POLICY ON PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE (POSH)

1. POLICY STATEMENT

Vidhayak Bharti is committed to providing a safe, respectful and dignified working environment for everyone associated with the organisation. Sexual harassment in any form is unacceptable and will not be tolerated.

This Policy is framed in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) and the Rules made under it. While the POSH Act provides statutory protection to women against sexual harassment at the workplace, Vidhayak Bharti is committed to maintaining a workplace free from sexual harassment for all persons, irrespective of gender.

The organisation shall take appropriate measures to prevent sexual harassment, facilitate access to complaint mechanisms and ensure that concerns are addressed fairly, sensitively and in accordance with applicable law.

2. OBJECTIVES

The objectives of this Policy are to:

1. Prevent sexual harassment and promote a safe working environment.
2. Define sexual harassment and unacceptable workplace conduct.
3. Inform employees and associated persons about their rights and responsibilities.
4. Provide clear information on reporting and complaint redressal mechanisms.
5. Ensure confidentiality, fairness and protection against retaliation.
6. Comply with the POSH Act and other applicable laws.

3. SCOPE AND APPLICABILITY

This Policy applies to all persons associated with Vidhayak Bharti in a work-related capacity, including:

- Permanent, temporary, part-time and contractual employees.
- Probationers, trainees, interns and volunteers.
- Consultants, project staff, field personnel and resource persons.
- Trustees, governing body members and other persons representing the organisation.

Vidhayak Bharti also expects partner organisations, vendors, service providers, visitors and other stakeholders interacting with its personnel to maintain appropriate standards of conduct.

The Policy applies to conduct occurring at the workplace or in connection with official duties, including work-related interactions outside regular working hours.

Definition of Workplace

For the purpose of this Policy, the workplace includes:

- Vidhayak Bharti's main office in Goregaon and field office in Mumbai Central.
- Schools, Child Care Institutions, government offices and other institutions visited for work.
- Community locations, project sites and fieldwork settings.
- Meetings, training programmes, workshops, conferences and official events.
- Premises of partner organisations and other stakeholders visited for professional purposes.
- Work-related travel, including transportation provided by the employer.
- Work-related communication through email, telephone, WhatsApp, video calls, social media and other digital platforms.

Conduct outside the physical office may also fall within this Policy where it has a sufficient connection with work or the professional relationship between the persons involved.

4. DEFINITION OF SEXUAL HARASSMENT

Under Section 2(n) of the POSH Act, sexual harassment includes any one or more of the following unwelcome acts or behaviour, whether directly or by implication:

1. Physical contact and advances.
2. A demand or request for sexual favours.
3. Making sexually coloured remarks.
4. Showing pornography.
5. Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

Sexual harassment may occur through a single incident or repeated behaviour.

Examples of Sexual Harassment

Sexual harassment may include, but is not limited to:

Physical Conduct

- Unwanted touching, hugging or other physical contact.
- Unwelcome sexual advances.
- Deliberately invading someone's personal space in a sexual manner.

Verbal Conduct

- Sexually suggestive comments, jokes or remarks.
- Unwelcome comments of a sexual nature about a person's body, appearance or clothing.
- Repeated unwanted requests for dates or personal meetings.
- Intrusive questions or conversations of a sexual nature.

Non-Verbal and Digital Conduct

- Sexually suggestive gestures or staring.
- Displaying or sharing sexually explicit material.
- Sending unwanted sexual messages, photographs, videos or other content.
- Sexual harassment through work-related calls, messaging applications or online meetings.

Quid Pro Quo Sexual Harassment

Sexual harassment may occur when employment benefits or disadvantages are linked to sexual conduct. This includes offering professional opportunities, promotions or favourable treatment in exchange for sexual favours, or threatening adverse employment consequences for refusing sexual advances.

Hostile Work Environment

Sexual harassment may also involve conduct that creates an intimidating, hostile, humiliating or offensive working environment, interferes with work, or affects a person's health or safety. Whether conduct is unwelcome shall be assessed in light of the circumstances. A person is not required to repeatedly object to inappropriate behaviour for it to constitute sexual harassment.

5. RESPONSIBILITIES OF VIDHAYAK BHARTI

Vidhayak Bharti shall:

1. Provide a safe working environment and take reasonable measures to prevent sexual harassment.
2. Communicate this Policy to employees and relevant personnel.
3. Conduct periodic awareness and sensitisation programmes.
4. Display information about sexual harassment, its consequences and the appropriate complaint mechanism.
5. Provide reasonable assistance to persons seeking information or support regarding sexual harassment.
6. Cooperate with the appropriate statutory authorities during complaint proceedings.
7. Maintain confidentiality in accordance with applicable law.
8. Protect persons raising concerns or participating in inquiries from retaliation.
9. Implement lawful recommendations and directions issued by competent authorities.
10. Constitute an Internal Committee when required under the POSH Act.
11. Fulfil applicable statutory record-keeping and reporting obligations.

