



MUNNARAKUNNU TRUST

Policy on Prevention of Sexual Harassment (POSH) at workplace

Gurukula Botanical Sanctuary (GBS)

Munnarakunnu Trust (MKT)

Draft 2019, Final February 2022

This policy on prevention of sexual harassment at workplace is a statutory requirement and is guided by and in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) (SHWW) Act, 2013.

Objective: The objective of this policy is to prohibit and provide protection against sexual harassment of any employee, vendors, suppliers, consultants, trainees, visitors, students, community workers etc.

Applicability: This policy is applicable to all employees who are on rolls or on contract, trainees, interns, suppliers or vendors, consultants, visitors, students, community workers etc. The policy covers harassment of women by men or men by women. This is a zero tolerance policy irrespective of who is involved.

Definitions:

Complainant: Aggrieved person

Respondent: Against whom the Complaint is given

Employee: Individuals either on permanent rolls, casual, or on contract

Features:

I. All employees in the organisation **must be aware** of the following:

a) Sexual harassment:

It includes any one or more of the following unwelcome acts or behaviour (whether directly or indirectly) namely:

- Physical contact and advances; or
- A demand or request for sexual favours; or
- Making sexually coloured remarks; or
- Shoving pornography or offensive pictures or written materials; or



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- Verbal - unpleasant or suggestive remarks, personal comments, jokes causing embarrassment, innuendos and taunts, sexist remarks (gender based insults) and offensive telephone calls/messages
- Implied or explicit promise of preferential treatment in his/her employment; or
- Implied or explicit threat of detrimental treatment in his/her employment; or
- Implied or explicit threat about his/her present or future employment status; or
- Interference with his/her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect his/her health or safety
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

a) Workplace includes:

- Within the premises of the office/sites/laboratories/green houses
- Any place visited by the employee whether on roll or on contract, trainees, interns arising out of or during the course of the employment, casual, permanent
- Transportation provided by the Sanctuary or during travel whether in the own vehicle or of others or hired
- Guest house/hotel where an employee whether on rolls or on contract, trainees and interns is staying while on duty

II. Internal Complaints Committee: The Internal Complaints Committee (ICC) is constituted to consider and redress complaints related to sexual harassment. The Constitution of ICC is as per the Act and includes an external member from NGO or person familiar with the issues relating to sexual harassment.

- a) A senior female employee from the organization
- b) At least two members from amongst the employees who are committed to the cause of the women or the person familiar with issues relating to sexual harassment
- c) One-half of the total members must be women
- d) One women member from the NGO/Association who would be paid an honorarium to attend the enquiries of the Internal Complaints Committee.



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Nomination: The Managing Trustee nominates the Presiding Officer and the members of ICC.

The Presiding Officer and every member of the Internal Complaints Committee will hold the office for a period not exceeding three years from the date of the nomination.

The ICC is governed by the rules of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Ministry of Women & Child Development notification dated 9th December 2013 or any other legislation, rules or notifications as may be enacted later on.

III. Redressal:

Complaints

- The Internal Complaints Committee (ICC) in the Organisation is responsible for attending the complaints on cases of Sexual Harassment. The names and their contact details of the members of the ICC are made publicly available on a notice board.
- Any individual who is applicable under the policy and feels is being sexually harassed may submit a complaint of the alleged incident to the ICC within 15 days from the date of the incident of sexual harassment. The complaint needs to be signed by the complainant and submitted to the chairperson, which shall be forwarded to the ICC for enquiry.
- If the complainant is unable to make a complaint in writing, he/she should intimate the ICC and the ICC would render all reasonable assistance to the complainant for making the complaint in writing.
- Though it is desirable that the complaint is given within 15 days, however, there may be situations, where the complainant may not be able to file the complaint within the specified time due to compelling circumstances, in such cases, the time of giving complaint may be extended up to three months.
- Where the Complainant is unable to give the complaint on account of his/her physical or mental incapacity the legal heir or such other person related to the complainant may make a written a complaint on her/his behalf to the ICC.
- The Committee maintains a register to endorse the complaint received by it and keeps the contents confidential, if it is so desired, except to use the same for discreet investigation.



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- ICC holds a meeting with the complainant after receipt of the complaint. The complainant will be formally intimated of the date of the meeting.
- If the complaint does not fall under the purview of sexual harassment or the complaint is not an offence under the sexual harassment, the same is to be dealt under the disciplinary procedure of the organization. The investigation of such complaints is not under the purview of ICC.

