



BOARD's Policy on the Prevention of Sexual Harassment at the Workplace (PoSH)

BUREAU OF OBLIGATE AND ACCOMPAINER FOR RURAL DEVELOPMENT (BOARD)

At & P.O: Shahjahanpur, Dist. – Patna, Bihar (India), PIN –801305

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1 st Review (after 05 years from Effective Date)	10 th April''2019
2 nd Review	23 rd May'2024
Next Review Date	26 th April'2029

Introduction and Purpose

Background: Bureau of Obligate and Accompanier for Rural Development (BOARD) is committed to providing a workplace free from sexual harassment, promoting dignity, equality, and safety for all employees.

Scope: This policy will apply to all BOARD employees (both rural and urban), volunteers, consultants, interns, and partner organizations. This policy covers work-related harassment inside and outside the office.

Key Definitions

Definitions of key terms like "sexual harassment," "complainant," "respondent," and other unwanted sexual conduct/ behaviour are clearly outlined to ensure understanding across the organization, which are following;

- a) **Staff/Employee:** Any woman working with BOARD, including full-time, part-time, temporary, voluntary, contracted, casual staff, trainees, consultants, and researchers.
- b) **Partners:** NGOs, Community organizations/Institutions working with BOARD through contracts, agreements, or MoUs for projects or specific tasks.
- c) **Workplace:** Any place where an employee works or visits in connection with organizational work including office, project sites in rural or urban areas.
- d) **Complainant:** A person who files a complaint about sexual harassment, either for themselves or on behalf of others.
- e) **Defendant:** A person against whom a sexual harassment complaint is made.
- f) **Sexual Harassment:** Unwelcome behaviour of a sexual nature, including:
 - *Physical contact or advances*
 - *Requests for sexual favours*
 - *Sexually suggestive comments*

- *Showing pornography or any unwelcome sexual conduct like physical, verbal or non-verbal conduct of a sexual nature.*

Explanation of Unwelcome Behaviour:

Unwelcome behaviour refers to actions or attitudes that make the work environment uncomfortable or difficult for others. These actions can create a feeling of intimidation or hostility, where employees feel unsafe or disrespected. It could involve any behaviour that disrupts the work atmosphere and negatively affects the well-being of others.

Examples of Unwelcome Behaviour:

1. **Requests for sexual favours** – Asking someone to do something sexual in exchange for work-related benefits like promotions or salary raises.
2. **Offensive actions** – Doing or saying things that humiliate or intimidate someone.
3. **Creating an uncomfortable environment** – Actions that make people feel uneasy or unsafe at work.

Examples of Sexual Harassment:

Sexual harassment includes any unwelcome or inappropriate sexual actions or comments that make someone feel uncomfortable. These actions can be verbal, physical, or non-verbal.

1. **Unwelcome sexual advances** – This includes any unwanted physical touch or verbal propositions.
2. **Sexual jokes or comments** – Making jokes or saying things that are sexually inappropriate, or gossiping about someone's sexuality.
3. **Displaying pornographic materials** – Showing explicit images/ videos at work.
4. **Whistling or leering** – Making sexual gestures or staring in a way that makes someone feel uncomfortable.
5. **Invasive questions** – Asking about someone's sexual life or making comments about their body.
6. **Disrespectful remarks** – Using harsh language or speaking negatively about someone especially based on gender.
7. **Persisting with unwanted attention** – Continuing to contact or focus on someone even after they've shown disinterest.
8. **Sexual references or suggestions** – Making suggestive comments or implying something sexual that is not appropriate for the work setting.

Retaliation: Retaliation happens when someone is punished or treated unfairly for complaining about sexual harassment or helping with an investigation. This type of behaviour is illegal and against the policy. Anyone who faces retaliation will face disciplinary action.

