

Human Capital for Third Sector: Gender-Neutral POSH Policy

Effective Date: 1 April 2022

Human Capital for Third Sector

Gender Neutral Policy

On

Prevention of Sexual Harassment at Workplace

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Preface / Foreword

The Board / Management at Human Capital for Third Sector believes in equal opportunity for all genders and has zero tolerance for sexual harassment at workplace. There is a strong culture of sensitivity, empathy, justice and respect for all. There is constant endeavour to create a safe space for all employees and stakeholders.

The Board / Management understands the importance of POSH and has therefore outlined the policy to mitigate any potential issues of sexual harassment at workplace. A robust POSH policy is being put in place, in words and in spirit with a mechanism to prevent and address should any issue arise.

The Management will be constantly monitoring for implementation of POSH policy as well discuss in the Board Meetings.

The policy will be circulated to all current stakeholders as well as all future stakeholders. Workshops will be conducted with all stakeholders to create awareness about what constitutes sexual harassment, zero tolerance of the organisation towards sexual harassment and the redressal mechanism.

The Board / Management encourages any party affected to report the incident and will ensure that there is no retaliation. The Board / Management is committed to maintaining strict confidentiality and safeguard the identity of the parties involved.

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1. OBJECTIVE

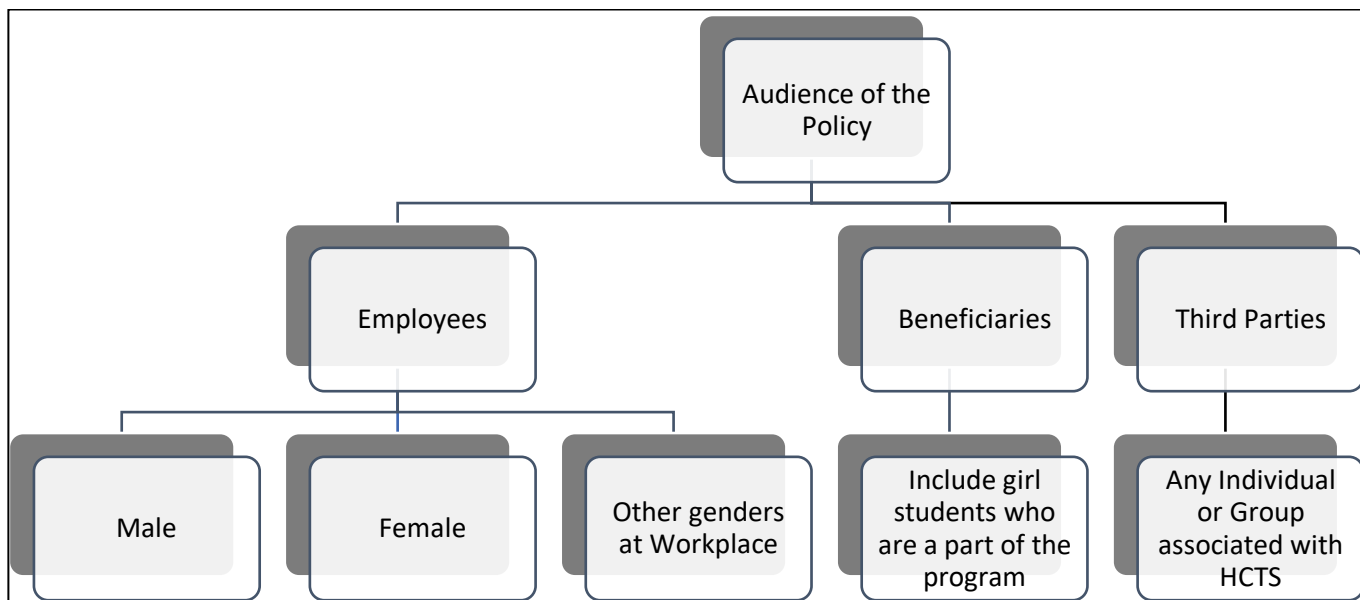
Human Capital for Third Sector (hereinafter referred to as “HCTS”) is committed to creating a healthy, safe and inclusive workplace environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment. We are zero tolerant towards the activity of sexual harassment in any form at workplace. Katalyst is a program under the aegis of HCTS, which prepares women for leadership roles through the pursuit of professional education and in turn enhances diversity in the workplace (hereinafter referred to as “Katalyst”).

HCTS believes that all employees and beneficiaries have the right to be treated with respect and dignity. Sexual Harassment in any form is an offence and is therefore, punishable.

