

POLICY FOR PREVENTION OF SEXUAL HARASSMENT

Sexual Harassment at Workplace is a form of gender discrimination which violates a woman's fundamental right to equality and right to life as is guaranteed by the Constitution of India under Article 14, Article 15 and Article 21. Workplace Sexual Harassment may be a result of power imbalance between the perpetrator and the victim. However, it may occur between peers as well. It should be noted that although most victims of Workplace Sexual Harassment cases are women, men can also be victims of the same. This policy will cover Sexual Harassment of women at Workplace.

Suicide Prevention India Foundation (SPIF) is committed to providing a safe environment for all its female employees, free from discrimination on any ground, and from harassment at work including Sexual Harassment. SPIF will operate a zero-tolerance policy for any form of Sexual Harassment in the Workplace, treat all incidents seriously and no later than 4-5 days from receipt of complaint, commence investigation of all allegations of Sexual Harassment.

SPIF recognizes that harassment, including Sexual Harassment of women, is unlawful, and in some cases, a criminal offence. Any person found to have sexually harassed a female employee will face disciplinary action, including dismissal from employment. All complaints of Sexual Harassment will be treated with respect and in confidence. No employee will be victimised for making such a complaint.

SHORT TITLE, EXTENT AND COMMENCEMENT

This Policy shall be called the Policy for Prevention of Sexual Harassment in SPIF and shall come into effect from 13th October, 2020. It extends to all employees of SPIF and, amongst others, to third persons associated with SPIF.

DEFINITIONS

1. **“Accused”** shall mean any employee, client, supplier, or any other associates, at SPIF Workplace, or at the Workplace of such client, supplier, vendor, or other associate who is accused of Sexual Harassment.
2. **“Act”** shall mean the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, including any statutory amendment or re-enactment thereof.
3. **“Complaint”** shall mean a complaint filed by a Complainant on account of Sexual Harassment. Notwithstanding anything contained elsewhere in this Policy it is clarified that the above definition of the term “Complaint” will not include

anonymous complaints of Sexual Harassment wherein the identity of the Complainant is not mentioned.

4. **“Complainant”** shall mean a female employee of SPIF, or a woman of any age associated with SPIF, visiting SPIF or otherwise present on the premise of SPIF who has been subject to any incident of Sexual Harassment at SPIF.
5. **“District Officer”** shall mean the District Magistrate, Additional District Magistrate, Collector or Deputy Collector that the State Government may notify for every district to exercise power or discharge functions under this Act.
6. **“Employee”** shall mean any person employed at the Workplace for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor and a consultant, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
7. **“Enquiry”** shall mean the enquiry instituted by the or the Local Complaints Committee to investigate a Complaint of Sexual Harassment.
8. **“Local Complaints Committee”** or **“LCC”** shall mean the committee constituted by the District Officer to receive Complaints of Sexual Harassment from establishments where the Complaints Committee has not been constituted due to having less than ten workers or if the complaint is against the employer himself.
9. **“Nodal Officer”** shall mean the officer designated by the District Officer.
10. **“Policy”** shall mean SPIF’s Policy for Prevention of Sexual Harassment.
11. **“Respondent”** means a person against whom a Complaint of alleging Sexual Harassment has been made under this Policy.
12. **“Sexual Harassment”** shall include but not be confined to any one or more of the following unwelcome act or behaviour (whether directly or by implication) namely: -
 - (i) physical contact and advances; or
 - (ii) a demand or request for sexual favours; or
 - (iii) making sexually coloured remarks; or
 - (iv) showing pornography; or
 - (v) any other unwelcome physical, verbal or nonverbal conduct of sexual nature.

Further, the following circumstances, amongst other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of Sexual Harassment may amount to Sexual Harassment: -

- (i) implied or explicit promise of preferential treatment to the victim as an Employee; or
 - (ii) implied or explicit threat of detrimental treatment to the victim as a Employee; or
 - (iii) implied or explicit threat about present or future status of the victim in the Firm; or
 - (iv) interference with work or creating an intimidating or offensive or hostile work environment for the victim; or
 - (v) subjecting the victim to humiliating treatment likely to affect the victim's physical or mental health or safety.
13. **“Sexual Harassment electronic Box” or “SHe-Box”** shall mean the initiative of the Government of India to provide a single window access to every woman, irrespective of her work status, whether working in organised or unorganised, private or public sector, to facilitate the registration of Complaint related to Sexual Harassment.
14. **“SPIF”** shall mean Suicide Prevention India Foundation with CIN U85300KA2017NPL106438 having its registered office at 391, 2nd A Main, 2nd Block, HRB Layout, Bangalore, Bangalore, Karnataka, India, 560043.
15. **“Workplace”** shall mean and include any location where the persons covered by the Policy work or places visited by the Employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

