

**POLICY DOCUMENT ON
PREVENTION, PROHIBITION AND REDRESSAL
OF SEXUAL HARASSMENT AT THE WORKPLACE
(POSH)**

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I. INTRODUCTION

The Preamble to the Constitution of India preserves, “equality of status and opportunity” for all its citizens. Equality of every person under the law is guaranteed by Article 14 of the Constitution. Articles 14, 15 and 21 of the Constitution confirms the principle of equality and personal liberty. This further reinforced by the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which was adopted by the UN General Assembly in 1979 and which is ratified by India. Thus, a safe workplace is a woman’s legal right.

Sexual harassment constitutes a gross violation of women's right to equality and dignity. It can have negative impact on the physical and psychological well-being as well. It also can lead to poor productivity and a negative impact on lives and livelihood.

To prevent and protect women from sexual harassment at the workplace and thereby ensure a safe working environment for women, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (“POSH Act”) came into existence in 2013.

Today, all workplaces in India are mandated by law to provide a safe and secure working environment free from sexual harassment for all women.

II. OBJECTIVE

The objective of this policy is to build enabling and safe working environment that respect women’s right to equality of status and opportunity. To prohibit and provide protection against sexual harassment to any woman irrespective of their age and employment status.

III. SCOPE AND COVERAGE

This policy is applicable to all female employees of all MAGNET offices, contractors, service providers and vendors associated with MAGNET.

This policy takes complete cognizance of the latest legislation by the Government of India “The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act 2013 and its rules notification published on 9th December 2013.

Prevention Prohibition and Redressal of the sexual harassment at Workplace in the context of the MAGNET Society)

Prevention - Through orientation, awareness and sensitization sessions on POSH act and POSH policy of MAGNET to each and every stake holder of the programme/ project. It includes PISC, PMU, PIUs, FIs, contractors, service providers and vendors associated with MAGNET.

Prohibition - Clearly defining what is unwelcome behaviour under the act. Exhibiting posters at every office or employment place of MAGNET, construction sights, FPO, VCO associated with MAGNET.

Redressal – Providing a detailed framework for redressal. Capacity and skill building of Complaints Committee of MAGNET. Widely publicize names and contact details of Internal Committee (IC) members and Local Committee members (LC)

IV. DEFINITIONS

- i. **Sexual Harassment** - “Sexual Harassment” includes anyone or more of the following unwelcome acts or behaviour. (Whether directly or by implication) Sexual Harassment may include any of the following but not limited to:
- Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit Physical contact and advances.
 - Demand or request for sexual favours
 - Sexually coloured remarks, including but not limited to vulgar / indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.
 - Showing pornography or the likes
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
 - Physical contact and advances such as touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation.
 - Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas
 - Verbal or non-verbal communication which offends the individual’s sensibilities and affect individual’s performance and has sexual connotation/ overtone/ nature.

- Teasing, innuendos and taunts, physical confinement and /or touching against one's will and likely to intrude upon one's privacy.

The following circumstances, among 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.

- Implied or explicit promise of preferential treatment in the employment
- Implied or explicit threat or detrimental treatment in the employment
- Implied or explicit threat about the present or future employment status
- Interference with the work or creating an intimidating or offensive or hostile work environment, Humiliating treatment likely to affect health or safety.

An alleged act of Sexual Harassment committed during or outside of office hours falls under the purview of this policy.

ii. Aggrieved Individual

An Aggrieved Individual, in relation to a workplace, is a person, of any age above 18 years, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment.