6. RESPONSIBILITIES OF EMPLOYEES AND ASSOCIATED PERSONS

All persons covered by this Policy are expected to:

1. Treat colleagues and other persons with dignity and respect.
2. Maintain appropriate professional boundaries.
3. Refrain from sexual harassment or inappropriate sexual conduct.
4. Respect another person's refusal or expression of discomfort.
5. Avoid intimidation, retaliation or victimisation.

6. Cooperate honestly with lawful inquiries.
7. Maintain confidentiality when involved in complaint proceedings.

Employees who witness inappropriate conduct are encouraged to support the affected person in accessing the appropriate complaint mechanism.

7. COMPLAINT REDRESSAL MECHANISM

7.1 Local Committee

At the time of adoption of this Policy, Vidhayak Bharti has nine members, including its leadership and does not meet the statutory employee threshold requiring an Internal Committee.

Under Section 6 of the POSH Act, complaints from establishments where an Internal Committee has not been constituted because there are fewer than ten workers are handled by the Local Committee (LC) constituted under the Act. The Local Committee also receives complaints against the employer.

Vidhayak Bharti operates through its main office in Goregaon, Mumbai Suburban District and its field office in Mumbai Central, Mumbai City District.

Accordingly, contact information for the District Women and Child Development Offices of both districts is provided below to assist complainants in accessing the appropriate Local Committee. The competent statutory authority shall determine the appropriate jurisdiction based on the circumstances and location of the workplace concerned.

A. Mumbai Suburban District

District Women and Child Development Office, Mumbai Suburban
Address: Administrative Building, 1st Floor, R. C. Marg, Chembur, Mumbai.
Email: wcd_mumupanagar@rediffmail.com

B. Mumbai City District

District Women and Child Development Office, Mumbai City
Address: 117, BDD Chawl, 1st Floor, Dr. Ambedkar Hostel Compound, Worli, Mumbai 400018.
Telephone: 022-24922484
Email: dwcdmumbaicity@gmail.com

The above district offices are contact points for obtaining information about the appropriate Local Committee and its complaint submission procedure. An aggrieved woman may approach the appropriate Local Committee directly without obtaining permission from Vidhayak Bharti.

7.2 Designated POSH Contact Person

To assist employees and associated persons in understanding this Policy and accessing the appropriate complaint mechanism, Vidhayak Bharti has designated the following person:

Name: Ms. Krishnamai Satavse
Designation: Co-Founder
Role: Designated POSH Contact Person

The designated contact person shall:

1. Provide information about this Policy and the available complaint mechanisms.
2. Guide employees in identifying and contacting the appropriate Local Committee.
3. Provide reasonable assistance in accessing the statutory complaint process.
4. Maintain confidentiality and handle concerns sensitively.
5. Coordinate with management where organisational assistance is required, without compromising confidentiality or the rights of the persons involved.

The designated contact person is not an Internal Committee and does not have the authority to conduct statutory POSH inquiries, determine the outcome of complaints or independently settle such complaints.

Employees may approach the Local Committee directly, without first contacting the designated person.

Where a concern involves the designated contact person or any member of management, the affected person may directly approach the appropriate Local Committee or other competent authority.

7.3 Internal Committee

If Vidhayak Bharti reaches the statutory employee threshold requiring an Internal Committee, the organisation shall constitute one through a written order in accordance with Section 4 of the POSH Act.

The Committee shall comprise:

- A senior woman employee as Presiding Officer.
- At least two employee members meeting the qualifications prescribed under the Act.
- One external member from an NGO or association committed to the cause of women, or a person familiar with issues relating to sexual harassment.

At least half of the Committee members shall be women.

The Committee's composition, tenure, responsibilities and procedures shall comply with the POSH Act and Rules.

8. PROCEDURE FOR FILING A COMPLAINT

An aggrieved woman may submit a written complaint of sexual harassment to the appropriate Local Committee or Internal Committee, as applicable.

Time Limit

A complaint should ordinarily be submitted:

- Within three months from the date of the incident.
- In the case of a series of incidents, within three months from the date of the last incident.

The Committee may extend this period by up to an additional three months if it is satisfied that circumstances prevented the complaint from being filed earlier. Reasons for the extension must be recorded in writing.

Where an aggrieved woman is unable to submit a written complaint, the appropriate Committee shall provide reasonable assistance in putting the complaint in writing. Where she is unable to make a complaint due to physical or mental incapacity, death or other circumstances recognised under the POSH Act and Rules, a complaint may be submitted by a person authorised under the applicable legal provisions.

9. INQUIRY PROCEDURE

Where an inquiry is required under the Act, the appropriate Committee shall conduct proceedings in accordance with the POSH Act, Rules and applicable service rules.

The inquiry shall:

1. Follow the principles of natural justice.
2. Provide both parties a fair opportunity to present their case.
3. Consider relevant evidence and statements.
4. Maintain confidentiality as required by law.
5. Be completed within the statutory period of 90 days.

The Committee shall submit its findings and recommendations to the employer or District Officer, as applicable, within ten days of completing the inquiry. Vidhayak Bharti shall cooperate with the Committee and provide information or assistance lawfully required during the proceedings.

