

## **POLICY ON SEXUAL HARASSMENT**

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### **Objective**

ICRIER is committed to provide and promote a positive, harmonious and professional work environment where a person's physical or psychological integrity is protected against any form of harassment including sexual harassment. ICRIER will not tolerate sexual harassment in the workplace in any form or in any manner.

This Sexual Harassment Policy ("**Policy**") is in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Act**") and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("**Rules**"). The objective of this Policy is to educate the employees on what conduct constitutes sexual harassment, the ways and means to prevent occurrence of such conduct, the penal consequences of sexual harassment and the redressal mechanism in the event of occurrence of sexual harassment.

### **Applicability**

This Policy applies to all the employees (full time/temporary/part time/ad hoc/daily wage basis/with or without remuneration) employed with ICRIER either directly or through an agent or a contractor, whether working on a voluntary basis or otherwise (whether in the office premises or outside while on assignment or work related event) and also includes trainees, probationers, and other employees called by any other such name, of ICRIER and forms an integral part of the service conditions of all the employees.

Everyone is expected to avoid any behavior or conduct that could reasonably be interpreted as sexual harassment; no employees, not even the highest ranking people in the ICRIER, are exempt from the requirements of this policy. ICRIER forbids that any employee treat any other employee or former employee or applicant adversely for reporting harassment, for assisting another employee or applicant in making a report, or for cooperating in a harassment investigation.

### **Definitions**

**Aggrieved Person** shall mean a person or an Aggrieved Woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.

**Aggrieved Woman** shall mean a woman, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment at the Workplace.

**District Officer** shall mean a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector that the appropriate Government may notify as a District Officer for every District.

**Employer** shall mean the head of the institution, office or any other person responsible for the management, supervision and control of the Workplace.

**Local Committee** shall mean the committee constituted by the District Officer in the district concerned, to receive complaints of sexual harassment from establishments where the internal committee has not been constituted due to having less than 10 workers or if the complaint is against the Employer himself.

**Respondent** shall mean a person against whom the Aggrieved Person has made a complaint.

**Workplace** shall mean any and all units, branches, offices, establishments of the ICRIER, and any place visited by an employee during the course of employment including the transportation provided by the ICRIER for undertaking such journey.



**Sexual Harassment** includes, but is not limited to, unwelcome or unwanted acts or behavior namely - sexual advances, requests for sexual favors, physical contact, sexually coloured remarks, showing pornography as well as any other physical, verbal or non-verbal conduct of a sexual nature. A hostile, intimidating and offensive work environment can be created when the submission to or rejection of such conduct is made a condition of the employee's continued employment, or used as the basis for any employment decisions affecting the employee; or the conduct, if it is unwelcome, severe or pervasive.

The following circumstances, among other circumstances, if they occur are connected with any act or behavior of Sexual Harassment, may amount to Sexual Harassment:

- (a) Implied or explicit promise for a preferential treatment in an employee's employment; or
- (b) Implied or explicit threat of detrimental treatment in an employee's employment; or
- (c) Implied or explicit threat about the present or future employment status of an employee; or
- (d) Interferences with an employees work or creation of an intimidating, offensive or hostile environment for the employee; or
- (e) Humiliating treatment likely to affect an employee's health and safety.

Sexual Harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute Sexual Harassment include, but are not limited to:

#### **Physical conduct**

- unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- physical violence, including sexual assault;
- physical contact, e.g. touching, pinching; or
- use of job-related threats or rewards to solicit sexual favours.

#### **Verbal conduct**

- comments on a worker's appearance, age, private life, etc.;
- sexual comments, stories and jokes;
- sexual advances;
- repeated and unwanted social invitations for dates or physical intimacy;
- insults based on the sex of the worker;
- condescending or paternalistic remarks; or
- sending sexually explicit messages (by phone or by email).

#### **Non-verbal conduct**

- display of sexually explicit or suggestive material;
- sexually-suggestive gestures;
- whistling; or
- leering.