We strictly adhere with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as “The Act”). In addition to complying with the Act, HCTS herein promotes a gender-neutral workplace culture for all its employees as well as beneficiaries and takes this policy a step ahead to inculcate ways to help in creation of a fearless ambience as well as impose appropriate disciplinary actions in case of any offences.

2. AUDIENCE

The policy will be applicable to the following:



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For clear understanding:

- a. The definition of Employee as per Section 2(f) of the Act is extremely wide, covering every person at the workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

In order to make the policy applicable to all the genders at workplace, HCTS in addition to covering females is taking a step ahead in including male and other genders to be a part of this policy.

- b. Beneficiaries would include girl students who are a part of the Program designed by HCTS.
- c. Third Parties would include any person dealing with or in association with HCTS in the form of mentors, trainers, service providers (vendors) and visitors. All genders associated with HCTS shall be included in this policy.

3. SCOPE OF THE POLICY

Considering the applicability of the Act and understanding the criticality of the 'New Normal' in the current times, the policy shall provide the following:

- a. Essential definitions under the Act;
- b. Roles and responsibilities of Internal Committee;
- c. Redressal Mechanism to be followed by the Aggrieved Person;
- d. Disciplinary actions taken by HCTS in case of offence;
- e. Procedure to deal with the problems of False and Malicious Complaints;
- f. Appropriate dress codes to be followed by employees, whether in physical workplace or virtual / remote workplace;
- g. Steps to be taken to deal with the problems of Virtual Sexual Harassment while working from home or operating from remote places;
- h. Best practices taken by HCTS to ensure a safe, healthy and inclusive workplace environment.

4. IMPORTANT DEFINITIONS

4.1 SEXUAL HARASSMENT

“Sexual Harassment” includes anyone or more of the following unwelcome acts or behavior (whether directly or by implication), namely:

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1. Physical contact or advances;
2. A demand or request for sexual favours;
3. Making sexually colored remarks;
4. Showing pornography;
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

****The aforementioned list provided by the Act is illustrative. Any form of verbal, physical, cyber, written or graphic or emotional harassment shall be considered as sexual harassment and shall be liable to disciplinary actions if the Complainant or Aggrieved Person perceives such inappropriate behaviors to be of a sexual nature.***

In order to avoid confusion and easily interpret the term Sexual Harassment, employees and beneficiaries must assess the unwelcome act or behavior considering the following feelings:

Makes you feel bad	Makes you feel uncomfortable	Makes you feel powerless	Causes anger or depression	Reduces your self-esteem
Affects your work productivity	Affects your personal and professional relationships	Feeling that you are subjected to gossips	Feeling of not going to work	Impact on physical and mental health

Sexual Harassment can be broadly identified in two primary categories:

- **Quid Pro Quo:** Quid Pro Quo is a type of sexual harassment which occurs when the supervisor requires sexual favours from subordinates or employees to get the work done.

Example: A supervisor requesting for sexual favours as a condition of hiring, promotion, salary hike etc.

- **Hostile Work Environment:** Hostile work environment harassment occurs when there are frequent unwelcome comments based on sex, race, caste, personal affairs, disability, age, religion, body, offensive gender related comments etc. which affects the work performance of employees and create a hostile or unfriendly work environment. It is not only limited to the mentioned examples, rather may extend to any activity that obstructs people from doing their routine jobs and makes them uncomfortable at workplace.

Example: Body shaming a person and making sexually coloured remarks, sharing inappropriate images, stalking, staring inappropriately etc.

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General Illustrations of Sexual Harassment at Workplace:

- a. Sexually colored offensive comments or jokes;
- b. Threats or intimidation or retaliation against employees who speak up against problems of sexual harassment at workplace;
- c. Threats and intimidation in order to get sexual favours;
- d. Staring inappropriately;
- e. Commenting on person's body or physical appearance;
- f. Using abusive or unparliamentary language with colleagues;
- g. Displaying offensive pictures;
- h. Physically touching a person in an inappropriate manner;
- i. Invasion of personal space like brushing against or cornering someone;
- j. Stalking an individual;
- k. Abuse of authority or power to threaten a person's job or undermine her performance against sexual favours;
- l. Falsely accusing and undermining a person behind closed doors for sexual favours;
- m. Controlling a person's reputation by rumor-mongering about the person's private life.

