

Preamble

Consumer Unity and Trust Society (CUTS) strives to create and maintain a healthy, safe and productive work environment, free from discrimination and harassment. It further strives to provide equal opportunity and a harassment free workplace to all employees.

In compliance with the Vishakha judgement, the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act in 2013 and its rules and notification that were published on 9th December 2013 and following its own belief of a harassment free workplace CUTS has devised this policy on prevention of sexual harassment. Sexual harassment is a clear violation of woman's right to gender equality as guaranteed under Articles 14 and 15, her right to live with dignity under Article 21 and her right to work with dignity in a safe environment under Article 19 (1) (g) of the Constitution of India.

This policy aims to provide protection against sexual harassment at workplace and puts measures in place for the prevention and redressal of complaints of sexual harassment and for the matters connected herewith or incidental thereto should it occur to cover all gender types male, female and transgender.

Any and all complaints or allegations of sexual harassment will be investigated promptly. Appropriate, corrective action will be implemented based upon the results of the investigation in the event harassment is found to have taken place.

CUTS is committed to providing an environment, free from sexual harassment for all staff employed by it. CUTS has zero tolerance for harassment, intimidation or humiliation of any kind in its workplace and is dedicated to ensure the policy and best practices to prevent and prosecute acts of sexual harassment are followed at all times.

Scope and coverage

This policy applies to all allegations of sexual harassment made by any employee of CUTS against another employee irrespective of whether sexual harassment is alleged to have taken place within or outside the office premises during or/and in course of employment. All actions prohibited by this policy are also applicable to all individuals who are on the CUTS premises anywhere in India or outside where it conducts its work or their staff are travelling for work. If an individual commits an act in violation of this policy, whether an employee or an external person interacting with CUTS, CUTS will take appropriate remedial measures under the circumstances, including measures to mitigate the potential for repetition, and to discipline any of its employees who may have participated in such a conduct or may have failed to stop such conduct when he or she had the authority to do so.

Definitions

'Employee' as mentioned in Chapter II of Service Rules, 1995 (amended in January 2012).

'Employer' hereinafter referred to as CUTS.

'Complainant' means a person who files a formal accusation or brings a formal charge.

'Aggrieved Individual' in relation to a workplace is a person of any age who has been treated wrongly/unjustly.

'Accused' is an individual against whom a complaint has been made.

'External person' means any individual visiting the premises of CUTS for professional purpose or wherever CUTS conducts its work anywhere in the world.

Sexual harassment might occur as a single incident or a series of incidences which may interfere with an individual's performance by creating an intimidating, hostile or offensive environment. 'Sexual harassment' includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely: The list mentioned below is indicative but not limited to:

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favours; or
- (iii) Making sexist remarks;
- (iv) Showing pornography;
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature; examples of which are mentioned hereunder, but are not limited to:

VERBAL

- Making lewd remarks about a person's body
- Asking about sexual fantasies, preferences, or history
- Making kissing sounds, howling, and smacking lips

NON-VERBAL

- Displaying sexually suggestive visuals or private parts
- Making sexual gestures with hands or through body movements

PHYSICAL

- Touching or rubbing oneself sexually around another person
- Molestation and rape

When any of these acts are committed in circumstances where the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work, such conduct can be humiliating will amount to sexual harassment.

Obligation on CUTS

No employee should be subjected to verbal, non-verbal, physical, unsolicited and unwelcome sexual overtures or conduct. Behaviour that amounts to sexual harassment may result in disciplinary action, up to and including dismissal.

CUTS will be responsible, among others, for the following:

- a) Prohibit, prevent and deter commission of acts of sexual harassment;
- b) Implement the Policy by providing "discrimination and hostility free" work environment;
- c) Spread awareness of the Policy amongst its employees, including by publication, notification and circulation of the Policy;
- d) Sensitising employees about sexual harassment issues;
- e) Provide fair and impartial procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all necessary steps;
- f) Set up an Internal Complaints Committee (ICC) to look into matter of sexual harassment.
- g) Adoption and implementation of the decision of the ICC;
- h) ICC and Management to meet, a minimum of twice a year, to discuss previous cases, outcomes, actions taken and success of any initiatives.

Redressal Procedure

An Internal Complaints Committee (ICC) will be set up by CUTS which will deal with all cases of alleged sexual harassment whether brought to it by any employee or taken up suo moto by the organisation, to prevent and deal with sexual harassment and to otherwise implement the Policy.

If an aggrieved individual believes that he is the victim of sexual harassment, he is encouraged to report such complaints immediately and in any case within 15 days of occurrence of the alleged incident. The complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment.