#### **Complaint Redressal Committee**

ICRIER has constituted a Complaint Redressal Committee ("**Committee**") in accordance with Section 4 of the Act in order to redress complaints on sexual harassment. The Committee will investigate only formal written complaints received from an Aggrieved Person.



## Constitution of the Committee.

The Committee should have a minimum of four members as under:

- (a) The Presiding Officer - who should be a woman employed at a senior level at the Workplace;
- (b) Two Internal Members who should be employees from the Workplace who are committed to the cause of women or who have had experience in social work or have legal understanding; and
- (c) One External Member from non-governmental organizations or associations committed to the cause of women or a person who is acquainted with issues relating to Sexual Harassment.

The list of members and their contact details is published and displayed at the Workplace as well as on the website of the ICRIER. The Committee currently comprises of the following members:

S. No.	Name	Designation	Email - ID
1.	Dr Nisha Taneja	Presiding Officer	<a href="mailto:NTaneja@icrier.res.in">NTaneja@icrier.res.in</a>
2.	Dr Meenakshi Gopinath	External Member	<a href="mailto:meenug@gmail.com">meenug@gmail.com</a>
3.	Dr Pankaj Vashisht	Member	<a href="mailto:pvashisht@icrier.res.in">pvashisht@icrier.res.in</a>
4.	Dr Anirudh Shingal	Member	<a href="mailto:ashingal@icrier.res.in">ashingal@icrier.res.in</a>
5.	Ms Geetha Nair	Member	<a href="mailto:gnair@icrier.res.in">gnair@icrier.res.in</a>

## Removal of members of the Committee

Any member of the Committee shall be removed from the Committee if:

- (a) he/she makes known to the public, press or media by means of publishing, communicating or in any other manner, any information in relation to the contents of a complaint, the identity and addresses of the victim/complainant, accused and witnesses, details of the conciliation and inquiry proceedings, recommendations of the Committee, or the action taken by ICRIER. Such non-disclosure obligation shall not apply to information regarding the justice secured to any victim/complainant. However, care should be taken that the name, address, identity or any other particulars that could lead to the identification of the victim/complainant or witnesses should not be disclosed; or
- (b) he/she has been convicted for an offence or an inquiry into an offence under any law for the time being in force or is pending against him/her; or
- (c) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- (d) he / she has so abused his/her position as to render his/her continuance in office prejudicial to the public interest.

## Functions and Duties of the Committee

- (a) Inquiry, investigation and redressal of complaints relating to Sexual Harassment in a fair and expeditious manner and as per the time frame prescribed;
- (b) Recommend appropriate action based on investigation findings;
- (c) Recommend appropriate psychological, emotional and any other necessary support (counselling, security and other assistance) for the victim;



- (d) Recommend appropriate action for false complaints, making/producing misleading and/or false statements and/or evidences, or forging of evidence;
- (e) Ensure strict confidentiality of the contents of the complaint, identity of persons involved and of the redressal proceedings;
- (f) Ensure protection of the victim against victimization/retaliation and recommend appropriate action in case of occurrence thereof;
- (g) Document minutes of meetings and discussions held by the Committee with the victim/complainant, accused, witnesses etc. during the course of the redressal proceedings;
- (h) Recommend filing of criminal complaint where necessary in the event Sexual Harassment is established and it amounts to a specific offence under criminal laws; and
- (i) Preparation of an annual report in each calendar year and submission of such report to the Human Resource (“HR”) Department and to the District Officer as required under the Act. The annual report shall contain the following details:
  - number of complaints of Sexual Harassment received in the year;
  - number of complaints disposed off during the year;
  - number of cases pending for more than 90 days;
  - number of workshops or awareness programme against Sexual Harassment carried out; and
  - nature of action taken by the employer or District Officer.