****The aforementioned list is illustrative.***

Note: In addition to the said unwelcome acts, it is important for the readers of the policy to understand that any other unwelcome act or behavior which makes the person uncomfortable and is of sexual nature, will certainly form a part of 'Sexual Harassment' and shall be reported to the appropriate authority mentioned under the policy.

4.2 VIRTUAL SEXUAL HARASSMENT

The nature of our workplace has been significantly impacted due to the COVID-19 pandemic. Offices had to adapt the new normal of 'Working from Home'. There has been a huge shift in the lifestyle of employees from physically attending offices to finding themselves constantly under the gaze of the webcam: WebEx, Zoom, Google Meet, Skype etc. (hereinafter referred to as the 'New Workplace'). However, as a matter of concern the new workplace has blurred the lines between personal and professional behaviors as well as formal and informal behaviors, making it extremely uncomfortable for people to work.

Any unwelcome and sexually colored correspondence, messages, inappropriate jokes, audio or video recordings sent through any electronic means or social media platforms like WhatsApp, LinkedIn, Email, Instagram and more, will amount to sexual harassment in the virtual workplace and the same will be treated as sexual harassment under the policy.

Illustrations:

- a. An employee feeling uncomfortable on video calls because the supervisor makes an inappropriate comment like 'come closer to the camera, I can't see you properly';
- b. A vendor saying 'please share your personal contact details with me' and using such personal contact to send inappropriate messages;

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- c. Display of obscene or vulgar background pictures while the video meeting is on;
- d. Taking screenshots or recordings during the virtual meeting without permission;
- e. Following inappropriate dress codes during video meetings, making the colleagues uncomfortable;
- f. Sending inappropriate emojis via electronic media platforms;
- g. Stalking on social media;
- h. Insisting to switch on the camera even if the employee is feeling uncomfortable to do so.

****The aforementioned list is illustrative.***

Note: In addition to the above virtual unwelcome acts, it is important for the readers of the policy to understand that any other unwelcome act or behavior which makes the person uncomfortable and is of sexual nature, will certainly form a part of 'Sexual Harassment' and shall be reported to the appropriate authority mentioned under the policy.

4.3 INTERNAL COMMITTEE (IC)

According to the Act, Internal Committee (IC) is the key authority to help employees and aggrieved to deal with the problems of sexual harassment at the workplace.

Constitution of IC:

Complying with the provisions of section 4 of the Act, HCTS has duly constituted an Internal Committee who shall be responsible to create a safe, inclusive and health workplace culture for the employees. The members of the IC are as follows:

S. No.	Name of the Member	Designation	Mobile No	Email ID
1	CS Ms. Divija Dave	External Member	9167209942	csdivijadave@yahoo.com
2	Ms. Poorvi Shah	Presiding Officer	9930453283	poorvi@katalystindia.org
3	Ms. Anjali Hari	Member	9820180265	anjali@katalystindia.org
4	Ms. Shalima Jain	Member	9845217236	shalima@katalystindia.org
5	Ms. Michelle D'Sa	Member	7042274066	michelle@thirdsectorpartners.com
6	Akash Gade	Member	9821756162	akash.gade@roibypractus.com
7	Yashi Saxena	Member	7835860379	yashi@thirdsectorpartners.com

DISCLAIMER:

HCTS in order to avoid management bias, has constituted IC comprising of all women. As a best practice, HCTS has constituted a separate jury comprising of 3 (three) members namely, Mrs. Shital Kakkar Mehra, Mr. Sunit Mehra and Mr. Vijay Mahajan, who shall be responsible to monitor the working of IC and implementation of POSH program in HCTS in their best capacity.

**** Mrs. Shital Kakkar Mehra, Mr. Sunit Mehra and Mr. Vijay Mahajan are a part of HCTS Management.***

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Term:

The members of the IC have been appointed for the period of **3 (three) years i.e. till June 30, 2023**. Post the completion of the term, the Board will decide to either reappoint the existing members or freshly appoint new members.

