

Sexual Harassment Policy

1. Preliminary

1.1. This Prohibition of Sexual Harassment Policy ("Policy") states the internal policy of the Socio Legal Information Centre (SLIC) with regard to the definition, prohibition, prevention, and redressal of sexual harassment at its workplace.

1.2. SLIC maintains a zero tolerance policy towards sexual harassment and is committed to creating and maintaining a safe, secure and comfortable workplace, free from impropriety, indignity and fear, for all persons at its workplace.

Accordingly, SLIC requires all members to undergo mandatory gender sensitization workshops and anti-sexual harassment training at regular intervals. SLIC shall ensure that its management and staff remain attentive and responsive to the issue of sexual harassment at the workplace; and, that other persons (interns, consultants, etc.) who are granted access to SLIC workplace are made aware of this Policy.

Further, the SLIC Internal Complaints Committee (ICC) is empowered to investigate complaints or allegations of sexual harassment and address them in a timely, impartial and sensitive manner.

1.3. This Policy is without prejudice to the [Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#) that was enacted into law on April 22, 2013. Sexual harassment of women, within or outside a workplace, is further defined and criminalized under section 354A of the Indian Penal Code, 1860.

2. What is Sexual Harassment?

2.1. For the purposes of this Policy, sexual harassment, includes any one or more of the following unwelcome acts or behaviour, whether directly or by implication, committed in person, on print, or via computer, phone, or other media:

1. physical contact and advances involving unwelcome and explicit sexual overtures;
2. a demand or request for sexual favours;
3. making obscene/ sexually coloured remarks or remarks of a obscene/ sexual nature about a person's clothing or body;
4. showing pornography, making or posting sexual pranks, sexual teasing;
5. repeatedly asking to socialize during off-duty hours or continued expressions of sexual/ romantic interest against a person's wishes;
6. deprecatory comments, conduct or any such behaviour based on the gender identity or sexual orientation of a person;

7. voyeurism; or
8. stalking;
9. any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

2.2. Further, occurrence of any of the following circumstances in relation to any sexually determined act or behavior amounts to sexual harassment:

1. implied or explicit promise of preferential or detrimental treatment in employment;
2. implied or explicit threat about present or future employment status;
3. interference with the person's work or creating an intimidating or offensive or hostile work environment; or
4. humiliating treatment likely to affect the person's health or safety.

2.3. If in pursuit of a legitimate professional objective or in the ordinary course of work, it is necessary to carry out any activity, including discussion, viewing, reading or other handling of issues or material related to sex, sexuality, pornography or other activities of a sexual nature, such activity will not amount to sexual harassment provided that care is taken to ensure that such activity is carried out in a professional, respectful and dignified manner.

2.4. Finally, it should be noted that the allegation of sexual harassment depends on the experience of the aggrieved person, and not on the intentions of the respondent.

3. Who may Complain of Sexual Harassment?

3.1. SLIC shall entertain complaints of sexual harassment from any member of SLIC and third parties, whether contractually employed at SLIC or not, who alleges to have been subject to an act of sexual harassment while at SLIC workplace.

For the purposes of this policy, the aggrieved person means the complainant.

3.2. Members may include any person engaged by SLIC for any work, whether of regular, temporary or ad hoc basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, intern, apprentice, client or visitor.

Accordingly, employees, whether on probation or permanent; staff; fellows; distinguished fellows; consultants; interns; board and society members are included as members of SLIC

3.3. SLIC workplace includes its offices in Delhi and Bengaluru as well as any place where the members visit in connection with his/her work, during the course of employment and/or arising out of engagement with SLIC, including transportation provided for undertaking work.

4. Internal Complaints (ICC)

4.1 The Executive Director will constitute a National ICC for all units with a staff strength of nine (9) or less members.

4.2 The ED will constitute an ICC for each office with a staff strength of 10 or more

5. How to Make a Complaint of Sexual Harassment?

5.1. A person who alleges to have been subject to an act of sexual harassment may prefer a complaint, in writing, to any member of the ICC or to **hrln.complaintscommittee@hrln.org**

1. The complaint should be made within a period of one year from the date of incident and in case of a series of incidents, within a period of one year from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall render all reasonable assistance to the person for making the complaint in writing:

Provided further that the ICC may, for the reasons to be recorded in writing, extend the time limit not exceeding six months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

2. Where the aggrieved person is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir, relative, friend, co-worker, or any person having the knowledge of the incident may make a complaint to the ICC

Complaints may be made anonymously, although prior written consent from

the aggrieved person is necessary for it.

3. In the absence of a complaint, the ICC shall have the discretionary power to investigate incidents that may amount to sexual harassment after obtaining due consent, in writing, from the aggrieved person.

Provided that where such consent cannot be made in writing, the Presiding Officer or any member of the ICC shall render all reasonable assistance to the person for making the consent in writing.

The ICC shall, in receiving, conducting inquiries into, disposing of, and otherwise handling, complaints, adhere to the procedure below, in proper compliance with the [Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#).

5.2. Receiving the Complaint

1. The Presiding Officer of the ICC shall take cognizance of the complaint at the earliest and in any case within 3 days of receiving the complaint. A complete copy of the complaint and other supporting documents, including evidence and statements of witnesses shall be sent to the respondent within 10 days of receiving the complaint.
2. Upon receiving a copy of the complaint, the respondent shall file his/her reply to the complaint, along with supporting documents within a period of 10 days. A complete copy of the reply and the supporting documents, including evidence and statements of witnesses shall be sent to the aggrieved person within 10 days of receiving the complaint.