10. INTERIM RELIEF

During an inquiry, the Committee may recommend interim measures upon receiving a written request from the aggrieved woman.

These may include:

- Transfer of the aggrieved woman or respondent to another workplace.
- Grant of leave to the aggrieved woman for up to three months, in addition to leave otherwise available to her.
- Other relief permitted under applicable law.

Vidhayak Bharti shall implement lawful recommendations addressed to it and report compliance as required.

11. FINDINGS AND ACTION

Following an inquiry, the Committee shall submit its report and recommendations in accordance with the POSH Act.

Where the allegation is not proved, the Committee may recommend that no action is required. Where sexual harassment is proved, the Committee may recommend action in accordance with applicable service rules, organisational procedures and the POSH Act.

Depending on the circumstances and applicable law, action may include:

- Written apology.
- Warning or reprimand.
- Withholding of promotion or increment.
- Termination of employment or engagement.
- Other disciplinary measures permitted under applicable rules.
- Payment of compensation as determined under the Act.

The employer or District Officer, as applicable, shall act upon the recommendations within 60 days of receiving them. Any appeal against the recommendations or their non-implementation may be made in accordance with Section 18 of the POSH Act.

12. FALSE OR MALICIOUS COMPLAINTS

Vidhayak Bharti recognises that individuals must be able to report sexual harassment without fear of punishment. A complaint that cannot be substantiated or proved shall not automatically be considered false or malicious.

Action may be recommended only where a complaint is established to have been made maliciously, or where false evidence has knowingly been provided, in accordance with the POSH Act.

The mere inability to prove an allegation shall not attract disciplinary action against the complainant.

13. CONFIDENTIALITY

All complaints and proceedings shall be handled confidentially in accordance with Section 16 of the POSH Act.

The following information shall not be published or disclosed to the public, press or media except as permitted by law:

- Identity and address of the aggrieved woman.
- Identity and address of the respondent.
- Identity and address of witnesses.
- Contents of the complaint.
- Conciliation and inquiry proceedings.
- Recommendations of the Committee.
- Action taken by the employer or District Officer.

Information may be shared with authorised persons where necessary for lawful handling of the complaint. Confidentiality shall not prevent disclosures required by law or the exercise of statutory rights.

14. PROTECTION AGAINST RETALIATION

Vidhayak Bharti strictly prohibits retaliation, intimidation or victimisation against any person who:

- Makes a complaint in good faith.
- Raises a genuine concern about sexual harassment.
- Supports a complainant or respondent.
- Provides evidence or acts as a witness.
- Participates in an inquiry.

Retaliatory conduct may result in appropriate disciplinary or organisational action in accordance with applicable procedures.

15. THIRD-PARTY SEXUAL HARASSMENT

Vidhayak Bharti works with schools, Child Care Institutions, government departments, partner organisations, community members and other stakeholders.

Where sexual harassment is committed by a third party in connection with work, Vidhayak Bharti shall take reasonable measures to support the affected person.

These may include:

- Assisting the person in accessing the appropriate complaint mechanism.
- Cooperating with the institution or authority concerned.
- Taking reasonable measures to prevent further harassment.
- Providing assistance in accessing legal remedies where applicable.

Similarly, complaints against Vidhayak Bharti personnel by persons outside the organisation shall be addressed through the appropriate statutory or organisational procedures.

16. COMPLAINTS OUTSIDE THE STATUTORY POSH FRAMEWORK

The POSH Act provides statutory complaint and redressal mechanisms for aggrieved women.

However, Vidhayak Bharti prohibits sexual harassment and inappropriate sexual conduct against all persons associated with its workplace, irrespective of gender. Complaints that fall outside the statutory scope of the POSH Act may be addressed through the organisation's applicable grievance, disciplinary, safeguarding or conduct procedures. Such matters shall be handled fairly, sensitively and with appropriate confidentiality.

Nothing in this Policy restricts any person's right to approach the police, courts or other competent authorities under applicable law.

17. LEGAL RIGHTS AND REMEDIES

The complaint mechanism under the POSH Act does not prevent an aggrieved person from seeking other remedies available under law. Where conduct may constitute a criminal offence, the affected person may approach the police or other competent authority. Vidhayak Bharti shall provide reasonable assistance where required under the POSH Act, including assistance to an aggrieved woman who wishes to initiate criminal proceedings.

18. POLICY REVIEW AND AMENDMENT

This Policy shall be reviewed annually or earlier where required due to:

- Changes in applicable law.
- Changes in the organisation's employee strength or structure.
- Constitution of an Internal Committee.
- Changes in statutory complaint mechanisms.
- Other circumstances requiring revision.

Any amendments shall be approved by the competent authority of Vidhayak Bharti. Where a provision of this Policy conflicts with applicable law, the law shall prevail.

Vidhayak Bharti is committed to child protection, respect and safe working environments.

VIDHAYAK BHARTI F-42338 MUMBAI