An employee who considers that they have been sexually harassed can raise their concern in the following ways:

1. Informally, by speaking or writing directly with the accused or by raising the matter with their line manager or Head of Human Resources (HR), seeking their assistance in making a direct request for the behaviour to cease. In such cases no formal record will be made of the matter. However if the behaviour recurs, details of the informal proceedings may be referred to in a subsequent formal complaint.
2. Formally, by lodging a written and signed or an electronic complaint with the Presiding Officer, Internal Complaints Committee (ICC) and in case the complaint is against the Presiding Officer then to the Head of the Organisation. Where a formal

complaint is lodged the matter will be investigated and the findings of the investigation recorded and retained.

In case the complaint is against an external person, a notice in writing would be sent and would be advised to cooperate in investigation. The complaint will clearly contain reference to the possibility of reporting the matter to Police to ensure that the person concerned cooperates in every way possible.

Filing of a complaint shall not adversely affect the complainant's status/job, salary/promotion, grades etc. During the pendency of an enquiry and till the final determination of a complaint of sexual harassment under this Policy the organisation shall not alter the conditions of service/study of the Complainant/Supporter/Witness concerned to their prejudice, as a consequence to the filing, participation or holding of an enquiry under this Policy.

A formal investigation of the alleged sexual harassment will be conducted by the ICC appointed by the Secretary General or any other officer nominated by him.

Internal Complaints Committee (ICC)

ICC will receive all formal complaints of sexual harassment on behalf of the organization.

- The ICC will comprise of at least four members appointed for a period of three years.
- At least 50 % of its members will be females
- The presiding officer will be a senior female member.
- One person should be an external person aware of anti-sexual harassment laws, committed to the cause of gender justice.
- Three members present in person shall form a quorum.
- All members of the ICC will be expected to be neutral and unbiased.

Provided however that a person shall cease to hold office as a member of ICC if he/she ceases to be an employee on account of resignation, termination, and death or for any other reason whatsoever, and in such case the vacancy shall be filled immediately by CUTS.

A person shall be disqualified for being appointed, elected, nominated or designated, or for continuing as a member of the ICC, if there is any complaint concerning sexual harassment pending against him/her or if he/she is found guilty of sexual harassment.

To the fullest extent practicable and consistent with the ICC need to investigate and ensure that corrective action is taken, all complaints of sexual harassment will be processed with strict confidentiality.

Duties of the Internal Complaints Committee (ICC)

The duties of the ICC shall be as follows:

- (a) To implement the grievance redressal procedure concerning sexual harassment in CUTS.

(b) To participate in the process of formulating programmes for spreading awareness of the present Policy amongst employees of CUTS.

(c) To process individual grievances concerning sexual harassment in the manner and mode particularly provided hereafter.

An investigation undertaken by ICC will be in accordance with the principles of natural justice and will be undertaken confidentially and as expeditiously as possible. Investigation to be completed within 90 days of receipt of complaint. Any delay in completion should be defended by reasons given in writing. The report of an investigation will be provided to the Head of HR who will initiate actions as appropriate or to his line manager if the complaint is against the Head, HR. Following matrix clarifies the hierarchical flow in making complaints:

Complaint By	Complaint against	Complaint to	Procedure
Any employee	Any other employee or external person	Head of the HR	Head HR will assess and will refer the matter to ICC
Any employee	Presiding Officer/Member, ICC	Head of the HR	Head HR will refer to matter to ICC. However the member against whom the complaint is received will cease to be a member of ICC till the investigation is over.
Any employee	Head of the HR	Head of the Organisation	The head of the organization will refer the matter to ICC for investigation.
The Head of HR (suo moto)	Against another employee	To ICC	ICC will investigate as per its process.
The ICC (suo moto)	Against an employee	To Head of the HR and organisation	Head of HR and organization will ask ICC to investigate the matter and present a report.

Procedure of dealing with the complaint

Care will be taken to ensure that no person against whom a complaint is made is part of the ICC. The Committee will convene within three working days of receipt of the complaint and the complainant will receive a written invite to attend.

At the first meeting the ICC, the Complainant will be heard and the ICC will decide whether the Complaint should be progressed to the next stage. Should it be agreed that it should proceed; the alleged accused person will be informed of the allegation(s).

The ICC will then prepare the statement of allegation and shall hand over the same to the Accused by hand delivery duly acknowledged or, by registered post acknowledgement due. This also applies in case the complaint is against an external person.

The Accused can at this stage, should he wish to do so, provide a written explanation to the statement of allegation, to the ICC in person or send it by registered post acknowledgement due.

The ICC shall give every reasonable opportunity to the Complainant and the Accused, for putting forward and defending their respective cases and to ensure that the Complainant and Accused have full opportunity to present their claims, witnesses and evidence which may establish their claims.

Both the Complainant and the Accused have the right to submit supporting evidence and to bring their respective witnesses, if any, to be examined by the ICC.

The ICC will have to exercise a sense of proportionality in determining the gravity of the matter, rather than be guided by emotionalism.

All the proceedings of the ICC will be summarised by the Committee.

In the event aggrieved individual, complainant or the accused wants to submit a statement in writing or review the summary of discussion prepared by the Committee, that statement will be endorsed by the Party in token of authenticity and submitted to the Committee.