In the MAGNET Society context, it could be any employee of the MAGNET Society, employees of the associated company or agency, contractors, vendors under the MAGNET Project. OR

A person not employed under the MAGNET project but subjected to any act of Sexual Harassment in any of the MAGNET or associated company's premises.

iii. Complainant

A Complainant is any Aggrieved Individual OR if the Aggrieved Individual is unable to make a complaint on account of her physical or mental incapacity or death or otherwise; the person who makes a complaint on behalf of the aggrieved person alleging Sexual Harassment under this Policy.

iv. Respondent

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

v. Employee

An Employee means a person employed with the MAGNET society includes consultants, employee on the contractual basis, on a temporary, *ad hoc* or daily wage basis, individuals on deputation, apprentices, trainees, woman employed at a workplace through an agent or contractor, volunteers.

vi. Workplace

Office Premises, locations, establishments, institutions, branches or units established, owned, controlled by the MAGNET society or associated with the MAGNET project. Thus, includes PISC, PMU, PIUs, FLs, Nineteen MSAMB Facilities, 1 NIPHT Facility, construction sights, FPO, VCO offices.

Any place visited by the Employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

As per this definition, a workplace covers both the organised and un-organised sectors.

vii. An employer

- The head of the department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the Appropriate Government or local authority or such officer specified in this behalf.
- Any person (whether contractual or not) responsible for the management, supervision and control of a designated workplace not covered under clause.

In the MAGNET Society the Project Director is the employer.

V. THE INTERNAL COMMITTEE (IC) NOMINATION

The Additional Project Director will nominate Chairperson and the other members of the committee.

Every employer is obliged to constitute an IC through a written order. The IC will be composed of the following members.

- i. Presiding Officer - Women working at senior level as employee; if not available then nominated from another office/units/department/workplace of the same employer
- ii. Minimum 2 Members From amongst employees committed to the cause of women or having legal knowledge or experience in social work.

iii. External Member - The Act refers to external members, which generally means persons who have expertise with the issue of sexual harassment and grasp and practise of legal aspects/implications.

a. The IC at MAGNET

The IC at MAGNET is constituted of five members. Four members employed by or on the pay roll of MAGNET society. This includes GESI Project Officer, two other members from PMU who are committed to women's issues, one member from PIU, and one external person with knowledge, skill and capacity in dealing with workplace sexual harassment issues/complaints and sound grasp and practice of the legal aspects/implications. As per act (minimum 50% female representation in IC) three out of five members will be female members at MAGNET IC. Remaining two could be females or male members.

b. Term of IC

The Presiding Officer and every member of the Internal Committee will hold the office for a period not exceeding three years from the date of the nomination.

c. Replacement or Removal of IC Members or Presiding Officer

In the event that, the Presiding Officer and / or any member of the IC:

- Contravenes any provisions of the Policy.
- Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- Has been found guilty in any disciplinary proceedings or disciplinary proceeding is pending against him / her.
- Has so abused his / her position as to render his / her continuance in office prejudicial to public interest, such Presiding Officer or member, shall be removed from the IC.

Any vacancy created due to termination of employment, resignation, death, disability, or removal, as applicable, shall be filled by a fresh nomination.

HONORERIUUM of the IC Members Honorarium for the external member:

The external third-party members shall be paid for their services on the Internal Committees as prescribed. The external member is entitled to reimbursement of the meeting and travel cost as per

Government GR from the MAGNET Society for each visit to the office premises. In case the external member needs to visit outstation for the purpose of the inquiry, the transportation charges, hotel charges and DA will also be reimbursed by MAGNET Society. The services include:

- Two meetings of IC annually.
- Conducting enquiries and preparing reports as prescribed by the Act.
- Capacity and skill building of Complaints Committee members.
- Any other services requested by MAGNET Society.

Honorarium for the other IC members Full time employee:

The IC members working as a full-time employee at the MAGNET society will not be paid separately for any of the services under IC unless not within the office hours. This includes:

- Two annual meetings
- Participating in the capacity building sessions for the employees and the committee members.
- Conducting enquiries
- Any other work related to POSH committee.

In case they are working beyond the office hours or on the holidays as IC members, they may get paid for such services according to the service rules. They are also entitled to reimbursement of the travel cost at actuals for each such visit.

In case the member needs to visit outstation for the purpose of the inquiry, the transportation charges, hotel charges and DA will also be reimbursed by MAGNET Society.