#### **Duties of ICRIER**

- (a) Spread awareness by organising workshops and awareness programmes at regular intervals for sensitising the employees and the Committee members with the provisions of the Act, the Rules and the Policy in the manner prescribed in the Act;
- (b) Provide sufficient security and safe working environment within the office premises;
- (c) Display at any conspicuous place in the Workplace and the website of ICRIER, the Act, the Rules, the Policy, the penal consequences of sexual harassments, and constitution of the Committee;
- (d) Assist and provide necessary facilities and information to the committee in the redressal mechanism and ensure speedy disposal of the complaint;
- (e) Treat Sexual Harassment as a gross misconduct and initiate action based on recommendations of the Committee;
- (f) Take appropriate action for false and malicious complaints, making/producing misleading and/or false statements and/or evidences, or forging of evidence, based on recommendations of the Committee;
- (g) Provide assistance to the Aggrieved Person if he/she lodges a complaint with the Local Committee;
- (h) Provide assistance to the Aggrieved Person if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code, 1860, or any other law for the time being in force;



- (i) Cause to initiate action, under the Indian Penal Code, 1860 or any other law for the time being in force, against the perpetrator, or if the Aggrieved Person so desires, where the perpetrator is not an employee, in the Workplace at which the incident of Sexual Harassment took place;
- (j) Produce on demand or furnish in writing such information before the appropriate government making an inspection of records and Workplace in relation to sexual harassment; and
- (k) Monitor the timely submission of reports by the Committee.

### **Redressal Process**

- (a) A complaint of Sexual Harassment may be lodged by any Aggrieved Person to the Committee in writing within three months of the occurrence of the incident and in case of a series of incidents, within three months from the date of the last incident. Such time limit may be extended by a maximum period of three months with reasons to be recorded in writing by the Committee if it is satisfied that there existed circumstances which prevented the Aggrieved Person from filing the complaint.
- (b) The complaint of Sexual Harassment against the Employer should be lodged with the Local Committee.
- (c) Where an Aggrieved Person is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir or such other person as may be prescribed may make a complaint. Any supervisor or manager who is aware of conduct inconsistent with this policy or who receives a report of conduct inconsistent with this policy is to report immediately to the Committee.
- (d) The Committee will hold a meeting with the Aggrieved Person within two days of the receipt of the complaint.
- (e) If a complaint is lodged with the Committee against one of its members, such member against whom the complaint has been registered with will be excluded from the complaint handling process for the said matter.

### **Conciliation**

- (a) The Committee, before initiating an inquiry, at the request of the Aggrieved Person, may take steps to settle the matter between the Aggrieved Person and the Respondent, through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
- (b) If a settlement is arrived at, the Committee shall record the settlement so arrived and forward the same to Management Representative to take action specified in the settlement.
- (c) The Committee shall provide copies of the recorded settlement to the Aggrieved Person and the Respondent.
- (d) Where the settlement is arrived at under the conciliation process, no further inquiry will be conducted by the Committee.

### **Inquiry Process**

- (a) In case no settlement is arrived at under the conciliation process, or the Aggrieved Person informed the Committee that there has been a breach of the terms of the settlement, if the Respondent is an employee, the inquiry will be as under. The Committee shall make inquiry into the complaint in accordance with the principles of natural justice. If the Respondent is an



employee of an agent or contractor of the organization, or a third party, the Committee will inform the Respondent's employer to take appropriate action.

- (b) The Aggrieved Person is required to submit six copies of the complaint along with any corroborative material (with documentary proof, oral or written material, etc.) to substantiate his / her complaint and names and addresses of the witnesses to the Committee.
- (c) The Committee shall send a copy of the complaint to the Respondent within a period of seven working days from its receipt.
- (d) The Respondent will be required to file his / her response to the complaint within ten working days from the date of receipt of the complaint. A copy of the written explanation or a summary thereof shall be shared with the Aggrieved Person.
- (e) The Committee shall have the right to terminate the inquiry proceedings or to give an ex parte decision on the complaint, if either of the parties fail, without sufficient cause, to present themselves for three consecutive hearings convened by the presiding officer.
- (f) 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 Committee.
- (g) The Committee shall complete the inquiry within thirty days and communicate its findings and its recommendations for action to the HR Department within ten days of the date of completion of the inquiry. A copy of the report with its detailed and reasoned decision and recommendations shall be sent to the Aggrieved Person and the Respondent.
- (h) The report is submitted to the management representative and the HR Department will execute. ICRIER's HR Department shall act upon the recommendation of the Committee within sixty days of its receipt. The HR Department shall send a written closure letter informing the Aggrieved Person and the Respondent of the outcome of the inquiry and formally close the file.

