

POSH Policy Prevention of Discrimination & Harassment Policy

(Service Rules of Contractual Employees of CARD)

(As amended on 30-06-2024)

Policy on Prevention of Sexual Harassment of Women (POSH) at Centre for Advanced Research & Development (CARD)

Sexual harassment at the workplace results in violation of the fundamental rights of a woman

- to equality under Articles 14 and 15 of the Constitution of India
- to life and to live with dignity under article 21 of the Constitution
- to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on 25 June 1993 by the Government of India.

CARD is an equal employment opportunity organization and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and in a harassment free workplace to all employees without regard to race, caste, religion, colour, ancestry, marital status, gender, age, nationality, ethnic origin or disability. The organization also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place or other than work place if involving an employee or employees is a grave offence and is therefore, punishable

This Policy extends to all employees of CARD with applicability of HR policies. It is deemed to be incorporated in the service conditions of all employees of the organization in India. Local country laws will take precedence over this policy, in other geographies, if applicable.

This version of the policy is effective from 1st May 2023 and supersedes all prior policies and communication on this matter.

1. INTRODUCTION

Protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on 25 June 1993 by the Government of India. The objective of the POSH policy is to ensure

- Prevention of any unwelcome behaviour, intentional or unintentional, that has sexual connotation (or of sexual nature).
- Promotion of a safe, happy, healthy and a congenial work atmosphere free from sexual harassment of any kind.
- Provision for an effective reporting and grievance redressal mechanism available for all employees of the organization without any distinction.

2. SCOPE

The Policy intends to ensure that no women employee is subjected to Sexual Harassment and it is applicable to all employees of Organization.

3. DEFINITION

Sexual Harassment at Workplace is any unwelcome sexual behaviour or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour was directed. The behaviour includes but are not limited to the following:

- Unwelcomed sexual advances including verbal, non-verbal and physical conduct (explicit or implicit).
- Physical contact and advances including touching, stalking, molestation, etc.
- Demand or request for sexual favours (during or after office hours).
- Sexually coloured remarks or sexual remarks about a person's body or clothing.
- Unwelcomed hand gestures and eve-teasing.
- Showing pornography and participation in indecent/sexual messages through any medium.
- Preferential treatment meted out to employees on sexual grounds.
- Any other unwelcomed physical, verbal, or non-verbal conduct of sexual nature

4. TYPES OF SEXUAL HARASSMENT AT WORKPLACE

(a) Indirect Sexual Harassment

- Creating an intimidating, hostile or offensive work environment.
- Unreasonably interfering with one's work performance (like pornography in public places, foul language, or innuendos, etc.).
- This kind of sexual harassment need not be directed at a single person particularly.

(b) Direct Sexual Harassment

Sexual Harassment by a person in position of power or influence constitutes direct sexual harassment when:

- Submission by an individual is made either an explicit or implicit term or condition of employment.
- Submission or rejection of such conduct is used as a basis for employment decisions affecting the employee such as promotions, demotions, salary rises, etc.

5. COMPLAINT PROCEDURE

(i) The internal complaints committee (ICC)

The ICC is notified to cover and take responsibility for all employees in the workplace in this regard. The ICC is responsible for the following:

- Initiating and conducting inquiry as per the established procedure.
- Submitting the findings and recommendations of the inquiry.
- Coordinating with the employer to ensure implementation of the appropriate recommendations or actions.

If the aggrieved woman refuses conciliation, the respondent must file a response within 10 days along with all the documents and evidence that support his claim.

As per the POSH Act, complaints must be filed within three months from the date of the incident. This period may be extended by another three months by the Internal Committee for various reasons that must be recorded in writing.

If the aggrieved woman is incapable of filing a complaint due to mental incapacity, the policy must include as to who may file the complaint on behalf of the aggrieved woman while referring to the POSH Act and the various regulations mentioned thereunder.

The committee comprises:

- Presiding Officer, who is a woman employed at a senior level in the workplace.
- Two other members, from amongst employees committed to this cause of women or experienced in social work.
- One external member (from an NGO or likewise) familiar with the issues of sexual harassment.

At least half of the total members nominated are required to be women. While the minimum number of members in the ICC should be 4 as per the POSH Act, the ICC can have more members across the workplace.

(ii) Lodging a Complaint

- The complainant can reach out to the immediate officer or any member of ICC, either personally or through a formal email communication, regarding the harassment faced.
- Sufficient precautions will be taken by the organization to ensure that complete confidentiality is maintained, and no form of discrimination is faced by the employee who has escalated the complaint.

(iii) The Resolution Process

- The ICC shall investigate all complaints thoroughly and promptly, in a free and fair manner.
- Investigation may include private interviews or a formal inquiry process.
- A complaint can be resolved through conciliation only if the aggrieved employee approves of the same.
- The ICC shall communicate the course of action to be taken to the employer. If no substantial action is arrived at, the same is communicated as well.
- The courses of action may include counselling, warnings or reprimand, tendering of apology, withholding of promotions/ increments, suspension, termination etc.
- The Employer should present the course of action within 30 days and the same should be intimated to the ICC.

6. LEGAL COMPLIANCE

The ICC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the employer and the District Officer (as defined in the Act).

The report shall have the following details:

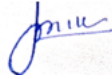
- Number of complaints of Sexual harassment received in the year
- Number of complaints disposed of during the year
- Number of cases pending for more than 90 days
- Number of workshops or awareness program against Sexual Harassment carried out
- Nature of action taken by the employer or District Officer

7. AWARENESS

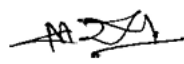
Awareness sessions are to be organized to formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention, and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.



Dr. Swati Sharma



Meenaxi Tiwari



Manoj Mishra



Priya Pagnis

NOTIFICATION

In exercise of the power contained in section 4(1) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Internal Complaints Committee of Centre for Advanced Research & Development is hereby reconstituted with undermentioned Presiding Officer and members to discharge functions under the POSH act 2013.

1. Dr Swati Sharma, General Secretary - Presiding Officer
2. Mrs Meenaxi Tiwari, Senior Research Officer - Member
3. Mr Manoj Mishra, Associate Fellow - Member
4. Mrs Priya Pagnis, Development Officer - External Member

The Internal Complaint Committee shall review and investigate the matter of complaint if any, under POSH policy and in each calendar year, submit an annual report to the employer and District Officer of the area as per section 21 of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

This issues with the approval of Competent Authority.



Seal & Signature
Authorized Signatory