Every IC member is entitled to reimbursement of the travel cost at actuals for each visit for the IC service in the office premises or outside office premises.

d. MAGNET IC's Scope/ Jurisdiction

IC is formed at each workplace with 10 or more employees. Thus, MAGNET PMU will form IC.

The MAGNET PMU IC will be restricted to Pune district. Any Aggrieved Individual, in relation to a workplace, is of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment can make a complaint where the Respondent is Employee* of MAGNET Society in Pune district.

(*Employee – As per defined in the policy.)

INTERNAL COMMITTEE PMU

- 1) Presiding officer** – Ms Sanskruti Patil (GESI Project Officer)
- 2) Secretary** - Ms Archana Pimpodkar (Project Associate, Finance and Accounts, PMU)
- 3) Member-** Mr. Kailas Kumbhar (Deputy Project director, Finance and Accounts, PMU)
- 4) Member-** Santosh Siddheshwar Ingole (GESI officer)
- 5) External Member** – Advocate Surekha Wadkar

MAGNET project office with less than 10 employees.

In case of the office less than 10 employees, any Aggrieved Individual, in relation to a workplace, is of any age, whether an Employee or not, who alleges to have been subjected to any act of Sexual Harassment by the MAGNET Employee can make a complaint to the **Local Committee (LC)** at the district level. LC is constituted under section 6 of the POSH Act.

Additionally, if a complainant required any assistance regarding filing complaint, the contact number of IC Presiding Officer from PMU will be displayed at the sight.

In such case each PIU, FIs, construction site, FPOs, VCOs any and every workplace directly working under or associated with MAGNET project should display LC member's names and contact numbers including IC Presiding Officer from PMU and posters on the POSH act in regional language.

In case in the future, any regional office of MAGNET has 10 or more than 10 employees, the new IC will be formed for that specific office. **Compliant and redressal mechanism**

VI. COMPLAINT OF SEXUAL HARRESSMENT

A Complainant under jurisdiction of PMU MAGNET can make a complaint of Sexual Harassment to the Internal Committee (IC), within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident in the prescribed format*.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman for making the complaint in writing.

The IC may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within the said period.

OR

The complaint under jurisdiction of PMU MAGNET can be submitted to the IC electronically at iccmagnetpune@gmail.com in the prescribed format* (email id to be created specifically for complaints under POSH. It will be accessible only to the GESI Project officer who is a Presiding Officer of the IC from the MAGNET PMU)

*** The format for the written complaint is attached in the annexure 1**

i. Complainant other than aggrieved individual:

If the Aggrieved Individual is unable to make a complaint on account of her physical incapacity, a complaint may be filed by: - her relative or friend; or her co-worker; or an officer of the National Commission for Women or State Women's Commission; or any person who has knowledge of the incident, with the written consent of the Aggrieved Individual

If the Aggrieved Individual is unable to make a complaint on account of her mental incapacity, a complaint may be filed by: her relative or friend; or a special educator; or a qualified psychiatrist or psychologist; or the guardian or authority under whose care she is receiving treatment or care; or any person who has knowledge of the incident jointly with the Aggrieved Individual's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care If the Aggrieved Individual for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with his/her written consent.

If the Aggrieved Individual is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir.

The complaint from any other district than PUNE with less than 10 employees can be submitted to the Local Committee (LC) or through She Box (Sexual Harassment electronic Box - [MINISTRY OF WOMEN & CHILD DEVELOPMENT \(shebox.nic.in\)](http://shebox.nic.in))

The complainant from any other district office than PUNE under MAGNET may seek help of PMU IC for the guidance for filing complaint.

The Committee maintains a register to endorse the complaint received by it and keeps the contents confidential, if it is so desired, except to use the same for discreet investigation.

IC holds a meeting with the complainant after receipt of the complaint.

