

Policy on Prevention of Sexual Harassment (POSH) & Internal Complain Committee (ICC) of Ekta

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1st updated the policy on September, 2025

PREVENTION OF SEXUAL HARASSMENT

An atmosphere of mutual respect among members of the organization & staffs are necessary for Ekta to function as a organizational freedom and intellectual advancement. Any violation of mutual trust, any form of threats or exploitation, damages the institution's developmental process by undermining the essential freedoms of inquiry and expression. Management and staff must feel personally secure for real learning to take place. As a place of work, Ekta premises must be free of discrimination and harassment in all of its forms, including threats and exploitation. All staff members must be assured that the Ekta will take action to prevent such misconduct and that anyone who engages in such behaviour is subject to disciplinary procedures. The Ekta has a legal obligation to provide a harassment / discrimination free environment, and is committed to maintaining an NGO, working and residential environment which is free of inappropriate and disrespectful conduct of a derogatory nature regarding any woman especially when such conduct adversely affects an employee's work & environment or creates an intimidating, hostile or offensive environment. Discrimination and / or harassment are prohibited personnel practices when it has the effect or purpose of abusing others based on direct or implied discrimination. It is also a prohibited personnel practice when it interferes with an individual's organization, social or work performance. The effect may include, but is not limited to: anguish, withdrawal from a position & project. This policy applies to all Employee / Employee, Employee / Members of Management cases of discrimination or harassment (including contract employees and part time employees). All staff members of the Ekta should be aware that the Ekta prohibits and will not tolerate sexual harassment of its staff, and other members. Each member & staff of the Ekta family is expected to support efforts to keep the Premises (administrative office, field office & training Centre) free of sexual harassment.

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INTRODUCTION

Ekta Deemed to be organization is committed to provide to the community good quality trained human resources who are socially sensitive have inquisitive minds and persistence to change theirs and organization and their lives and contribute to making community a knowledge, skill & empower and society a better place to live in. Ekta is committed to prevent sexual harassment and provide for environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. With the objective of providing a safe and friendly environment to all at the organization, the organization has framed the guidelines to ensure prevention of sexual harassment at workplace. This policy applies to all members, all staff (managerial, coordinator, field & administrative staff) of the organization. This policy also prohibits sexual harassment by third parties towards members & staff of the organization.

SCOPE OF THE Ekta's GUIDELINE

The Policy on "Prevention of Sexual Harassment" (POSH Policy) covers all members of management, all staff (both programme and administration), student from different institution for internship, external consultant, trainer, evaluator, visitors and researcher and members of Governing body. It shall be irrespective of sex, between same sex or opposite sex. Sexual Harassment is judged by the impact on the complainant and not the intent of the Respondent.

DEFINITION

The Policy on "Prevention of Sexual Harassment" (POSH Policy) covers all members of management

- a) "Aggrieved Person" means a person in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent
- b) "Employee" means a person employed at a workplace for any work on regular, temporary basis or working on a voluntary basis, including student from different institution for internship, external consultant, trainer, evaluator, visitors and researcher
- c) "Employer" means President, Secretary, Director of Programmes and members of Governing Body of Ekta.
- d) "Ekta's Internal Complaints Committee" (EICC) means a committee constituted by Ekta per this policy.
- e) "Respondent" means a person against whom the aggrieved person has made a complaint.
- f) "Sexual Harassment" includes one or more of the following unwelcome acts 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 other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets, or
 - V. sayings; or any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

In addition, the following acts 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.

- I. Implied or explicit promise of preferential treatment in the employment;
- II. Implied or explicit threat of detrimental treatment in the behaviour;
- III. Implied or explicit threat about their present or future employment status;
- IV. Interfering with their work or intimidating or offensive or hostile work environment; humiliation treatment likely to affect their health or safety.
- V. Humiliating treatment likely to affect the health and safety of the aggrieved person.

VI. any other acts or behaviour, any reasonable person views as such g) "Workplace includes all Company premises and shall include any place visited by the

g. Workplace includes all Company premises and shall include any place visited by the employee in the course of employment including transportation provided by the employer for undertaking such journey.

Ekta's INTERNAL COMPLAINTS COMMITTEE (EICC)

To inquire and advice suitable action on the complaints on Sexual Harassment, there shall be a Committee called as "Ekta's Internal Complaints Committee (EICC)" to address the grievances of any person subjected to sexual harassment.

(a) A Presiding Officer, who shall be a woman employed at a senior level at workplace from amongst the employees. In case of non-availability of senior level woman employee, the Presiding Officer shall be nominated from the Management Team of the work place.

(b) Not less than two (2) Members from amongst employees of Ekta's different projects preferably committed to the cause of women or have legal knowledge.