The proceedings will be complete within 90 days from the date on which the complaint was received.

Should any of the party be absent from the dispute meeting, and the ICC is convinced about the valid ground for that absence, the ICC may adjourn that particular meeting of the Committee.

The ICC shall complete the enquiry and make a report of its findings and decisions on the Complaint and to the management of the organisation within a period of seven (7) days from the conclusion of the enquiry procedure set out above. The report of the ICC shall include decision for the penalty (as defined in Service Rules, 1995 in Chapter XIII, Clause 2) which should be applied and the reasons for such decision.

In case any person is aggrieved from the decision of the ICC or non-implementation of its decision, an appeal may be made to the Head of HR or the Head of the Organisation within a period of 90 days of the recommendations.

Constitution of ICC at CUTS

In compliance CUTS has constituted an ICC which is as follows:

S. No.	Name	Designation	Membership
1	Ruchi Sharma	Assistant Director (HR & Admin)	Presiding Officer
2	Veena Vidyadharan	Policy Analyst, CITEE	Member

3	Gyan Chand Jain	Assistant Director, Finance	Member
4	Mr. Ajit Singh	Secretary and Treasurer, Executive Committee, CUTS	Member

Improper Complaints

This policy shall not be used to bring frivolous or malicious complaints against anyone. Making a knowingly false complaint subjects the complainant to disciplinary or corrective action. However, failure to prove a claim of sexual harassment does not constitute proof of a false and/or malicious accusation. The complainant will have to ensure that they are able to demonstrate ill intent on behalf of the alleged perpetrator.

CUTS will ensure that neither the victim nor the witnesses nor the complainant are victimised or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

In the event, the ICC after investigation of a Complaint in accordance with the procedure prescribed above, concludes that the Complaint was false and made with mala fide intention by the Complainant, then the ICC shall make such appropriate decision, in consultation with the Management, against the Complainant, as it may deem necessary.

Management Obligations

Management of CUTS shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy. It shall further be bound by the decisions of the ICC and shall implement the same expeditiously.

The Management shall consider the decision and findings of the ICC and take a decision in relation to action to be taken against the Accused within five (5) days of the submission of the report by the ICC.

The support to be provided to ICC includes:

- Ensure that secretarial and administrative support is made available for training, preventive actions and during an enquiry.
- Helping to set up ICC.
- Adequate financial resources for all activities related to training or the enquiry process.
- CUTS is expected to provide adequate protection to ICC members in case of threats and any retaliation. Support and protection must also be provided if matters go to Court.
- Circulation and display of CUTS policy in English or Hindi on sexual harassment to all persons employed by or in any way acting in connection with the work and/or functioning of CUTS.

Management Discretion

On receiving the decision of the ICC, the management shall consider the findings and decisions of the Committee as specified above in the 'Obligation on CUTS' section (g). The management is bound to implement the decision of the ICC. However, if it decides not to uphold the decision or give direction to amend the decision as they deem fit, it will have to do so within five (5) days of receiving the report and in writing by providing sufficient reasons for not doing so.

The Management shall inform the Head of HR of the decision in writing so this can be actioned and passed on to the Complainant, Accused and to the ICC.

Punishment for Sexual Harassment:

In case if an employee is held guilty of sexual harassment, the Management can impose punishment on him/her which will include (but will not be limited to) the following. These penalties shall be classified as minor and major penalties as defined in Service Rules, 1995 in Chapter XIII, Clause 2.

Provided however, that in addition to all these penalties, the Accused will also be required to give a written apology to the Complainant and upon failure to do so, the punishment can be enhanced.

In case an external person is found guilty, the person would be asked for a written apology. Subsequently a formal complaint may be filed in the nearest police station in concurrence with the victim. However, the organisation will proceed with any action as deem fit by it.

Protection against Victimisation

Whilst the Complaint process is being carried out, the Committee shall, in the event the Accused is the Complainant's Supervisor/Superior, review the possibility of relocating the subordinate within the office and ensure that he/she is not subject to appraisal by the Accused.

The Committee shall ensure that any sort of retaliation against the Complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the Accused, whether directly or indirectly, will result in appropriate action against the Accused by the Management in consultation with the ICC. If need be, the complainant shall be given paid leave from the organisation for period of the inquiry.

Where the Accused is an outsider, during the period of the investigation of the Complaint and even thereafter, if (s)he is found guilty, the Accused shall not be allowed to enter the Organisation premises or anywhere where CUTS conducts its work except for the purpose of attending the Complaint.

In the event of the Accused and the Complainant both being employees of CUTS, then during the period of the investigation of the Complaint and thereafter, if the Accused is

found to be guilty, the Accused shall not write the appraisal reports of the Complainant, if (s)he is otherwise so authorised.

Modification and Review of the Policy:

The Management reserves the right to modify and, or, review the provisions of this Policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this Policy to the extent deemed necessary by the CUTS from time to time.

Process Flow