Policy against Sexual Harassment at the Workplace (PoSH)

1. Background

- a) BOARD is committed to creating a work environment that is dignified, fair, and free from exploitation, harassment, and violence. All employees, whether in rural or urban areas, should be able to work in a safe environment. Sexual harassment is not only a crime but also a violation of human rights. According to the Protection of Human Rights Act, 1993, human rights include life, liberty, equality, and dignity, which are guaranteed by the Indian Constitution. Sexual harassment violates these rights and is against the Constitution's principles of equality and non-discrimination.
- b) Sexual harassment is a misuse of power that harms a woman's dignity. The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, and *the Vishakha Judgment by the Supreme Court* of India make it the responsibility of employers to prevent and address sexual harassment. BOARD is committed to ensuring a safe and respectful work environment for all its employees.

2. Sexual Harassment: The Law

The law requires employers to provide a safe working environment for women and prevent sexual harassment. This policy applies to all women working in both organized and unorganized sectors, including part-time, contract, or voluntary workers. BOARD's policy aligns with the legal requirements and aims to prohibit sexual harassment in all its offices and project sites.

3. Purpose

- a) BOARD has adopted this policy to prevent and address sexual harassment in all its offices and work locations.
- b) An Internal Complaints Committee will be set up at each office to implement this policy and ensure compliance with the law.
- c) The policy aims to create a work environment free from discrimination and harassment, particularly sexual harassment, by addressing these issues in all BOARD's operations.
- d) The goals of this policy are:
 - To prevent and address sexual harassment in the workplace.
 - To provide a safe and supportive environment for women employees.
 - To ensure equal opportunities for women and eliminate gender-based discrimination.
 - To foster a work environment where both men and women can work together respectfully and reach their full potential.

4. Principles

- a) Sexual harassment is unlawful and will not be tolerated. It is considered a disciplinary issue as well as a criminal offense. The guiding principles are:
 - Quick resolution of complaints.
 - Confidentiality during the process.
- b) All staff, including part-time, casual workers, volunteers, and consultants, must follow this policy.
- c) Retaliation against anyone who complains about sexual harassment or cooperates with an investigation is illegal and will not be tolerated.
- d) Malicious or false complaints will be treated as a disciplinary issue.

This policy will apply to all employees of BOARD, whether working in rural or urban areas, to ensure a respectful and secure workplace.

Internal Complaints Committee (IC) – BOARD Policy

5. Constitution of the Internal Complaints Committee (ICC)

- a) **Committee Composition:** The ICC will consist of 5 members:
 - **Presiding Officer:** A woman employed at a senior level at BOARD main Office.
 - **Internal Members:** 2 internal members with one being a male member and one female member.
 - **Member of Executive Committee:** one member of committee, who nominated by Governing Body (GB)
 - **External Member:** one external member, committed to women's rights.

At least 3 out of 5 members, including the external member, must be necessary present for a meeting to occur. No member will serve on the ICC for more than 3 years, except during ongoing investigations.

- b) **Management:** The ICC will report all matters to Managing Director/Managing Trustee, who acts as the Management for this Policy. If Managing Director is involved in an allegation, the nominated member by Governing Board will handle the management duties.

6. ICC for Branch offices or Project Site Offices

Committee Composition: The ICC will consist of 3 members:

- **Presiding Officer:** A senior-level woman from the office, or from another administrative unit if necessary.
- **Internal Members:** one male member.
- **External Member:** one external member, committed to women's rights.

At least 2 out of 3 members, including the external member, must be present for a meeting to occur. No member will serve on the ICC for more than 2 years, except during ongoing investigations.

7. Complaints

Time Limit: A complaint must be made in writing within 3 months of the incident or last incident if it's a series. The ICC may extend this by 3 more months in exceptional cases, but no complaint will be accepted after 6 months. If the person cannot file the complaint, their legal heir can do so on their behalf.

8. Procedure for ICC

- a) **Complaint:** The ICC can only act after receiving a complaint; it cannot take action on its own.
- b) **Conciliation:** If the complainant requests, the ICC may attempt to settle the issue through conciliation, but there can be no financial settlement.
- c) **Settlement:** If a settlement is reached, it will be recorded and shared with the Management and both parties. Once settled, the ICC will not continue the investigation.
- d) **Police Complaint:** If the ICC finds there is enough evidence, it may refer the case to the police within 7 days.
- e) **Hearing Both Parties:** Both the complainant and respondent will be given the opportunity to present their side during the investigation.