The complainant will be formally intimated of the date of the meeting.

i. Conciliation

Prior to initiating an inquiry, the IC may, at the request of the Complainant take steps to settle the matter between the Complainant and the Respondent through conciliation, **provided that no monetary settlement is made the basis of such conciliation**. In case a settlement has been arrived at the IC shall record the settlement so arrived and forward the same to the Project Director MAGNET to take an action as specified in the recommendation of the IC.

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

ii. Enquiry

- Subject to the above and in the event of any term or condition of the settlement not been complied with by the Respondent, the IC shall conduct an inquiry regarding the complaint.
- Create an independent confidential file of the complaint and all subsequent related documentation.
- On receipt of the complaint, the IC shall send one of the copies received from the Complainant to the Respondent within a period of seven working days.
- The Respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents.

- The IC shall make an inquiry into the complaint in accordance with the principles of natural justice. The IC must notify in writing, the time and dates of its meetings to MAGNET Society, the Complainant and the Respondent, not less than 5 days in advance of any such meeting.
- The IC shall have the powers to summon and enforce the attendance of any person and conduct an examination, request the discovery and production of documents and / or any other matter which may be prescribed and deemed necessary for the inquiry process.
- The Complainant and the Respondent shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Committee.
- All colleagues and witnesses who are part of the IC proceedings will need to sign a confidentiality agreement.
- During the course of inquiry, the Complainant and the Respondent shall be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the IC.
- The inquiry shall be completed within a period of ninety days from the date of receipt of the complaint.

iii. Action During Pendency of Inquiry

During the pendency of the inquiry, depending on the severity of the case, IC may request the Management for the following during the course of inquiry:

- Transfer the complainant or the respondent to any other office, if possible, or
- Grant leave to the complainant up to a period of three months; The leave granted to the complainant under this section is over and above the leave that is due to her.
- On receiving a recommendation from the IC, the MAGNET Society shall implement the recommendations and send a report of such implementation to the IC.

iv. Inquiry Report and Action

An inquiry must be completed within 90 days and a final written report submitted to the Employer (Project Director, MAGNET) or District Officer (as the case may be) within ten days thereafter.

- Such report will also be made available to the concerned parties.

- Where the IC arrives at the conclusion that the allegation against the
- Respondent has been proved, it shall recommend in writing to the Project Director, MAGNET to take an action against the Respondent stated within the relevant Policy or Service Rules, which may include a warning to terminate.
- In case service rules do not exist, recommended action may include:
 - A written apology from the Respondent
 - A letter of warning may be placed in the personal file of the Respondent
 - Reprimand or censure
 - Immediate transfer or suspension without pay
 - Withholding promotion/ pay raise/ increment;
 - Termination from service
 - Undergoing a counselling session
 - Carrying out community service
- The IC may also recommend financial damages to the complainant, while deciding the amount they shall take into consideration:
 - Mental trauma, pain, suffering, and emotional distress caused.
 - Medical expenses incurred.
 - Loss of career opportunity
 - Income and financial status of the respondent.
- Deduction from the salary or wages of the Respondent such sum as it may consider appropriate to be paid to the Aggrieved Individual or to her legal heirs.
- If the amount is not paid it can be recovered as an arrear of land revenue.
- The Internal Committee can also give additional recommendations to address the underlying factors contributing to sexual harassment at the workplace.

v. Malicious Complaint

In case the IC arrives at a conclusion that the allegation against the Respondent is malicious, or the Complainant has made the complaint knowing it to be false or has produced any forged or misleading document, it may recommend to the Company to take suitable action against the Complainant who has made the complaint, in accordance with the provisions of the applicable service rules or as prescribed under applicable law.

