PROCESS

The systems and process of addressing the issue of sexual harassment and the various technicalities of resolving the problem is detailed in the "Rules And Procedures of the Internal Complaints Committee (ICC) and the Gender Sensitization Committee Against Sexual Harassment (GSCASH)."

F. WHO CAN MAKE COMPLAINTS

1. The aggrieved person

2. If the aggrieved person does not know how to write

- Her/his relative or friend
- Her/his co-worker
- An office of the National Commission for woman or State Woman's Commission.
- Any other who has knowledge of the incident, with the written consent of the aggrieved person may make a complaint to the Internal Complainant Committee.

3. If where the aggrieved person is unable to make a complaint on account of her/his mental capacity, complaints may be file by

- Her /his relative or friend or

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- A special educator or
- A qualified psychiatrist or psychologist or
- The guardian or authority under whose care she/he is receiving treatment or care or
- Any person who has knowledge of the incident jointly with her/his relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she/he is receiving treatment or care;

4. Where the aggrieved person for any other reason is unable to make a complaint, any person who has knowledge of the incident, with her/his written consent, may file a complaint.

5. Where the aggrieved person is dead, any person who has knowledge of the incident, with the written consent of her/his legal heir, may file a complaint.

G. COMPLAINTS FILING PROCEDURE

i. Any Staff or representative of JK DAG may lodge a complaint of sexual harassment against the Staff or representative of JK DAG. Third party complaints and witness complaints shall be entertained.

ii. The Complainant must submit a detailed complaint to the Internal Complaints Committee with a request to enquire, find and give appropriate remedies to her in the prescribed Sexual Harassment Complaint format as given in Annexure II. The complainant should also enclose supporting documents, if any, and a list of witnesses.

iii. Complaints can be lodged directly with the immediate Supervisor, HR Personnel or Executive Director or any Member of ICC or GSCASH. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of the ICC or GSCASH within two working days of its receipt by her/him.

iv. Upon receipt of the complaint, the ICC or GSCASH Member to whom the complaint is made shall forward the same to the Complaints Screening Committee.

v. The complaint may be oral or in writing. If the complaint is oral, it shall be produced in writing by the ICC or the GSCASH Member receiving the complaint and authenticated by the complainant under his/her dated signature or thumb impression as the case may be.

vi. The Chairperson of the ICC or the GSCASH immediately provides a copy of the complaint to all its Members besides sending a copy to the Accused who is either Staff or representative calling for her/his explanation for the complaints made against her/him, within seven working days from its receipt from the complainant.

vii. The Accused who is either Staff or representative shall offer her/his explanation within ten working days from its receipt from the committee.

viii. If the Accused who is either Staff or representative has not offered his written explanation or has not appeared before the ICC for three consecutive sittings, the Committee can proceed with ex parte proceedings.

ix. The ICC shall follow all the Principles of Natural Justice in its proceedings but

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shall not allow any third parties to represent either the Complainant or the Accused, except in the case of death of the aggrieved person. In other words, no person, including a legal practitioner, is permitted to appear before the Committee in the proceedings on representation capacity for both parties.

x. The conclusions of the ICC together with the recommended action, if any, shall be submitted in writing with the signature of the Convenor, and not less than three other Members of the Committee, to the Executive Director or to the Board Chairperson where the Accused is the Executive Director.

xi. Relevant order issued by the Employer of the Accused in respect of point (I.x) above shall be communicated to the Convenor of the ICC as well.

H. OBLIGATIONS OF EXECUTIVE DIRECTOR AND HRD

i. The HRD Unit shall, through a notification each year, notify the names and contact details of the Members of ICC and GSCASH, and the fact that GSCASH is the body responsible for gender sensitization and enquiries into complaints of sexual harassment.

ii. HRD Unit will ensure that the Policy is included in the joining formalities of Staff. The authorities will ensure that all announcements to all positions include the following statement, as notification of the Policy: JK DAG has a Policy against sexual harassment and is committed to providing an environment free from gender discrimination and harassment.

iii. Visitors will either sign a declaration or be handed over a format that they will follow the protocol while interacting with people during their visit related to JK DAG work.

iv. In order to ensure the permanent placement of the Policy, the HRD functionaries shall arrange for several copies to be placed on boards for display in prominent places in the Administrative Office Project Office and in the community.

v. The ICC and GSCASH authorities and functionaries shall provide legal, medical and counseling assistance to those complainants who have to take recourse to the law.

vi. The HRD Unit shall forward all complaints of sexual harassment to ICC and GSCASH, save in cases in which the complainant has expressly prohibited such forwarding.

vii. The HRD Unit shall maintain full confidentiality with respect to matters pertaining to ICC and GSCASH enquiries into complaints of sexual harassment. HRD Unit shall extend all necessary assistance for ensuring full, effective, and speedy implementation of these Rules and Procedures of ICC and GSCASH.

viii. HRD and functionaries shall strive to create a workplace in which the functioning of ICC and GSCASH and/or the interests of justice are not subjected to undue "pressure from senior levels".

