

**POLICY OF PROTECTION OF WOMEN
AGAINST SEXUAL EXPLOITATION AND
HARASSMENT OF WOMEN IN WORKPLACE**

SISTRY FOUNDATION

**(Social Infrastructure for Schedule Tribe &
Rural Youth Foundation)**



Our Sistry Foundation

Vill- Prangopalnagar, Nabadwip, Nadia

West Bengal, India, Pin – 741302

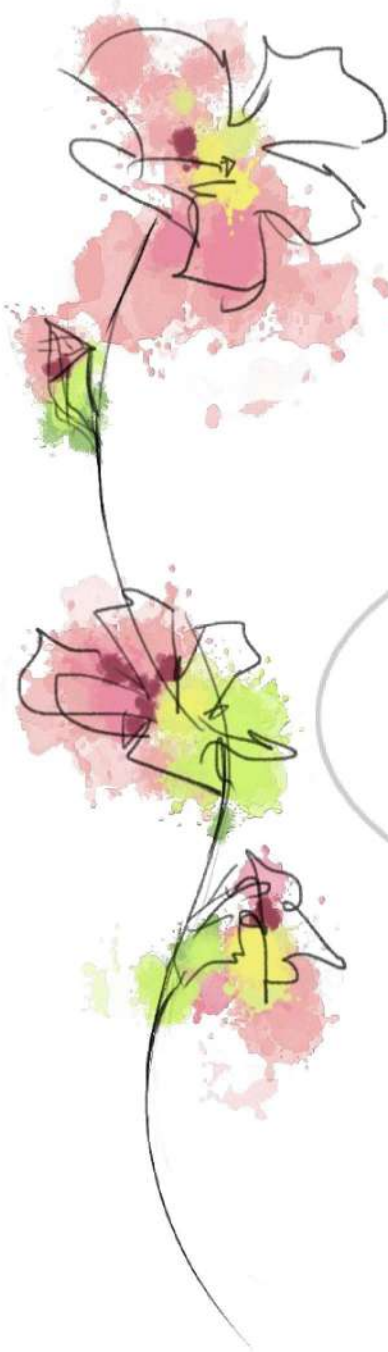
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Introduction:

SISTRY Foundation is a non-communal, non-political and non-profit making NGO at the state level. SISTRY Foundation is committed towards the all-round and sustainable development of the vulnerable and marginalized segment of the society with a prime focus on the poverty-stricken farmers and farm women, distressed women and children belonging to tribal, dalits and minority communities. SISTRY Foundation mainly works for the empowerment and sustainable development of the marginal farmers and farm women and sharecroppers through sustainable and eco-friendly agriculture in backward villages in Purba Bardhaman, Nadia, Paschim Bardhaman districts in West Bengal. The main activities of the foundation include but are not limited to sustainable agricultural development through transfer of need-based, result-oriented and climate friendly agro technologies among the marginal farmers and farm women, promotion of FIG and farmers producers company, development of seed bank of improved indigenous variety of crops, agricultural marketing, promotion of organic farming among the farmers and farm women, women's rights, gender equality, livelihood promotion through skill development, environmental protection programme, disaster management and emergency relief programme.

SEAH POLICY OF SISTRY FOUNDATION

SISTRY Foundation is committed to creating and ensuring and enabling, dignified and equitable work environment for every employee irrespective of gender. All employees should be able to work together in an environment free of exploitation, harassment and violence. We believe that sexual harassment is not only a criminal offence but is a violation of human rights. According to the protection of Human Right Act 1993 "Human rights mean the rights relating to life, liberty, equality and dignity of individual guaranteed by the constitution or embodied in the International Convention and enforceable by courts in India. It is necessary expedient for employers in workplaces as well as other responsible persons or institutions to observe guidelines to ensure the prevention of sexual harassment of women as to live with dignity which is a fundamental right guaranteed by our constitution. Sexual harassment is contrary to anti-discrimination law.



The Policy Aims

- a) To put in place a mechanism for prevention and redressal of sexual harassment causes at work place.
- b) To create a secure and stress-free environment for women works/employees
- c) To ensure that no gender-based discriminations takes place which hinders women's progress and equal opportunities for them
- d) To promote a healthy work environment in which men and women can work as a colleague and develop their future potential.

Principles

i) Sexual harassment is unlawful and will not be tolerated and is a disciplinary issue other than it being a criminal offence. The principles governing it

a) area needs speedy (early) resolution to problems

b) Confidentiality

ii) Any retaliation against an individual who has complained about sexual harassment (Complainant) for retaliation against individuals for cooperating with an investigation of a harassment complainant is similarly unlawful and will not be tolerated.

iii) Misuse of policy or malicious complaints will be dealt with as a disciplinary matter.

Existing Law

POSH Act, 2013

To check for the prevention and redressal of complaints of sexual harassment and for sexual harassment of women in workplace Govt of India has enforced POSH Act, 2013 for the prevention and redressal of complaints of sexual harassment and for matter connected there with and incidental thereto.