Roles and Responsibilities:

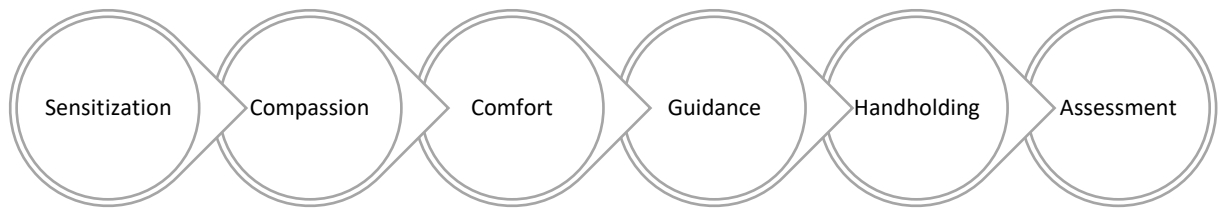
IC being the sole designated authority constituted to deal with the problems of sexual harassment at workplace, their primary role shall be to ensure a safe and inclusive workplace culture. In addition, following shall be the other responsibilities:

- a. IC shall be responsible to investigate every complaint of sexual harassment in the best possible manner and act impartially, considering the rights available to both the parties;
- b. IC may investigate the complaint of sexual harassment either when they are made by the Complainant or by someone else on behalf of the Complainant but with the written consent of the Complainant or Suo Moto;
- c. In order to create a safe and inclusive workplace, IC along with the Employers shall be responsible for organizing and conducting awareness programs at regular intervals for sensitizing employees as well as the Board of HCTS. The sensitization programs should be relevant to the current times;
- d. IC shall timely submit desired reports to the Employer;
- e. IC shall extend complete support to the aggrieved person or the Complainant during the entire process of investigation and thereafter to make them feel comfortable;
- f. IC shall in each calendar year prepare and submit the Annual Report to the Employer and District Officer in the jurisdiction where HCTS is located;
- g. Where sexual harassment occurs as a result of an act or omission by the third party or an outsider, IC shall take necessary steps to assist the aggrieved person and extend adequate support as well as preventive actions to safeguard the rights of the parties involved;
- h. IC shall make sure that all the members are duly adhering to the provisions of the Act and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (hereinafter referred to as 'The Rules').

Considering the recent times, in addition to the aforementioned, the role of IC has extended manifold. The IC shall now become a guiding torch to the employees or any other aggrieved person in HCTS with respect to deal with the problems of sexual harassment in the new normal that while working from home. Therefore, it is extremely important that IC shall now additionally focus on the following areas to proactively create a safe and inclusive workplace environment:

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Termination of Membership:

Membership will be terminated in the following events:

- Separation of a member from HCTS; or
- If a member has been found guilty in a case of Sexual Harassment defined under the policy; or
- If the membership tenure is over and the member is not willing to continue the position of IC, or
- If HCTS due to any other reason feels that the member is not contributing to the duty assigned or is misusing the position, may order for termination for membership.

Criteria for Selection of Members:

HCTS assures that the members of IC are selected based on their commitment and sensitivity towards the issue of Sexual Harassment at Workplace as well as their understanding on promotion of a gender-neutral safe workplace environment to the employees. Board resolution(s) for appointment of each member of IC has been duly passed by HCTS.

Meetings of IC:

The duty of every IC member is to promote and encourage a safe and inclusive workplace environment for its employees and stakeholders. Considering the spirit of the Act and our inclination towards building a safe and inclusive workplace environment, we hereby assure that the members of IC shall meet once every calendar quarter, irrespective of the registration of case of Sexual Harassment.

Further, during the regular meetings, IC shall devote sufficient time to discuss and plan proactive measures to create a health, safe and inclusive work environment. Such measures and details of discussion shall be duly minutes and reported every quarter to the management in order to receive their valuable feedback.

Recommendations by IC:

In case of any conflict of difference of opinion, the decision or recommendations given by the majority of IC members shall prevail.

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4.4 AGGRIEVED PERSON

An Aggrieved Person, in relation to a workplace, is a person, of any age, any gender, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

HCTS is keen at promoting a gender neutral, unbiased culture for its employees and stakeholders, hence we are zero tolerant towards any act of sexual harassment. We hereby assure that appropriate actions will be taken in the due course of time in case of any event of sexual harassment and an appropriate action will be taken keeping in view the rights of the parties involved.

Rights of Aggrieved Person or Complainant:

- a. Complainant has the right to a compassionate and supportive attitude from the IC so that the Complainant can state the grievance in a fearless environment;
- b. Complainant shall receive a copy of statement along with all the evidence and a list of witnesses submitted by the respondent;
- c. The identity of the Complainant shall remain confidential throughout the process;
- d. Complainant shall receive complete support from the employer and IC in case if they choose to lodge FIR;
- e. In case of fear of intimidation from the respondent, the statement of the Complainant can be recorded in absence of the respondent;
- f. Complainant always has the right to appeal in case not satisfied with the findings or recommendations of IC.