I. PENALTIES

This Policy applies to staff and representatives and if they are found guilty of sexual harassment shall be liable for disciplinary action as per the rules of JK DAG

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J. FALSE COMPLAINTS

In the event of the ICC or GSCASH, find that a false complaint has been made it may send its finding to the Executive Director who will take appropriate action under the HR policy and law of the land.

K. WITHDRAWAL OF COMPLAINT

The complainant may withdraw her/his complaint in writing at any time during the complaints receiving and/or enquiry procedure stating that they are doing so of their own volition and without and force or threat.

L. AMENDMENT TO THE RULES & PROCEDURES OF ICC AND GSCASH

i. Amendments to the Rules and Procedures of ICC and GSCASH shall have effect only if they are in consonance with the letter and spirit of the Supreme Court Judgment and or the Act as applicable and the Rules and Procedures of JK DAG.

ii. Amendments shall be effected by a decision taken in a Special Meeting of ICC and GSCASH called for the purpose.

iii. The proposed amendment (s), together with the objectives and reasons thereof, shall be recorded in writing and circulated by the proposer of the amendment (s) at least fifteen working days prior to the Special Meeting called for the purpose.

iv. An amendment motion shall be earned by two-thirds of the Members present and voting. In the event of a tie on an amendment motion, it shall be put to vote one more time. If a tie recurs, the amendment motion shall be reconsidered by another Special Meeting to be called after at least fifteen working days.

M. MISCELLANEOUS

i. The provisions of these Rules and Procedures of ICC and GSCASH shall be duly incorporated within any other Statute, Circular of JK DAG as may be relevant.

ii. The proceedings under these Rules and Procedures of ICC and GSCASH shall not, in any way, be affected by any other proceedings against the defendant preferred by the complainant under any other provision of civil or criminal law, except to the extent specifically ordered by a court of law.

iii. The provisions of these Rules and Procedures of ICC and GSCASH shall not restrict the powers of JK DAG or the complainant to proceed against the defendant for any other misconduct, or pursue criminal or civil remedies, whether or not connected with the misconduct within the purview of these rules.

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DECLARATION OF COMMITMENT

To be signed by all JK DAG staff and representative. A copy will be kept on file at the appropriate JK DAG office or personnel file

I declare that:

1. I have read and understood JK DAG Anti Sexual Harassment Policy.
2. I will work within the procedure as laid out in JK DAG Anti Sexual Harassment Policy.
3. I have not been accused or convicted of any offence involving physical or sexual abuse.
4. I understand that if a complaint is brought against me regarding sexual harassment while being engaged in JK DAG activities, the allegation will be thoroughly investigated in cooperation with the appropriate authorities.

Name : _____ Signature : _____

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Annexure I: Incident Reporting Format (In the community)

The information in this form is confidential. It must be sent to the ICC or GSCASH Convenor and copied to the appropriate line Manager or Director. This form should be held in a safe and secure place.

Try and complete the whole form, only leaving blanks if you have no knowledge. Clearly state if the information reported has been personally observed (first hand information) or has been told to you by a third party (hearsay information).

PART 1: About you

Name:

Your role in JK DAG:

(Tick the correct box. If you are unsure, fill the last point)

- A JK DAG staff member
- A volunteer/Intern Organization
- A Representative of JK DAG
- Any others. Specify _____
- A Beneficiary
- A staff member of a Partner Organization
- Someone from the community

Contact details:

PART 2: About the Victim

(If more than one alleged survivor, provide information for each person)

About the victim

Name, _____ Gender, _____ Age, _____

Ethnicity, _____ Nationality, _____

Address: _____

PART 3: (State your concern / allegation)

a. Who raised the concern? _____

b. Was harassment observed or suspected _____

c. Nature of concerns / allegation/s (What are the circumstances, What is alleged to have happened, What the victim said or the person who shared the complaint said):

d. Date, time, & place of any incidents: _____

e. Observation made by you: _____



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j. Time and date of reporting:

Annexure II: Sexual Harassment Complaint Format

To file a written complaint, please fill this form completely and submit it by hand delivery, fax, or mail to the Delegated Manager/Internal Complaint Committee.

Complainant Name _____ Designation _____
Department _____ Telephone No _____

1. Date of the Incident __ / __ / ____
Respondent _____ Designation _____
Department _____

2. Complete description about the incident causing this complaint _____

3. Explanation on how you have been harmed by this incident _____

4. Are there others who may have witnessed this alleged harassment? If so, please provide their name(s).

5. Are there others who may have experienced similar alleged harassment by the individual named above? If so, please provide their name(s). _____

6. Please describe efforts, if any, you have made to resolve your incident/complaint informally and the responses to your efforts, if any. _____

With whom did you communicate?
Name _____, Designation _____, Department _____
_____, Date __ / __ / ____

7. Please mention the remedy you seek through this complaint _____

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Respondent Name _____ Witness 1 _____

Position _____ Witness 2 _____

Department _____

Complainant Signature _____

Date ___/___/___ (For Office Use)

Reference Number – Date –