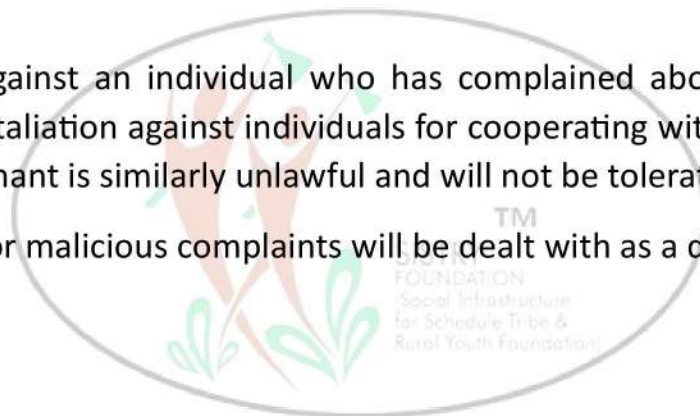
Abiding by the POSH Act, 2013 an Internal Complaints Committee (ICC) will be formed to enquire into any complaint of sexual harassment of women in workplace.

Internal Complaints Committee (ICC)

a) Constitution of the committee

The committee shall consist of 5 members in total which is explained as below: -

- 1) Presiding Officer- shall be a women employee at a senior level.
- 2) Internal Members- 3 Internal members out of whom at least one would be a male member.
- 3) External member- 1 external member who is a person committed to the cause of women.



No meeting of the ICC can be held without at least 3/5 members present including the external member.

No member of ICC shall be part of ICC for more than a period of 3 years. The only exception of extension in any member's tenure would be in case of an ongoing investigation.

b) Management – For the implementation of this policy, the ICC would report all matters to the Executive Director and the Executive Director shall act as Management for this purpose of this policy and the Act. In case of an allegation against Executive Director is investigated by the ICC, the Management would mean the Board Chair of SISTRY Foundation.

Complaint

Time Limitation: The aggrieved party must complain to the committee in writing within 3 months of the incident or 3 months from the last incident in case of series of incidents. This can be further extended to another 3 months in case of exception of circumstances by the ICC but in no case more than 6 months.

i) The complaint can also be made by the legal heir in case the aggrieved party is not in physical or mental condition to do so.

ii) Time limitation 3 months to 6 months for the complaint in favour of the victims

Procedure for ICC

a) Complaint: ICC cannot function suo-motto but will have to wait for the complaint to happen.

b) Conciliation-ICC at the request of the aggrieved party may take steps to settle the matter between her and the respondent through conciliation. such conciliation can result in monetary settlement.

c) Settlement – The ICC shall record the settlement and submit the same to Management and also a copy each to aggrieved party and the respondent. If settlement is submitted once no further investigation to be made by the ICC

d) Police Complaint: During the course of investigation, if the ICC deems to believe that a prima facia case exists, shall forward the complaint to the police within 7 days for registering the case under section 509 of IPC.

e) Both parties heard: The ICC is responsible to give the opportunity of representation to both parties during the course of inquiry before reaching any conclusion

f) Powers of ICC: The ICC has the powers under law as equivalent to that of a civil court in the following matter; Summoning and enforcing the attendance of any person and examining him/her on oath b) Requiring the discovery and production of documents.

g) The inquiry must finish within a period of 90 days.

h) Recommendations: At the end of such enquiry, the ICC needs to submit a recommendation to the management and the management is bound to implement such recommendations. The management is also required to submit a report of such implementation to the ICC, copy of such recommendations shall be submitted within 10 days of finishing the inquiry. A copy of the same shall also be submitted to the two parties involved.

i) Punishment: Since the sexual harassment is considered misconduct so punishment for misconduct may apply.

j) Malicious Complaint; If the ICC comes to a conclusion that the allegation made against the respondent are malicious or have been made even after the knowledge of it being false or has produced forged or misleading documents, it shall report the same to the Management and the Management is bound to take action against the person involved in such malice. Every complaint that is not successful is not malicious.

k) Anti-corruption in the organization is the sole and fundamental principle and that is commitment to create the transparency and clarity in every sphere. It is guaranteed by the implementation of the organization

l) To promote the purity, sanctity, and transparency and it is strictly punishable in case of any irregularity, illegal matter and corruption.

m) Determination of compensation: The determination of compensation shall be made on the following ground: -

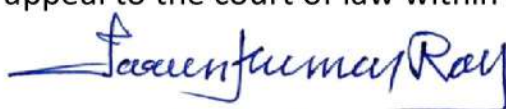
- 1) The mental trauma, pain, suffering and emotional distress caused to the aggrieved women.
- 2) The loss in career opportunity
- 3) Medical expenses incurred due to physical or psychiatric treatment
- 4) Income and financial status of the respondent
- 5) Feasibility of such payment in lump sum or instalments.

Non-disclosure or publication

- Any complaint, the identity of the aggrieved women, respondents and witnesses, any information relating to conciliation, compensation, settlement, inquiry proceedings, recommendations and action taken shall not be disclosed or published to public, press and media in any manner.

- Provision of appeal: In case any party is not satisfied with the recommendation, has the freedom to appeal to the court of law within 90 days of such recommendations.

Signature:



Executive Director
Sistry Foundation
Prangopal Nagar, Nabadwip, Nadia



Date: 17/08/2023