SCOPE OF THE POLICY

This Policy shall be applicable to all allegations of Sexual Harassment by a Complainant against an Accused, if the Sexual Harassment is alleged to have taken place at Workplace as defined above.

DUTIES AND RESPONSIBILITIES

SPIF is duty bound to:

1. Provide a safe working environment at the Workplace.
2. Treat Sexual Harassment as a misconduct.
3. Organise workshops and awareness programmes at regular intervals for sensitising the employees.

4. Provide necessary assistance to a Complainant to lodge a Complaint with the Local Complaints Committee.
5. Co-operate with the Local Complaints Committee in dealing with compliant and conducting enquiries.

Employees shall:

1. have a personal responsibility to ensure that their behaviour is not contrary to this Policy.
2. maintain a work environment free from Sexual Harassment.
3. refuse to participate in any activity which constitutes Sexual Harassment.
4. support an Employee in rejecting any unwelcome behaviour.
act as witness in the Enquiry made based on the Complaint filed by a Complainant.

COMPLAINTS & REDRESSAL MECHANISM

SPIF Employees have the discretion to choose amongst the following platforms available under the Act to address Sexual Harassment at Workplace. SPIF assures to provide the Complainant any assistance or support requisite for the filing or redressal of the Complaint. Please note that SPIF recommends the options/platforms listed below to address Sexual Harassment at Workplace in addition to the various other redressal mechanisms available to a Complainant as per all existing laws in force in India.

1. LOCAL COMPLAINTS COMMITTEE

SPIF Employees may file a Complaint with the Local Complaints Committee shall be constituted by the District Officer, as is provided under the Act. The jurisdiction of the Local Complaints Committee shall extend to areas of the district it is constituted in. The Act states that one Nodal Officer shall be appointed in every block, taluk, and tehsil in rural areas or tribal areas and every ward or municipality in an urban area. As per the Act, it is the responsibility of the Nodal Officer to receive Complaints and forward the same to the concerned LCC within a period of seven days from the receipt of the Complaint.

Any Complainant may lodge a written Complaint against an Accused with any of the member/s of the LCC. The Complainant shall ensure that a copy of the Complaint is sent to info@spif.in so that the concerned party at SPIF is notified. If the Complainant is unable to make the Complaint in writing, the presiding officer or any member of the Complaints Committee or any Member of the Local Complaints Committee shall render all reasonable assistance to the Complainant for making the Complaint in writing.

The Complaint shall be made within a period of three months from the date of the incident and in case of a series of incidents, within a period of three months from the date of last

incident. The LCC may, for reasons to be recorded in writing, extend the time limit for filing of Complaint for a further period of 3 (three) months if it is satisfied that circumstances existed which prevented the victim from filing the Complaint with the prescribed time period.

At the time of lodging of the Complaint, the Complainant or the other person(s) specified hereinabove, shall submit 6 (six) copies of the Complaint along with supporting documents and the names and addresses of the witnesses.

The Act states that the LCC may, before initiating an Enquiry and at the written request of the Complainant, take steps to settle the matter between the Complainant and the Accused through conciliation. However, no monetary settlement shall be made as a basis of such conciliation. If a settlement has been arrived at between the Complainant and the Accused, as per the Act, the LCC shall:

- (i) record the settlement so arrived;
- (ii) provide a copy of the settlement so recorded to the Complainant and the Accused; and
- (iii) not conduct an Enquiry into the Complaint.

If no settlement is reached between the Complainant and the Accused and the Accused is an Employee, then the Act stipulated that the LCC shall proceed to make an Enquiry into the Complaint in accordance with the principles of natural justice and this Policy.

During the course of the Enquiry, the Act ensures that both the parties shall be given an opportunity to be heard and shall be given a copy of the findings so as to enable them to make representations against the findings before the LCC.

