



**MAHITA'S ANTI-SEXUAL HARASSMENT POLICY FOR PROTECTION OF WOMEN
IN MAHITA**



MAHITA'S ANTI-SEXUAL HARASSMENT POLICY FOR PROTECTION OF WOMEN IN MAHITA

1. BACKGROUND:

Over the past twenty years, the autonomous women's movements have made violence against women a major issue and consistently campaigned against it. This violence, in the form of sex-selective abortion, female infanticide, child sexual abuse, incest, molestation, rape, wife battering, dowry deaths, widow immolation and witch-hunting has been brought into the public consciousness through protests and campaigns. Though sexual harassment at the workplace is also an age-old problem, women have been left to deal with it on their own, or sometimes with the support of women's organizations. However there have been no effective legal measures to counter it. The problem received judicial recognition when, on August 13th 1997, a three-judge bench of the Supreme Court headed by the Chief Justice delivered a significant judgment on sexual harassment at the workplace, laying down guidelines on this (referred to as Supreme Court Guidelines hereinafter), by and large going by the views of women's groups.

1.1 Significance of the Judgment:

These guidelines are significant from several points of view. First sexual harassment at work place has been recognized as a serious problem. Secondly, the Court made it mandatory for all workplaces to adopt the guidelines. The Supreme Court guidelines provide a comprehensive definition of sexual harassment and a redressal mechanism for handling complaints.

1.2. Mahita initiative to implement Supreme Court Guidelines:

Pursuant to these guidelines, Mahita has decided to implement these guidelines in its own work places. It is also committed to creating an atmosphere in which the staff can work together, free from sexual harassment.

As per **the judgment of the Supreme Court a gender Complaints Committee** has been formed to tackle issues of sexual harassment of women employees at work place.

1.3 Purpose of the committee

Mahita has adopted Child Protection Policy. Accordingly it also decided to implement the Supreme Court guidelines on complaints committee. There are certain committees existing within Mahita like the finance committee, purchase committee, HR committee, and project review Committee and others. It was felt that to make the existing committees more functional they should be revived. With this purpose the Gender complaints committee was constituted.

1.4 Objective:

The main objective of the committee is to create an atmosphere in which the staff can work together and free from sexual harassment.

2. CONSTITUTION OF THE COMPLAINTS COMMITTEE IN MAHITA

2.1 Membership in Mahita complaints committee:

Mahita has constituted the Complaints Committee. The committee consists Mahita has reconstituted the Complaints Committee. The current committee consists of the following members.

1. Ms. G. Samyogita - Chairperson
2. Ms. S Varalaxmi -Member
3. Ms.Suvarna -Member
4. Mr.Sudarshan -Member

3. GUIDELINES FOR THE COMPLAINTS COMMITTEE:

3.1 Commencement:

The Guidelines for Complaints Committee for Mahita become functional as soon as they are drafted.

3.2 Scope of the Guidelines:

The Guidelines will cover all allegations of sexual harassment by an employee/functionary of Mahita irrespective of whether sexual harassment is alleged to have taken place within or outside the office premises in the field, including sexual harassment alleged to have been made by an outsider towards an employee of Mahita.

- i) unwelcome sexual advances, requests or demand for sexual favors either explicitly or implicitly
- ii) unwelcome sexual advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, email, gestures, sounds, display of pictures, signs, showing of pornography etc.,
- iii) eve teasing, innuendos and taunts, physical confinement against one's will and likely to introduce upon one's privacy
- iv) Employees means any person on the rolls of Mahita including those; Volunteers, Community Members, part time working as Consultants.

3.3 Term:

The term of office of the Complaints Committee shall be one year. The length of the term shall be reviewed at the end of the first year. In case of any vacancy due to resignation, termination or for any other reason, the same shall be filled immediately through a decision of the Staff Association. The names of persons, who are on the Complaints Committee, shall be communicated to all concerned, as also any changes whenever they take place.

1. WHO CAN BE A MEMBER:

Every member of the Complaints Committee shall be an employee of Mahita or from the solidarity institutions.

2. ATTENDANCE OF THE MEETINGS:

If a member elected or nominated or designated to the Complaints Committee remains absent without permission of the Complaints Committee from three consecutive meetings that person would be deemed to have neglected duties, which go with his employment, and the matter would be recommended to be dealt with by the Projects Committee accordingly.

3. RESIGNATION OF MEMBER:

No member shall be allowed to resign unless the ground for resignation is valid and convincing to the Complaints Committee.

4. MEETINGS OF THE COMPLAINTS COMMITTEE:

4.1 The Complaints Committee shall meet at least four times in a year.

4.2 Special meetings will be convened at any time based on the need and situation.

4.3 The quorum for any meeting of the Complaints Committee will be 7 and also ensures there will be at least one women present. If the quorum is not there at any meeting it shall be adjourned for not more three days. If at the subsequent meeting a quorum is still not there the meeting shall proceed with those who are present and the proceedings of such a meeting will not be challenged on the ground of absence of quorum, provided there is at least one woman among those present.

5. RESPONSIBILITIES OF THE COMPLAINTS COMMITTEE:

The Responsibilities of the Complaints Committee shall be as follows.

5.1 To ensure implementation of these guidelines in Mahita

5.2 To encourage and monitor the proper constituting and functioning of the Complaints committee by the partner groups of Mahita.

5.3 To form enquiry committees to investigate/enquiry of sexual harassment.

5.4 To coordinate and interact with the project/programme staff of Mahita to formulate monitoring mechanisms on the functioning of the complaints committee set up by the network members of Mahita and also for the new members and initiatives.