In addition to the aforementioned, it is equally important to state -

Rights of the Respondent or Accused:

- a. Respondent has the right to receive a copy of the statement along with all the evidence and list of witnesses submitted by the Complainant;
- b. The identity of the Respondent shall remain confidential throughout the process;
- c. Respondent always has the right to appeal in case not satisfied with the findings or recommendations of IC;
- d. In case of false and malicious complaint filed by the Complainant, complete support and adequate resource should be made available to the respondent by IC and employer.

Note:

- Complainant is the Aggrieved Person (or if the Aggrieved Person is unable to make a Complaint on account of his/her physical or mental incapacity or death or otherwise, any other person permitted under the Rules) who makes a Complaint alleging Sexual Harassment under this Policy and;

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- A Respondent means the person against whom the Complainant has made a Complaint.

4.5 WORKPLACE

Workplace for HCTS shall include:

- Premises, locations, establishments, enterprises, institutions, offices, branches or units established, owned, controlled by HCTS
- HCTS related activities performed at any other site away from HCTS premises;
- Any place where the social, business or other functions or gatherings conducted by HCTS;
- Places visited by Employees arising out of or during the course of employment including transportation provided by HCTS for undertaking such journey;
- Any misbehavior in the nature of Sexual Harassment on any social networking website shall also be considered Sexual Harassment at workplace irrespective of whether such sexual behavior was shown during or outside of working hours.

Note: Keeping in mind the spirit of the legislation and in order to ensure that people are given protection from unwanted sexual advances in cyberspace, the scope of the definition of workplace shall include 'Home' as extension of workplace. Also, virtual offices or work from home shall be considered as workplace with regards to the application of the policy.

4.6 EMPLOYEE

Employee shall mean any person employed by HCTS. An employee can be any person engaged with HCTS either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied:

- Regular worker
- Temporary, ad hoc or daily wage worker
- Co-worker
- Contract worker
- Probationer
- Trainee
- Apprentice
- Any other person called by any other such name

The aforementioned definition shall cover all employees on the payroll of HCTS including field staff, part time staff, incentive based, consultants, visitors third party staff etc.

4.7 NEW NORMAL

In the wake of the global pandemic, the traditional working models have completely transformed.

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Now, majority of the complaints are received involves:

- allegations of discrimination or harassment such as getting requests for video calls at odd hours;
- taking pictures;
- not maintaining a dress code during virtual meetings;
- stalking by colleagues on social media;
- sending inappropriate messages on personal phones;
- threatening about performance ratings.

In order to effectively address the problem of virtual sexual harassment, HCTS shall:

- regularly communicate with employees and stakeholders on email;
- conduct regular training and sensitization programs;
- conduct surveys and check-ins on timely basis to keep a track of the organizational culture;
- conduct virtual townhalls to keep the regular communication alive

In addition to the aforementioned, HCTS shall:

- maintain professional timings or working hours;
- intimate in advance of any video conference or meeting;
- mention proper dress codes to be followed while attending virtual meetings and
- respect privacy of employees and colleagues on their personal social media accounts

Note: The above points have been duly cross referenced in HCTS's Code of Conduct policy to be followed by all employees and stakeholders associated with HCTS.

5. REDRESSAL MECHANISM

The Complainant or Aggrieved Person shall make a complaint in writing to HCTS IC within 3 (three) months from the date of the incident or within 3 (three) months from the date of last incident in case of series of incidences. The IC may extend the limit of filing the complaint to another 3 (three) months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

In case if the Complainant or Aggrieved Person is unable to file a complaint, following people on behalf of the Complainant or Aggrieved Person can file the complaint with IC within the above-mentioned time frame:

Friend or
Relative

Any Co-worker

A guardian or
authority who is
taking care of
Aggrieved

Any other
person who has
the knowledge
of the incident

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Note:

- In case where the Aggrieved Person is not able to file the complaint, the above persons can file the complaint on behalf of the Aggrieved Person only if they have the written consent from the Aggrieved.
- If an Aggrieved Person is deceased, the complaint may be filed by any person who has the knowledge of the incident, with the written consent of the legal heir of the Aggrieved Person.