Under the Act the LCC (as the case maybe) may recommend to the employer to provide the following interim measures at the request of the Complainant:

- (i) transfer of the aggrieved woman or the Respondent to any other workplace;
- (ii) granting leave to the aggrieved woman up to a period of 3 months in addition to her regular statutory/ contractual leave entitlement;
- (iii) restrain the Respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, which duties may be transferred to other employees.

The Act states that the Enquiry by the LCC shall to be completed within a total of 90 days from the receipt of the Complaint and the Enquiry report shall be issued to SPIF within 10 days from the date of completion of inquiry. This report shall be made available to the parties involved as well.

Where the LCC arrives at a conclusion that the allegations against the Accused is driven by malice, or the person making the Complaint has made the Complaint knowing it to be false or has knowingly produced forged or misleading documents, as per the provisions of the Act, the LCC may, as it deems fit, recommend action to be taken against such person, by SPIF. It

should be noted that a mere inability to substantiate a Complaint or provide adequate proof will not attract action against the person who has filed the Complaint.

2. SEXUAL HARASSMENT ELECTRONIC BOX

SPIF Employees may make use of the SHe-Box initiative introduced by the Ministry of Women and Child Development to register Complaints of Sexual Harassment at Workplace. The website may be accessed at <http://www.shebox.nic.in/> . SHe-Box is an online platform for reporting Complaints of Sexual Harassment arising at the Workplace. The Online Complaint Form requires the Complainant to disclose the following information:

1. Name, designation, mobile number and email ID of the Complainant.
2. Name, mobile number, email ID of the Organisation (SPIF, in this case).
3. Name of the Contact Person/Head of the Organisation, Address of the Organisation along with the State and District.
4. Name(s), designation, working relationship with the Accused.
5. Brief description of the incident of Sexual Harassment.

Complaints received on SHe-Box shall be directed by the government to the concerned LCC. The Complainant shall ensure that a copy of the Complaint is sent to info@spif.in so that the concerned party at SPIF is notified.

CRIMINAL COMPLAINT

This Policy does not prevent any aggrieved person from taking recourse to the law of the land. An Employee may file a Complaint against Sexual Harassment with the jurisdictional police in addition to the Complaints Mechanisms mentioned above. Once the Complaint is lodged with the police, the Complainant shall be asked to visit the Magistrate's office where the State shall register the Complaint, following which a notice to the Accused is sent. The procedure for lodging a Complaint and the subsequent redressal of the same will be governed by the provisions of the Code of Criminal Procedure, 1973, the Indian Penal Code, 1860 as well as all other applicable laws in force at the time.

The Complainant shall ensure that a copy of the Complaint is sent to info@spif.in so that the concerned party at SPIF is notified.

CORRECTIVE ACTION

As per the express provisions of the Act, SPIF is liable to implement the recommendations made by the LCC and send the report of such implementation. LCC's recommendations may vary depending on the facts and circumstances of each case. SPIF shall act on the recommendations of the LCC within 60 days of receipt of the Enquiry report. Appeal against the decision of the committee is allowed within 90 days from the date of recommendations.

Corrective actions recommended may include the following:

- to take action for Sexual Harassment as a misconduct in accordance with the provisions of the service rules applicable to the Accused or in such manner as may be prescribed;
- to deduct from the salary of the Accused such sum as it may consider appropriate to be paid to the Complainant.

CONFIDENTIALITY

The contents of the Complaint, the identity and address of the Complainant, Accused and witnesses, any information relating to conciliation and Enquiry proceedings, recommendations of the LCC etc., shall not be published, communicated or made known to the public, press or media in any manner. But information may be disseminated regarding the justice secured to any Complainant by SPIF without disclosing the name, address, identity or any other particulars which may lead to the identification of the Complainant and/or the witnesses.

IMPLEMENTATION OF THIS POLICY

SPIF will ensure that this Policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new Employees must be trained on the content of this Policy as part of their induction into SPIF. Every year SPIF will require all Employees to attend a refresher training course on the content of this Policy.

OVERRIDING EFFECT

Notwithstanding anything stated elsewhere in this Policy, this Policy shall be subject to the provisions of the Act.

ANNEXURE

The following are certain examples of Sexual Harassment: (This list is not exhaustive)

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
- The 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
- Sending sexually explicit messages (by phone or by email)

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually suggestive gestures
- Whistling
- Leering