5.5 To bring out reports concerning sexual harassment and also concerning the implementation of these guidelines and also to collect appropriate material from other sources and disseminate the same.

5.6 To report the work of the Complaints committee to the Projects Committee and Staff Association meetings of Mahita.

GENERAL RESPONSIBILITIES OF Mahita:

6.1 To organize discussions on Supreme Court guidelines and on the issue of sexual harassment to build a milieu against sexual harassment in Mahita work places in particular and outside.

6.2 To spread awareness of these guidelines amongst the members concerned with Mahita.

CONSTITUTION OF THE COMPLAINTS COMMITTEE IN Mahita

While constituting these complaints committee, one may keep in view the following suggestions: 50% of the members shall be women and the Convenor/Chairperson shall be a woman.

All the members shall be from the staff or solidarity institutions and nominated/elected/designated by the entire staff of the respective organization. In the absence of women members in the organization, experienced women from other organizations shall be co-opted into the complaints committee.

The term of office of the committee may be one to three years. The vacancies are to be filled up within a period of a month. The names of persons, who are on the Committee, shall be communicated from time to time to the other staff or solidarity institutions.

8. DISQUALIFICATION OF THE CONVENOR AND MEMBERS:

A person shall be disqualified for being appointed, elected, nominated or designated, or for being continued, as a member of the complaints committee if there is any complaint concerning sexual harassment, moral turpitude or serious criminal charges pending against him/her or if he/she is found guilty of sexual harassment. If one of the members becomes victim or accused he/she will be disqualified from the proceedings of that particular case on the grounds of conflict of interest.

9. PUNISHMENT FOR SEXUAL HARASSMENT PENALTIES:

Any employee found guilty of sexual harassment shall be liable to any of the following penalties:

1. Warning, reprimand or censure, along with a written apology from the employee found guilty
2. Withholding of an increment
3. Reduction in designation
4. Fines
5. Suspension
6. Termination of Service

The amount collected as fine will be used for achieving the aims and objectives of these guidelines.

10. GRIEVANCE PROCEDURE:

10.1 Any employee will have a right to lodge a complaint concerning sexual harassment against fellow employee or a representative of Mahita or an outsider with any of the members of the Complaints Committee.

10.2 Such a complaint may be oral or in writing. If the complaint is oral the member to whom the complaint is made shall reduce the same in writing in detail, as expeditiously as possible

10.3 The complainant will be afforded full confidentiality for her/his oral or written complaints for as long a time as necessary to ensure a feeling of confidence in her/his.

10.4 The complaints committee shall nominate two or three persons from amongst themselves who will know as the Enquiry Committee.

10.5 Two of these persons so nominated to Enquiry Committee shall be women.

No person against whom a complaint is made shall be part of the Enquiry Committee. In case the Enquiry Committee decides to proceed with the complaint, the wishes of the complainant concerning the issue shall be taken into account. If the complainant so wishes the accused will be called to a meeting of the Enquiry Committee, heard and if necessary warned about his/her behavior and the matter concluded on an apology in written being given by the guilty person. A recording to that effect shall be made in the Complaints Register of the Mahita.

The accused shall be given an opportunity to explain within one week why he/she should not be punished for the act of sexual harassment on his/her part. The punishment will be imposed according to the nature of the guilt. The Enquiry Committee shall prepare a charge sheet containing specific charges and shall hand over the same together with the statement of allegation and the explanation of the accused to the complainant as well as to the accused by hand delivery duly acknowledged or by registered post acknowledgement due, within 3 days of the Enquiry Committee having decided to conduct the enquiry.

The Enquiry Committee shall see that every reasonable opportunity is extended to the complainant and to the accused, for putting forward their case. The complainant shall have the right to lead evidence and the right to cross-examine witnesses examined on behalf of the accused.

The accused shall have the right to be heard in person and lead evidence. He/she shall also have the right to cross-examine witnesses examined on behalf of the complainant. Sufficient opportunities shall be given to examine all witnesses notified by both the parties.

All the proceedings of the Enquiry Committee will be recorded and both the parties in token of authenticity shall endorse the same together with the statement of witnesses thereof. In case of refusal to endorse the same by either party endorsement to the effect may be made by the Convenor.

The enquiry shall ordinarily to complete within a period of 90 days from the date on which the Show Cause Notice is given to the accused. The report of the Enquiry Committee shall be considered by the Complaints Committee, which will forward it to the Management with its recommendation. The Management shall issue necessary orders within 7 days from the date of receipt the recommendation of the Complaints Committee, by hand delivery duly acknowledged or by registered post acknowledgement due. The Management shall also endorse a copy of its order to the complainant and to the Complaints Committee.

11. PROVISIONS FOR APPEAL:

In the event of the complaints committee or the Enquiry Committee not taking action on a complaint or in the event of the complainant being dissatisfied with the action taken by any of the aforesaid committees the complainant has the right to proceed against the accused in the court of law.

12. OBLIGATION OF THE MANAGEMENT:

Management of the Mahita shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of these guidelines. It shall be normally bound by the decisions of the various bodies as set out in this scheme and shall implement such decisions in an expeditious manner.

13. THIRD PARTY HARASSMENT:

In case of third party sexual harassment the Complaints Committee shall actively assist and provide all its resources to the complainant in pursuing the complaint and ensure her safety as well as justice.

The above Guidelines for Complaints Committee for Mahita have been drafted based on Supreme Court Guidelines to deal with Sexual Harassment