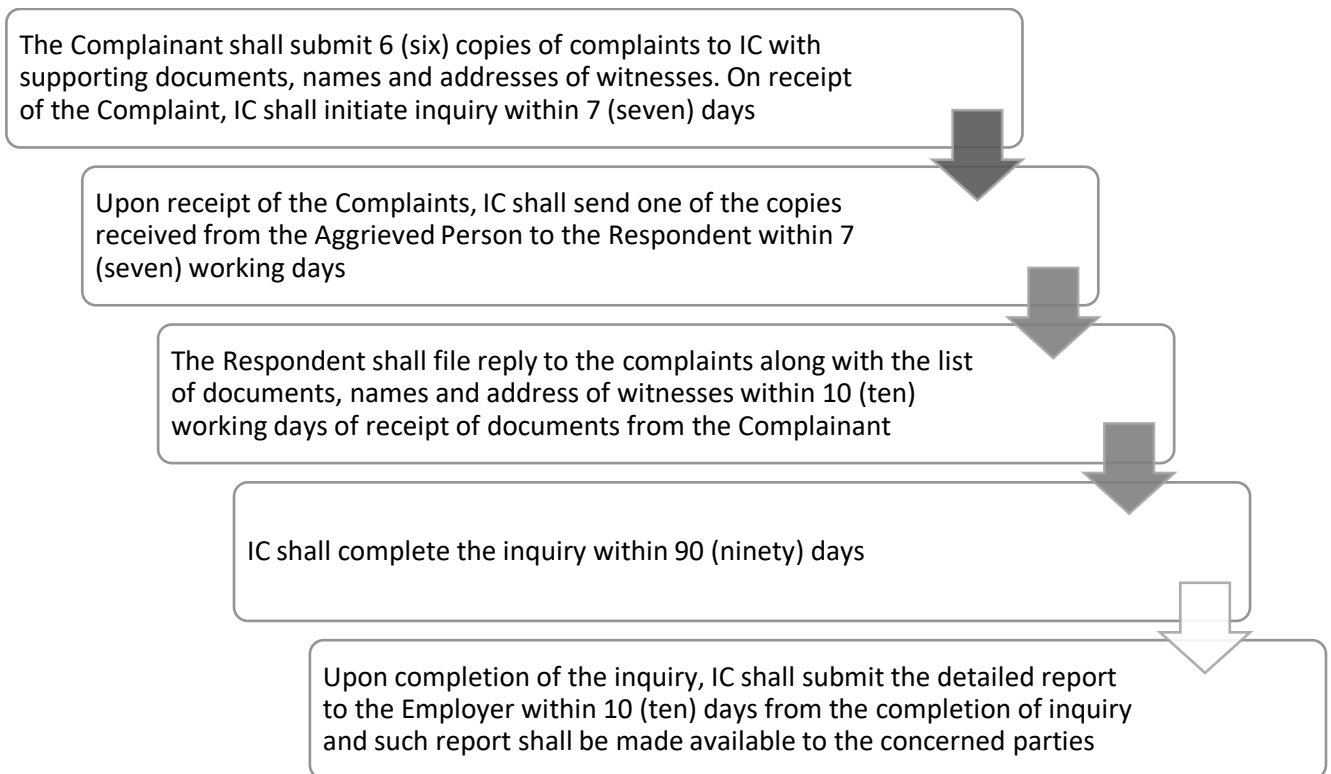
Following points must be ensured while making or filing a complaint with IC:

- The complaint must be made in writing. The complaint can be submitted to the IC electronically at **shrc@katalystindia.org** or may be physically submitted to any IC member.
- If the complaint is made physically, the Complainant shall submit the complaint along with supporting documents and relevant details concerning the alleged incident(s), the name and details of the Respondent and names and addresses of the witnesses, if any.
- If the Aggrieved Person is unable to make a complaint in writing for any reason, he/she may contact with any member of IC, immediate superior, immediate reviewer or senior members of human resource team of HCTS. HCTS shall make sure that appropriate assistance is rendered to the Aggrieved Person.
- The Aggrieved Person may file a complaint in person during office hours or may call-in advance to set up an appointment to meet elsewhere if the aggrieved person is not comfortable to come in person to the office.

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Timelines for the Inquiry:



IC shall make inquiry into the complaint in accordance with the principles of Natural Justice.¹ Further, IC shall have the right to terminate the inquiry proceedings and give an ex-parte decision on the complaint, if the Complainant or the Respondent fails, without any sufficient cause to present themselves in front of the Chairperson or Presiding Officer for 3 (three) consecutive hearings and IC shall give such order only after giving an advance notice of 15 (fifteen) days to the concerned party.

In case of the complaint is made against a third person who is not a part of HCTS, the IC shall advise the Complainant to file a Complaint with the police immediately. The option of whether the Complaint should be filed with the police or not is left with the Complainant, yet the support of HCTS in filing the Complaint shall always be ensured.