#### **Action that may be taken by the Committee during pendency of the Inquiry**

- (a) During the pendency of an inquiry, on a written request made by the Aggrieved Person, the Committee may take the following actions:
  - transfer the Aggrieved Person or the respondent to any other Workplace; or
  - grant leave to the Aggrieved Person up to a period of three months; or
  - grant such other relief to the Aggrieved Person as may be prescribed under the Act.
- (b) The leave granted to the Aggrieved Person shall be in addition to the leave she would be otherwise entitled.

#### **Disciplinary Action**

- (a) Upon investigation, if it is found that the complaint is false or filed with malafide intentions, appropriate disciplinary action may be taken against the Aggrieved Person which may include but not limited to termination of employment. However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the Aggrieved Person.
- (b) If it is found that during the inquiry any witness has given false evidence or produced any forged or misleading document, appropriate disciplinary action would be taken against such witness.



- (c) A Respondent against whom, the allegation of Sexual Harassment is proved, will be subject to disciplinary action such as:
- written apology, warning, reprimand or censure that shall be placed in the personal file of the Respondent;
  - withholding of promotion or reduction in designation;
  - deduction/payment of such compensation as it may consider appropriate to be paid to the Aggrieved Person or to his/her legal heirs;
  - withholding or stoppage of pay rise or increments;
  - dismissal from service;
  - undergoing a counselling session;
  - carrying out of community service;
  - temporary suspension from services or forced leave while the investigation is in progress where the presence of the Respondent might hinder in the process of investigation; or
  - recommendation to take assistance of local police or any other agencies where the intentions of the Respondent are dangerous in nature and might cause hurt to self or others.

### **Protection to Complainant / Victim**

- (a) ICRIER prohibits retaliatory actions against anyone who, in good faith, raises concerns or questions regarding ethics, discrimination or harassment matters, or reports suspected violations of other applicable laws, regulations or policies.
- (b) The HR department of ICRIER must be vigilant towards any possible retaliatory actions. The Aggrieved Person should communicate any retaliatory action to the HR department or directly to the Committee. Where the complainant has not communicated such action directly to the Committee, the HR department of ICRIER or Committee shall immediately communicate any complaints of retaliatory action received by it to the Committee.
- (c) Where the retaliatory action is established, the Committee may recommend transfer of the alleged accused or the Aggrieved Person to avoid any further act of victimization. The Committee may also recommend appropriate disciplinary action against such retaliatory action.

### **Appeal**

In case the Aggrieved Person or the Respondent, is aggrieved from the decision of the Committee or in case of non-implementation of the recommendation of the Committee, such person may prefer an appeal to the appellate authority notified under Section 2(a) of the Industrial Employment (Standing Orders) Act, 1946 within 90 days from the date of receipt of decision of the Committee.

### **Confidentiality**

ICRIER is committed to handle matters regarding Sexual Harassment with sensitivity and confidentiality will be maintained throughout the redressal process. An employee is however encouraged to identify himself/ herself when making the report so that information can be investigated promptly and thoroughly. Publishing/communicating or in any other manner making known to the public, press or media / social media any information in relation to the contents of the complaint, the identity and addresses of the complainant, accused and witnesses, the conciliation and inquiry proceedings, recommendations of the Committee, or the action taken by the ICRIER is prohibited.

### **Training**

- (a) ICRIER shall conduct periodical training sessions (covering case studies) for the members of the Committee. It shall spread awareness by organizing workshops and awareness programmes at



regular intervals for sensitizing the employees and orientation for the Committee members with the provisions of the Act and the Policy.

- (b) ICRIER shall also conduct regular orientation and training sessions for its employees.
- (c) It shall be mandatory for all the employees to attend the training session.

### **Amendments**

ICRIER reserves the right to add, alter or modify the procedures as it deems fit.