(c) One member from amongst associations committed to the cause of women or a person familiar with the issues relating to sexual harassment Provided that at least one-half of the total Members so nominated shall be women.

- Every complaint received shall be forwarded to the EICC for investigation and inquiry.
- The committee members on need basis will be provided with necessary training to handle such matters effectively and with the required sensitivity and concern.

COMPLAINT REDRESSAL MECHANISM

A. Composition of the Committee

- I. The committee consists of seven members, nominated by the Governing Body of the organization
- II. Of the total number of members, minimum six have to be women
- III. One target community representative
- IV. One member is a representative of the management
- V. A person having legal background shall be ex-officio member to be nominated by the Governing Body Members

B. Working of the Committee

- I. The ICC shall appoint a President and a secretary from amongst the members
- II. The Chairperson will be a woman
- III. In the absence of the chairperson, Management shall suggest acting chairperson of the particular meeting
- IV. The name of the members of the committee, along with their contact places and telephone numbers is displayed at all times at conspicuous place of the main notice board of each of the administrative office, all Field office, Network Office & training Centre premises.
- V. The committee will meet every quarter
- VI. The president has the power to call a special meeting on written request of not less than 1/3rd members
- VII. The quorum for any meeting shall be at least four members

C. Terms of the office of the Committee

- I. The term of the office of the Cell is for three years
- II. The vacancy if any in the cell, shall be filled by the Governing Body, for the remainder period of time
- III. Any member can tender his resignation in writing to the president. On acceptance of the resignation, the office stands vacated

D. Disqualification of the Members of the Committee

A person shall be disqualified for being appointed, elected, nominated or designated as for being continued as a member of the committee in the following circumstances.

- I. If there is any complaint or serious criminal charges involving moral turpitude pending against him/her
- II. Found guilty of sexual harassment
- III. Absent without permission of the president for three consecutive meetings

E. Powers and functions of the Committee

- I. To implement the guidelines framed by the organization, the committee shall have the following powers and functions.
- II. To process individual grievances concerning sexual harassment in the organization departments/administration/authorities
- III. To investigate into the matter thoroughly
- IV. To recommend suitable action in the manner and mode provided in the guidelines
- V. To do all such acts and things as may be necessary to carry out the objectives of these directions

WHO, WHEN AND HOW TO APPROACH THE COMMITTEE

a) Who Can Approach

The right to approach the Internal Committee lies with:

- I. Victim
- II. Victim's family
- III. Witness of the Act
- IV. *Suo moto* by the committee

b) How to Approach

- I. A complaint can be lodged with any member of the cell
- II. Written complaint shall be signed / thumb impression by the complainant
- III. Complaint can be oral or written
- IV. In case of oral complaint, the committee member to whom complaint has been made shall document it and get it signed by the complainant before any proceedings
- V. Every complaint filed will be kept fully confidential
- VI. Where the complainant is unable to make a complaint on account of physical or mental incapacity or death or otherwise, legal heir or such other person as may be prescribed may make a complaint

c) When to Approach the Internals Complaint Committee.

- I. The victim should approach the committee within one month of the commission of any act amounting sexual harassment
- II. The committee has the discretion to condone the delay in filing complaint.

PROCEDURE FOR INVESTIGATION OF COMPLAINTS

ACTION:

- I. The committee member to whom the complaint is made forwards the same to the President within 10 days.
- II. A meeting is convened by the President within three weeks from the date of communication to him.
- III. At the first meeting, the complainant or his/her representative will be heard
- IV. In case of a woman complainant, if she specifically expresses a desire that she be allowed to depose in the presence of women members of the cell, the cell will hear the complaint after male members have withdrawn from the hearing.
- V. It is at the discretion of the cell to decide whether the complaint is to be proceeded with.
- VI. It is the duty of the Committee, to ascertain the wishes of the complainant before proceeding with the complaint.

A. If complainant wishes only warning to the accused;

- I. If the complainant wishes that only warning would suffice, then the alleged offender will be called to the meeting of the committee, heard, and if so satisfied that a warning is just and proper, it will be recommended to the vice chancellor, that the accused may be warned about his behaviour
- II. The matter is then treated as concluded after recording in the complaint register to that effect.
- IV. A necessary note is made in the HR Profile/service book of the employee or record of the staff including the migration certificate.
- V. The cell verifies the compliance of the action taken. Complaint register is maintained by the committee.