If the complaint amounts to offence under the Indian Penal Code, then HCTS can assist the victim in initiating criminal action.

Note:

In conducting the inquiry, a minimum of three members of IC including the Presiding Officer shall be present.

¹ Natural Justice – Giving an opportunity of being heard to both the parties i.e. the Complainant and the Respondent

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Conciliation:

It is important to note that prior to initiating an inquiry, the IC may with the consent of the Aggrieved Person and the Respondent, take steps to settle the matter between the Aggrieved Person and the Respondent through conciliation, provided that no monetary settlement shall form a part of the conciliation procedure. Such settlement could include an apology from the Respondent, Respondent agreeing to gender sensitization and related training or any other settlement agreement arrived at. In case of the settlement, IC shall record the settlement and forward the same to HCTS to take appropriate actions as specified in the recommendation of the IC.

The copies of the settlement shall be provided to the Complainant and the Respondent. Upon a conciliation being reached, the IC would not be required to conduct any further inquiry.

Action during the pendency of the inquiry:

During the pendency of an inquiry, on a written request made by the Complainant, the IC may recommend the following actions to be taken:

- transfer the Aggrieved Person or the Respondent to any other workplace;
- grant leave to the Aggrieved Individual up to a period of three months;
- grant such other relief to the Aggrieved Person as may be prescribed under the Act and the Rules;
- restraint the Respondent from reporting on the work performance of the Aggrieved Person or writing his/her confidential report and assign the same to another officer;
- The leave granted to the Aggrieved Person shall be in addition to the leave he/she is otherwise entitled to;
- On receiving recommendations from the IC, HCTS shall implement such recommendations and send a report of implementation of recommendations to the IC.

6. DISCIPLINARY ACTIONS

Upon completion of the inquiry and submission of the detailed report, following disciplinary actions can be recommended, considering the severity of the case:

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Written Apology	Verbal / Written Warning	Suspension	Termination
Withholding Increments	Demotion	Fine / Penalty	Transfer
	Dismissal	Any other action as deemed fit	

Note:

- The disciplinary action recommended by the IC shall be disclosed to the Respondent and the Complainant separately;
- The IC at all times shall be sensitive to the possibility of the Respondent displaying retaliatory behavior;
- If the Aggrieved Person wants to be transferred to another department/location as a result of the incident, HCTS shall assist in such transfer. The Respondent may also be transferred, if HCTS deems fit to do so.

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Procedure for determining Compensation:

The IC may consider various factors as required under the Act for the purpose of determining the sums to be paid to the Aggrieved Person and shall take the following into consideration while determining the same:

Mental trauma, pain, suffering, emotional distress caused to the aggrieved person
Loss in the career opportunity due to the incident of sexual harassment
Medical expenses incurred by the victim for physical and psychiatric treatment
Income and financial status of the Respondent
Feasibility of such payment in lump sum or in instalments

Non Retaliation:

HCTS will not accept, support or tolerate retaliation in any form against any Employee who, acting in good faith, reports suspected misconduct, asks questions or raises concerns. Any person who engages in such retaliation directly or indirectly, or encourages others to do so, may be subject to appropriate disciplinary actions.

HCTS hereby ensures that:

- Retaliation will be treated as a major misconduct;
- Retaliation against those reporting Sexual Harassment is prohibited by this policy;
- Retaliation means and includes any hurtful employment action(s) against an individual(s);
- Anyone suspecting or experiencing retaliation should report such matter immediately to the HR of HCTS;
- Anyone feeling that a retaliation complaint did not get a prompt response can contact _____ directly;
- Retaliation cases are treated as seriously as an alleged case of Sexual Harassment even if the original Sexual Harassment Complaint is not proven.

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7. FALSE AND MALICIOUS COMPLAINTS

In the case where a false and malicious complaint has been filed and the investigation has proved that the intention of the complaint was purely to defame the Respondent, appropriate disciplinary actions shall be initiated by HCTS against the Complainant.

For a false complaint of a serious nature, suspension for one week without pay and for false complaints whose implications are less serious, a warning letter will be issued to the Complainant and a copy of the same will be maintained in their respective personal files. Mere inability to substantiate a complaint or provide adequate proofs need not attract action against the Complainant. Further, the malicious intent on part of the Complainant needs to be established through the inquiry process before any action against such Complainant is recommended by the IC.