VII. RIGHTS AND RESPONSIBILITIES

a. Rights Of the Complainant

- An empathetic attitude from the Complaints Committee so that she can state her grievance in a fearless environment.
- A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.
- Keeping her identity confidential throughout the process
- Support, in lodging FIR in case she chooses to lodge criminal proceedings.
- In case of fear of intimidation from the respondent, her statement can be recorded in absence of the respondent.
- Right to appeal, in case, not satisfied with the recommendations/findings of the Complaints Committee.

b. Rights of the Respondent

- A patient hearing to present his case in a non-biased manner.
- A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant.
- Keeping his identity confidential throughout the process.
- Right to appeal in case not satisfied with the recommendations/findings of the Complaints Committee

c. Responsibilities

It is responsibility of the complainant and the respondent to maintain the confidentiality throughout the process of enquiry.

i. Responsibilities of an Employee

- Participate in the POSH programme.
- Seek clarification on POSH including what constitutes Sexual Harassment.
- Understand the process of giving complaint.
- Support the fellow employee if she is sexually harassed.
- Acknowledgement that the policy is understood and be aware and abide by laws, policy of MAGNET and procedures regarding POSH.
- Be aware of, and do not participate in any prohibited or inappropriate behaviours or activities inside or outside of the office premises while working for or engaged under the MAGNET programme.
- Be aware that the MAGNET society will take allegations seriously and will ask their cooperation in an investigation if they bring a complaint forward.

ii. Responsibilities of the Employer

The employer has same responsibilities as the employees and additional responsibilities as a custodian of the MAGNET Society –

- Provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace.
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4.
- Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed.
- Support and encourage the complainant to give the complaint in writing to the IC.
- Provide necessary facilities to the Internal Committee or the Local Committee for dealing with the complaint and conducting an inquiry.
- Keep disclosed information as confidential. Handle information in a discreet manner and disclose confidential information strictly on a “need-to-know” basis only.
- Not attempt to investigate or verify the information unless instructed by the IC.

- Allow the complainant, respondent, witnesses and allied parties to attend the inquiry proceedings at the stipulated time and place.
- Carry out all corrective measures and remediation established in the final decision.

iii. The Internal Committee (IC)

IC members have the same responsibilities as the employees and additional responsibilities as an IC member –

- To be fair while making the assessment of the situation, investigation and giving the verdict.
- Conduct the inquiry process and recommend appropriate actions as per the process outlined in section 6 of this document in line with the statutory requirements applicable.
- Inform the parties involved in the inquiry proceedings well in time and in writing.
- Follow the principles of natural justice and treat the complainant, respondent, witnesses, and related persons to the inquiry with dignity and respect.
- Submit an annual report comprising details of all cases and actions taken to MAGNET Society.
- Keep disclosed information as confidential. Handle information in a discreet manner and disclose confidential information strictly on a “need-to-know” basis only.
- If an employee faces sexual harassment outside of the company work and work premises, assist them in filing a complaint in the police station as appropriate.

VIII. AMENDMENTS

The MAGNET Society reserves the right to amend the Policy from time to time in order to comply with any laws / rules / regulations that come into effect from time to time, related to Sexual Harassment.

IX. ANNEXURES

Annexure 1

– Complaint Format

i. Details of the Aggrieved Person

Name	Division /Department	Designation	Contact number	Office address
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ii. Details of Complainant (in case the Complainant is not the Aggrieved person)

Name	Relationship with the Aggrieved person	Contact Numbers	Address

iii. Details of individual alleged to have engaged in sexual harassment (Respondent)

Name	Designation	Division/ Department	Contact Numbers	Office Address

iv. Details of the incidents

Sr. No.	Nature / Description of incident	Date of incident	Time of incident	Place of incident	Name and contact details of witnesses if any

Has a report regarding these incidents been filed with any other agency? Yes () No ()

If yes, with whom?

Additional information and comments if any:

Signature of Aggrieved Individual/ Signature of Complainant

Date:

Annexure 2

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

Annexure 3

HANDBOOK on Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION AND REDRESSAL) Act, 2013 for Employers / Institutions / Organisations/ Internal Complaints Committee / Local Complaints, **by Ministry of Women and Child Development, November 2015**