B. If complainant wishes to conduct enquiry

- I. Before proceeding with the enquiry, the committee shall decide whether the delinquent deserves to be placed under suspension or prohibited from entering the premises pending enquiry, keeping in mind the nature and gravity of the misdemeanour complained of.
- II. In case the committee comes to the conclusion that such an action is necessary, it shall recommend to the Management bodies accordingly.
- III. The committee shall accord fair and reasonable opportunity to the delinquent to defend himself and shall ensure observance of the principles of natural justice
- IV. Two week's time is given to the delinquent to explain why he should not be treated as guilty of his behaviour and not be punished for the act complained off
- V. If not written explanation is submitted or if the written explanation is not sufficient, the committee shall recommend at the outset whether the offence deserves a minor or a major penalty.

VI. The committee recommends the penalty to the Chief Functionary who shall then expeditiously act on such recommendations.

C. Grant of Leave

During the pendency of inquiry, on a written request made by the aggrieved person, the Internal Committee or the Local Committee, as the case may be, may recommend to the Chief Functionary to-

- 1) Transfer the aggrieved person or the respondent to any other workplace; or
- 2) Grant leave to the aggrieved person or
- 3) Grant such other relief to the aggrieved person as may be prescribed.
 - I. The leave granted to the aggrieved person under this section shall be in addition to entitled leave.
 - II. On the recommendation of the Internal Committee the Chief Functionary shall implement the recommendations made regarding granting leave to the victim.

PROTECTION AGAINST VICTIMISATION

- a) In the event of complainant being a staff and the accused being a managerial staff, during the pendency of the investigation and inquiry and even after such an enquiry if the Managerial staff is found guilty, then such staff shall not act as an Manager/Coordinator for any project or administration
- b) In the event of complainant and the accused both being employees, during the pendency of the investigation and inquiry, even after such an inquiry, if the accused is found guilty, the accused shall not write the confidential reports of the complainant, if he otherwise so authorized.

DISCIPLINARY ACTION

The committee may recommend the following penalties on a person found guilty of sexual harassment.

a) In case of employee/employer being guilty of Sexual Harassment Penalties

- I. Warning, Reprimand or Censure
- II. Fine
- III. Withholding of increments or promotion
- IV. Reduction to a post in the lower pay scale or to a lower stage of increment
- V. Compensation to the Victim
- VI. Termination of services
- VII. Removal/dismissal from service

b) Determination Of Compensation

For the purpose of determining the compensation to be paid to the aggrieved person the Internal Committee shall have regard to –

- I. The mental trauma, pain, suffering and emotional distress caused to the victim;
- II. The loss in the career opportunity due to the incident of sexual harassment;
- III. Medical expenses incurred by the victim for physical or psychiatric treatment;
- IV. The income and financial status of the respondent;
- V. Feasibility of such payment in lump sum or in instalments.

C) In case of defaulter

The police complaint needs to be lodged as per the Act

FALSE ALLEGATIONS

1. The complaint of sexual harassment made by any employee shall be taken up with utmost seriousness by Ekta, However, there shall be zero tolerance for any false accusation.
2. On inquiry, if the Ekta's Internal Complains Committee (EICC) comes to a conclusion that the allegation was made with malicious intent or the aggrieved person or any other person making the complaint on behalf of the aggrieved person produced false or forged or misleading documents to prove his/her case, the EICC may recommend to take action against the person who made the complaint as per Service Rules. In such a case, malicious intent has to be established after an enquiry in accordance with the procedure prescribed, before any action is recommended. A mere inability to substantiate a complaint or provide adequate proof would not attract action as provided herein. A similar recommendation for taking action would be recommended against any witness whom the EICC concludes, that he/she has given false evidence or produced forged or misleading documents.
3. The above provision is not to discourage employees from coming forward with complaints. Ekta recognizes and expects certain claims may be difficult to prove or support, or may not in fact be found to raise to the level of seriousness deemed necessary to conclude as Sexual Harassment. Complaints falls under the above, shall not be considered to be false accusations.

AWARENESS:

- All the Employees, volunteers, visitors, consultants shall have access to this Policy.
- An awareness program shall be conducted among the women employees on the Policy & formation of EICC.
- Ekta shall display the notice showing the name of the EICC members suitably.
- Ekta shall make a declaration regarding the Policy on sexual harassment every year in the annual report.

APPLICABILITY OF OTHER LAWS

Ekta guidelines for protection and prevention of sexual harassment is in addition and not in derogation to the existing law of the country relating to sexual harassment.

CONCLUSION

1. Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz. the person filing the charge, potential witnesses, and the person accused of improper behaviour. Also, all efforts shall be taken to ensure objectivity and thoroughness throughout the process of investigation.
2. The identity and address of the aggrieved person, respondent and witnesses must not be published or disclosed to the public or media.

3. The decision of the Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

Approve in General body meeting of Ekta _____ Date _____

1st Approval of the polices by the Board: 5th March 2016

Board approval Date Revisit & Approval: 5th March 2016

Date Revisit: 26th June 2022