5.2.1. Resolution through Conciliation

1. Once the complaint and reply are received, before initiating the inquiry the ICC may take steps to conciliate the complaint between the aggrieved person and the respondent.
2. This shall be initiated only if requested by the aggrieved person. A request for conciliation should be made within 2 weeks of receipt of reply from the

respondent.

3. In case a settlement is arrived at, the ICC will record & report the same to the employer for taking appropriate action. If conciliation fails and/or no settlement is reached between the parties, the ICC shall proceed to conduct a formal inquiry into the complaint.
4. The ICC shall provide copies of the settlement to aggrieved person & respondent. Once the action is implemented, no further inquiry is conducted.
5. If the respondent and/or employer fail to implement the terms of the settlement, the aggrieved person may request the ICC to conduct a formal inquiry into the complaint. The ICC shall proceed with making a formal inquiry within 7 days of receiving such notice/ request.

5.2.2. Conducting a Formal Investigation

1. The ICC shall conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate, in accordance with the principles of natural justice.
2. Upon receipt of a complaint, the Presiding Officer and two members shall at a meeting specially convened for this purpose, constitute from amongst its members a quorum of at least three members known as the Inquiry Committee to examine, enquire, investigate and prepare a report. The Inquiry Committee shall be notified to the parties prior to commencement of the investigation and hearings, and will not be changed throughout the process. Majority of the members of the Inquiry Committee shall be women.
3. The Inquiry Committee shall be subject to the following rules:
 1. Members must recuse themselves from the process if a conflict of interest or prejudice concerning the matter is demonstrated.
 2. Any member of the ICC, employer, aggrieved party or accused, with reasonable knowledge of the existence of a member's conflict

of interest or prejudice may submit an application for change of quorum.

3. The employer in consultation with the remainder of the ICC will decide on the request for change of quorum.
4. Both parties shall be given the opportunity to appear before the Inquiry Committee and present their case and/or submit names of any witnesses or documentary evidence substantiating their case.
5. The Inquiry Committee shall have the power to call upon any such witnesses and record their statements. The proceedings shall be conducted in such language as may be familiar to the aggrieved person and the respondent.
6. Absent exceptional circumstances, the aggrieved person and respondent should inform the Inquiry Committee in writing at least 24 hours in advance of the hearing the names of any witnesses he/she wishes to testify. Any information shared during a hearing is confidential.
7. An aggrieved person or respondent shall not question each other or other witnesses directly but may raise questions to be asked of that party through the Inquiry Committee, which will determine whether to ask them.
8. The minutes of the proceedings shall be recorded in English and where the aggrieved person or the respondent is not conversant with English, in addition, in such language as may be familiar to them.
9. If a party is not present for more than 3 consecutive hearings, without sufficient cause, the Inquiry Committee may, after giving that party a notice of 15 days, give an ex parte decision on the complaint.
10. The Inquiry Committee will make every effort to complete its investigation within 90 days of a complaint of sexual harassment.
11. The Inquiry Report of the Inquiry Committee, including its decision and recommendations, and reasons for arriving at such decision, shall be communicated to the concerned parties and the employer, in writing, at the earliest and in any case within 15 days of completion of the investigation.

12. Notification of the decision and the reasons shall be individually given to the respondent and the aggrieved person on the same day.
13. If the allegations against the respondent are proved to be true, the Inquiry Committee shall also recommend the penalties or corrective action that may be taken against him/her to the employer.
14. The employer shall act on the recommendation of the Inquiry Committee within a period of 15 days from the date of the receipt of the Inquiry Report, unless an appeal against the findings is filed within that period by either party.

5.3. Interim Relief

1. During the pendency of the of the inquiry, the Inquiry Committee may on its own or on the applications of the aggrieved person recommend to the employer to:
 1. Transfer the aggrieved person or the respondent to any other workplace; or
 2. Grant leave to the aggrieved person, for a period of 60 days maximum, in addition to the leave she would be otherwise entitled; or
 3. Prevent the respondent and/or employer from assessing aggrieved person's work performance; or
 4. Grant such other relief as may be appropriate.
2. Once the recommendations of interim relief are implemented, the employer will inform the ICC regarding the same.

5.4. Protection of the Aggrieved Person

1. The Inquiry Committee shall also take note of the inherent power asymmetry and/or the vulnerability of the aggrieved person in such cases and take steps to ensure that the aggrieved person is not subjected to a hostile environment during the investigation.

Explanation: A “hostile environment” is said to be created when filing of the complaint or proceedings of the ICC have the direct or indirect purpose or effect of interfering with the aggrieved person’s work performance or creating an intimidating, hostile or offensive employment or living environment.

5.5. Confidentiality

1. The identity of the aggrieved person, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the ICC / Inquiry Committee, and action taken by the employer are considered as confidential material, and not published or made known to public or media.

Any person contravening the confidentiality clause is subject to disciplinary action as prescribed in the [Sexual Harassment of Women at Workplace Act, 2013](#), wherever applicable.

5.6. Appeal

1. Any party not satisfied or further aggrieved by the decision of the ICC or by the recommendations made by the ICC or the implementation or non-implementation of such recommendations, may appeal to the appellate authority in accordance with the [Sexual Harassment of Women at Workplace Act, 2013](#), within 90 days of the recommendations being communicated, wherever applicable.