IV. Conciliation:

- The Complainant may be given an opportunity to settle the matter with the respondent through conciliation, provided monetary settlement is not the basis of conciliation.
- The settlement that is arrived at must be recorded and the copy of it be given to the Complainant and the respondent.
- The Complainant may approach the ICC if the terms of settlement are not honoured. The Committee can then decide to go ahead with the enquiry.
- If the settlement is not arrived during this conciliation process, then ICC starts the process of enquiry

V. Inquiry:

- During the enquiry both parties will be given an opportunity to represent. The copies of the findings will be given to both the parties so that they can represent the committee against the findings.
- The ICC conducts the inquiry within seven days of the receipt of the complaint.
- During the pendency of the inquiry, depending on the severity of the case, ICC may request the Management for the following during the course of inquiry:
- Transfer the complainant or the respondent to any other office, if possible, or
- Grant leave to the complainant up to a period of three months;
- The leave granted to the complainant under this section is over and above the leave that is due to him/her.



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- During the inquiry the Complainant or the Respondent may produce witnesses or documents. In such cases, the names of the witnesses and the documents to be produced are to be given to the ICC in writing. However, if there are fresh evidences to be produced the complainant or the respondent can make such requests.

VI. Report submission and action taken:

- ICC submits the report to the Managing Trustee within ten days of the completion of the inquiry
- The copy of the report is given to the Complainant and the Respondent.
- If the allegation is proved in the conciliation stage, the respondent may also be directed by the Managing Trustee on the recommendation of ICC to make monetary payment to the complainant. The following factors may be taken into account while the Respondent is directed to pay the complainant:
 - Mental trauma, pain, suffering and emotional distress caused to the Complainant;
 - Loss in the career opportunity due to sexual harassment;
 - The income and financial state of the respondent;
 - Medical expenses incurred by the victim for physical or psychiatric treatment;
 - Feasibility of such payment in lump sum or in installments

If the allegation is proved in the inquiry stage, action will be taken against the Respondent as per the Standards of Conduct;

- A letter of warning that will be placed in die personal file of the respondent
- Stop the increment with or without cumulative effect
- Reduction in rank.
- Termination/dismissal from the services of the organization
- Any other action that the Disciplinary Authority may deem fit.
- During the inquiry if it is found that the allegation against the respondent is malicious or if the complainant or any other person makes such complaint knowing it to be false or produces any forged or misleading document, action will be taken against them as per the Standards of Conduct/Standing Order.



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- However, if the Complainant is unable to substantiate a complaint or provide adequate proof, no action will be taken.
- During the inquiry, if it is proved that the witness/witnesses have given false evidence or produced any forged documents, action will be taken against them in accordance with the Standards of Conduct/Standing Order.
- The proceedings, conciliation or the action taken etc. is to be not made public or published and the names or addresses will not be disclosed. If required, the information may be disseminated to secure justice, without disclosing the name, address, identity or any other particulars, which may lead to the identification of the aggrieved woman and witnesses.
- If the person who is entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action, which has to be taken, does not comply with the above mentioned clauses action to be taken as per the Standards of Conduct.

Support provided by the Management to the Complainant:

- Provide a safe working environment at the workplace which also includes employees, visitors, clients or any other internal or external individuals
- Provide assistance to the complainant if he/she chooses to file a complaint in relation to the offence under the Indian Penal Code.
- Assist the complainant to initiate action under the Indian Penal code against the perpetrator who is not an employee in the workplace where the sexual harassment has taken place.
- Treat sexual harassment as a misconduct under the Standards of Conduct

Responsibilities:

Employee:

- Participate in the POSH programme
- Seek clarification on POSH including what constitutes Sexual Harassment
- Understand the process of giving complaint
- Support the fellow employee if he/she is sexually harassed
- Acknowledgement that the policy is understood



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Internal Complaints Committee

(1 February 2022)

- 1) Chair/Presiding Officer: Anna Theuerkauf Trustee, Munnarakunnu Trust, MKT
- 2) Sini Mol, Staff, MKT
- 3) Biju Damodaran, Staff, MKT
- 4) M. Sujatha, Staff, MKT
- 5) ICC External NGO member: Sr. Jomol Joy, Advocate

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