9. Powers of ICC

The ICC has the powers of a Civil Court, including:

- Summoning people and questioning them under oath.
- Requiring the production of documents.

10. Inquiry Timeline

The inquiry should be completed within 90 days.

11. Recommendations

After the inquiry, the ICC will recommend actions to the Management. The Management must implement these recommendations and report back to the ICC within 15 days. Both parties will also receive copies of the recommendations.

12. Punishment

Sexual harassment is a serious misconduct and will lead to disciplinary action, which may include punishment as per the organization's rules.

13. Malicious Complaints

If the ICC determines that a complaint was made maliciously or with false information, the ICC will report this to the Management. The Management will then take action against the person responsible for the false complaint. However, not all unsuccessful complaints can consider malicious.

14. Compensation

If the complainant is found to have suffered due to sexual harassment, compensation will be determined based on:

- The emotional distress, trauma, and pain caused.
- Lost career opportunities.
- Medical costs for physical or mental health treatment.
- The financial status of the respondent.
- Whether the compensation can be paid in one lump sum or in instalments.

This policy applies to all staff of BOARD, whether in rural or urban areas, to ensure a safe and respectful work environment.

BOARD Policy against Sexual Harassment

15. Non-Disclosure or Publication

Any information related to a complaint, including the identities of the complainant, respondent, witnesses, or any details about the inquiry, settlement, compensation, or actions taken, will remain confidential. This information will not be shared with the public, press, or media.

16. Right to Appeal

If any party is dissatisfied with the recommendations, they have the right to appeal in court within 90 days from the date of the recommendations.

17. Scope of the Policy

This policy applies to:

- a) All women employees, regardless of their job type or contract length.
- b) Women volunteers, consultants, and interns, regardless of their duration with the organization.
- c) Women employees of partner organizations who work with BOARD.
- d) Action under this policy can be taken if any of the above are sexually harassed by a BOARD employee, both inside and outside the office.

The policy is not limited to sexual harassment; it also includes any misconduct by BOARD employees. BOARD will ensure the safety of female employees both in the office and in work-related activities outside the office. If a BOARD employee is harassed by someone outside the organization, immediate steps will be taken to protect the complainant and address the issue, either through the concerned employer or legal action.

18. Minor Penalties

For less serious offenses, penalties may include:

- a) Being put on probation period for 6 months.
- b) A written warning will be placed in the personal file.

19. Major Penalties

For more serious offenses, following penalties may include:

- a) Salary reduction up to one-third of gross pay.
- b) Loss of annual increment.
- c) Suspension for up to 3 months with half pay.
- d) Transfer to a different position.
- e) Dismissal from the job.

Before any of these actions are taken, the respondent will have a chance to explain why the penalty should not apply.

20. Action for Third-Party Harassment

If sexual harassment occurs due to actions of an outsider or third party, the Committee and management will take necessary steps to support the affected person and prevent further incidents. Partners will also encourage adopting similar policies to protect women in their workplaces.

21. Criminal Proceedings

If the complaint involves a criminal offense under the Indian Penal Code or other laws, the ICC will recommend that complaint has file with the relevant authorities.

22. Conclusion

- a) The process under this policy will continue even if the complainant is pursuing other legal action against the accused.
- b) This policy does not prevent management or the complainant from pursuing other legal remedies or actions for misconduct.
- c) The policy will be reviewed and updated regularly to reflect changes in laws, workplace practices, or feedback from staff.
- d) The ICC will record its meetings and share half-yearly reports with senior management.
- e) These reports will be presented to BOARD's committee for review each GB meeting.

This policy will apply to all employees of BOARD, whether in rural or urban areas, to ensure a safe and respectful workplace.

Approval



Naresh Chandra Verma

(Authorized Signatory)

Managing Trustee

Date: 23/05/2024