

## **Swaraj India Policy Note on Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal)**

Swaraj India prohibits any form of harassment, including sexual harassment, within the organization or in any organizational interaction with the public. In doing so, we are determined to promote a working environment in which persons of all genders complement each other as equals in an environment that encourages pursuit of collective goals while maintaining personal dignity.

With this background, this policy of Swaraj India shall abide by The Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act 2013 and rules thereto; to maintain an environment free of all forms of sexual harassment. This policy is to be read as a gender-justice policy even though it specifically mentions women functionaries therein for simplicity.

### **OBJECTIVE**

- To provide protection against sexual harassment in the organization or its administrative offices and for the prevention, prohibition and redressal of sexual harassment and matters connected therewith.
- To prevent or deter the commission of acts of sexual harassment and to provide procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.
- To protect the public from sexual harassment by any office bearer of the party at any level.

At Swaraj India, we have zero tolerance for sexual harassment. We value each and every party functionary working with us and wish to protect their dignity and self-respect.

### **SCOPE**

This policy covers every member/ volunteer/ employee of the party and any member of public who comes in contact with the party.

It is advised to each party functionary to please abstain from acts and words that maybe perceived as inappropriate by another individual of the same or another

gender. For this purpose, sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- a) Physical contact and advances
- b) A demand or request for sexual favours
- c) Sexually coloured remarks
- d) Displaying, forwarding or posting offensive, sexually suggestive pictures, jokes or materials (including e-mails and social media)
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

### **INTERNAL COMPLAINTS COMMITTEE: 6 Members**

An Internal Complaints Committee ('ICC' or 'Internal Committee') is established for Swaraj India and shall address the issue of sexual harassment cases at different locations.

1. A senior women member/employee of the party shall act as the presiding officer of the committee.
2. 3 other members committed to the cause of women or who have had experience in social work or have legal knowledge.
3. 2 member from outside the organization, from amongst non-governmental organisations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
4. A majority of committee members shall be women.
5. The committee members will hold the positions for a period of 3 years from the date of appointment.

The members of the committee have been provided in *Annexure I*

### **COMPLAINT REDRESSAL MECHANISM**

#### **1.1 Complaint receipt and Inquiry**

2. Any aggrieved person may make in writing, a complaint of sexual harassment at workplace (in context of party work and party functionary) to the committee, giving details of the sexual harassment meted out, within a period of 3 months from the date of the incident. In case of a series of incidents, within a period of 3 months from the date of last incident against the

respondent (A “respondent” means a person against whom the aggrieved woman has made the complaint). This may be extended for a further period of 3 months. If circumstances warrant, allowing further extension to specific period be at discretion of Internal Complaints Committee (ICC).

3. The presiding officer or any Member of the Internal Complaints Committee can render reasonable assistance to the person for making a complaint in writing, in case they are unable to do so.
4. The complainant or the respondent should represent in person but will be entitled to seek assistance from fellow member, worker or employee, as the case may be in the proceedings before the Committee
5. On receipt of complaint, the Internal Complaints Committee shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent.
6. The Internal Committee, before initiating an inquiry, basis the discussion with or at the request of the aggrieved woman may take steps to settle the matter between her and the respondent through conciliation (conciliation process has been mentioned later in this document), provided that no monetary settlement shall be the basis of conciliation.
7. At the first meeting, the committee member shall hear the complainant and record her/his allegations. Internal Complaints Committee may, if required, ask the aggrieved person or complainant herself/himself can submit any corroborative material with a documentary proof, if any, oral or written materials etc., to furnish additional information about the alleged harassment.
8. The Internal Complaints Committee will maintain complete confidentiality, sensitivity and appropriate judgment while investigating.
9. No legal practitioner will be allowed to represent either the aggrieved person or the respondent in proceedings before the Complaints Committee.
10. The Committee will provide every reasonable opportunity to the complainant and to the accused (respondent/s) for putting forward and defending their respective case.
11. The Committee shall hand over the statement of allegation (Chargesheet) to the accused in writing and give the aforesaid an opportunity to submit a written explanation if he/she so desires within a span of three days.

12. The committee members shall meet every 3 months even in the absence of a complaint and document the date of the meeting.
13. The Presiding Officer will be responsible for calling meetings and for maintaining records.

The complainant shall make a complaint with the relevant information to Swaraj India, ICC to: [genderjustice@swarajindia.org](mailto:genderjustice@swarajindia.org)

## **1.2 Inquiry Report and Action**

1. The committee shall, complete the inquiry within 90 days.
2. The committee shall provide a report of its findings within 10 days from the date of completion of the enquiry to the Presidium and such report shall be made available to the concerned parties.
3. If the allegation against the respondent has not been proved, the committee may recommend that no action needs to be taken in the matter.
4. If the Internal Complaints Committee arrives at the conclusion that the allegation against the respondent has been proved, the member/ volunteer/ employee will be subject to disciplinary action within 60 days of recommendation
  - Disciplinary action may involve warning, formal reprimand, suspension of membership, termination of membership, relieving from any post/responsibility for a specified period or on a permanent basis, or any other punishment deemed fit.
5. Where any misconduct is found by the Committee, recommended disciplinary action shall mandatorily be taken against the accused by the Presidium, as per rules laid down in the Act
6. Where the Swaraj India leadership team is legally advised that any such incident constitutes a criminal offence, the Presidium will inform the relevant authority, provide full details and request appropriate action. If the aggrieved party directly takes any action, against the offending functionary, either civil or criminal, the panel on becoming aware of such action by the aggrieved, shall be titled to, suomoto, start the internal enquiry/investigation and recommend appropriate action.

7. The policy allows the aggrieved woman or the respondent to pursue formal legal remedies or resolution outside the party i.e. through local, state or federal agencies or the courts; if not satisfied with the ICC proceedings.

### **1.3 Process of Conciliation:**

1. The Internal Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis of conciliation.
2. Where a settlement has been arrived, the Internal Committee shall record the settlement so arrived and forward the same to the Presidium to take action as specified in the recommendation.
3. The Internal Committee shall provide the copies of the settlement to the aggrieved woman and the respondent.
4. Where the settlement is arrived, no further inquiry shall be conducted by the Internal Committee.
5. Where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry in to the complaint or as the case may be, forward the complaint to the police.

### **1.4 Confidentiality:**

All information received through the investigation shall be kept confidential. Any person (including witnesses) who breach confidentiality shall be disciplined including being liable for Disciplinary Action.

## **2. AWARENESS**

1. All the members, volunteers, employees and relevant persons shall have access to this Policy at any given point of time, and clarifications related to this Policy shall be addressed by the party Presidium.
2. A brief shall be given to all existing members, volunteers, employees regarding the features of this Policy immediately on formulation of the Policy and will be given to new members, volunteers, employees during their initial induction.

### **3. FALSE ACCUSATIONS**

1. The Complaint of sexual harassment made by any members, volunteers, employees shall be taken up with utmost seriousness. However, there shall be zero tolerance for any false accusation.
2. If the Internal Complaints Committee comes to a conclusion that the allegations were made with malicious intention and were false/forged or misleading, the ICC has to prove beyond reasonable doubt malicious intent. And once proved, the Internal Complaints Committee may recommend action to be taken against the person who has made the complaint, including termination of service.

**Note: It is to be noted that this statement is not intended to discourage members, volunteers, employees from coming forward with any complaints. Swaraj India understands that some claims maybe difficult to prove or support or may not, in fact, deemed necessary to constitute Sexual Harassment. These types of complaints will not be considered to be false accusations.**

Swaraj India has the right to make any alteration or amendment to any part of the policy as and when finds it necessary to do so. Any such alterations or amendment will be intimated to all concerned.

### **4. CONCLUSION**

All reports of alleged harassment will be promptly investigated with due regard for the privacy of everyone involved and disciplinary actions, as appropriate, will be taken.

Swaraj India will not tolerate retaliation or reprisal against any member, volunteer, employee who has made, in good faith, a complaint of harassment or discrimination. Each claim will be investigated, and will be subject to reasonable confidentiality with appropriate judgment.

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**Composition of the Central Internal Complaints Committee**

Following will be the members of the committee for handling any case of sexual harassment or Swaraj India till further notice of change.

1. Ms. Christina Samy - SI Member, *Presiding officer*
2. Ms. Shalini Malviya - SI Member
3. Ms. Savita Shinde - SI Member
4. Mr. Manohar Elavarthi - SI Member
5. Prof. Bijayalaxmi Nanda - Independent Member
6. Ms. Monika Garg- Independent Member

*The above form the overall members of the Committee and a sub-Committee of our members may be created to further investigate the case at hand, keeping in mind the composition of the representation of women members of the sub-committee is at 50% of more of the male members in the sub-committee.*