Considering the safety of all the genders at the workplace and Respondent, HCTS shall, basis the severity of the actions, initiate same disciplinary actions against the Complainant.

8. APPEAL

In the event that Aggrieved Person or the Respondent is not satisfied with the recommendations of the IC, the person may appeal to the appropriate authority, as specified by the Act, within a period of 90 (ninety) days of receiving such recommendations from the IC.

9. CONFIDENTIALITY

HCTS assures that the strictest confidentiality will be observed while handling the case of sexual harassment. Any attempt by the members of the IC or witnesses or any other persons involved in the inquiry to discuss or disclose the information related to the case to anyone except those directly involved with the complaint shall be treated as a major misconduct and shall be liable to disciplinary actions as deemed fit by HCTS.

Further, all the IC Members, General Manager, Human Resources Manager are required to sign a Confidentiality & Non-Disclosure Undertaking as may be prescribed by HCTS, declaring that they would maintain utmost confidentiality on all matters discussed under the purview of POSH and assure that the information will not be disclosed even to members of senior management who are not directly involved with the complaint.

The contents of the complaint, the identity and addresses of the Complainant, Respondent and witnesses or any other information in such relation shall not be published, communicated or made public in any manner. If the same is violated, HCTS shall recover a sum of INR 5000/- (Rupees Five Thousand) as penalty from such person or take actions as per the provisions of the Service Rules.

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However, information may be disseminated regarding the justice secured to any victim without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.

10. PENALTY

In case where HCTS contravenes or violates any provision of the Act, HCTS shall be punishable with fine which may extend to INR 50,000/- (Rupees Fifty Thousand). The repercussions of non-compliance may further impact brand reputation and business licence of the HCTS.

11. TRAINING AND SENSITIZATION

HCTS is highly sensitive towards the problem of sexual harassment at workplace and is totally convinced that there is a dire need to conduct gender sensitization workshops for employees and beneficiaries at all levels as well as for third party individuals/groups. These workshops will specifically focus on eliminating any gender biases and making people more gender sensitive with an aim to creating a safe and inclusive workplace environment.

Such workshops shall be conducted at regular intervals, at least once in a year to keep the stakeholders updated on the issue as well as create constant awareness.

12. BEST PRACTICES

Considering the severity of the problem of sexual harassment and the new normal, HCTS desires to take a step ahead and introduce certain best practices in order to enhance the culture as well as make sure that a safe and inclusive workplace environment is created:

- HCTS shall device and suggest a name for the POSH implementation program to make it more relevant to the values and philosophy. This shall also help employees and stakeholders to better associate with the essence of the program.
- HCTS considers the problem of sexual harassment as one of the major risks to the brand image and therefore, in order to mitigate such risk, members of the Board as well as Senior Management shall proactively involve themselves in strategizing and assessing the risk on regular basis;
- HCTS on regular basis shall conduct awareness sessions on appropriate behavior, having proper dress codes, understanding the sensitivity of the term sexual harassment and its consequences;
- HCTS at the time of induction of new employees, beneficiaries and stakeholders shall make sure to communicate with them the detailed POSH policy and its severity as well as implications;
- HCTS shall make sure that the POSH policy shall not merely be treated as a piece of paper, rather due efforts shall be taken to effectively communicate the essence of the policy to the IC, employees as well as all other stakeholders associated with HCTS;
- HCTS shall ensure that the POSH policy shall be evaluated every year and shall be kept updated;

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- HCTS shall ensure that constant examinations of employees and stakeholders at different levels are done to ensure their understanding about POSH as a severe subject;
- HCTS in order to avoid bias, has constituted a separate jury comprising of 3 (three) members namely, Mrs. Shital Kakkar Mehra, Mr. Sunit Mehra and Mr. Vijay Mahajan, who shall be responsible to monitor the working of IC and implementation of POSH program in HCTS in their best capacity.

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Self-Undertaking by the Employee

I have duly read the Gender-Neutral POSH Policy and understood its contents. I also undertake to abide by all the provisions of this policy and any violation of this policy by me will lead to appropriate disciplinary actions including my termination.

Name of the Employee:

Signature:

Designation:

Location:

Date:

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Self-Undertaking by the Mentor/Trainer

I have duly read the Gender-Neutral POSH Policy and understood its contents. I also undertake to abide by all the provisions of this policy and any violation of this policy by me will lead to appropriate disciplinary actions including my termination.

Name of the Mentor/Trainer:

Signature:

Designation:

Location:

Date: