

# Policy on Prohibition of Sexual harassment, Exploitation and Abuse

IRTC

**Integrated Rural Technology Centre**  
Mundur, Palakkad

# Policy on Prohibition of Sexual Harassment, Exploitation and Abuse

## 1. Title and Application

This Policy on Prohibition of Sexual Harassment, Exploitation and Abuse ("Policy") states the internal policy of the Integrated Rural Technology Center (IRTC) with regard to the definition, prohibition, prevention, retaliation and redressal with regards to sexual harassment, exploitation and abuse at its workplaces.

1.1. IRTC is committed to creating and maintaining a safe, secure and comfortable workplace, free from impropriety, indignity and fear, for all people at its workplace. In pursuance of this, IRTC maintains a policy of zero tolerance towards sexual harassment, exploitation and abuse. All IRTC employees and related personnel are expected to always uphold the highest standards of personal and professional conduct.

Accordingly, IRTC requires all personnel to undergo mandatory anti-sexual harassment, exploitation and abuse training at regular intervals. IRTC shall also ensure that its management and staff remain attentive and responsive to the issue of sexual harassment, exploitation and abuse; and, that all Associated Personals (APs) (interns, consultants, contract workers etc.) who are granted access to IRTC are made aware of this Policy.

Further, the IRTC Internal Complaints Committee (ICC) is empowered to investigate complaints or allegations of sexual harassment, exploitation and abuse, and address them in a timely, impartial and sensitive manner.

Further, in an extraordinary situation where the IRTC management reasonably believes that there may be a case of sexual harassment, exploitation and abuse pertaining to any current member of IRTC, including the Director, and in the situation where the jurisdiction of the ICC is unclear, IRTC commits to undertaking an investigation either at the executive level, or through an independent third-party expert(s). IRTC is committed to ensuring the investigation is impartial and follows due process.

1.3 This Policy is without prejudice to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; hereinafter referred to as the Act, that was





enacted into law on April 22, 2013. Sexual harassment of women, within or outside a workplace, is further defined and criminalized under section 354A of the Indian Penal Code, 1860.

## 2. Definitions

### 2.1. Sexual Exploitation

Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to profiting monetarily, socially or politically from the sexual exploitation of another

### 2.2. Sexual abuse

Sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions

### 2.3. Sexual Harassment

Sexual harassment is unwelcome conduct (physical, verbal or non-verbal) of a sexual nature and includes, but is not limited to, conduct such as the following:

- making unwanted sexual advances and requests for sexual favours;
- making unwanted sexual advances and requests for sexual favours where submission to such conduct is made an explicit or implicit term or condition of employment;
- submission to or rejection of advances is used as the basis for employment decisions affecting an individual (sometimes these are referred to as a "quid pro quo" form of sexual harassment);
- unwanted conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if it does not lead to tangible or economic job consequences (sometimes these are referred to as a "hostile work environment" form of sexual harassment);
- displaying or sharing offensive images such as posters, videos, photos, cartoons, screensavers, emails, or drawings that are obscene or sexual in nature;
- unwanted comments about appearance, or other personal or physical characteristics, such as sexually charged comments, words, signs, jokes, pranks, intimidation, or





physical violence that is of a sexual nature or directed at an individual because of that individual's sex;

- unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, that cause the recipient discomfort or humiliation, and/or that interfere with the recipient's job performance;
- unnecessary or unwanted bodily contact such as groping or massaging; or
- Threats or demands that a person submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment-related benefits in return for sexual favours.

This policy understands that sexual exploitation, abuse or harassment can happen regardless of the gender, gender identity; orientation or gender expression of the individuals involved, and can, for example, occur between same-sex individuals as well as between opposite-sex individuals. It does not require that the exploitative, abusive or harassment conduct to be motivated only by sexual desire. In some instances, sexual exploitation, abuse or harassment may not only be a violation of institutional policy but also is a form of workplace discrimination and is against the law.

When determining whether a reported conduct constitutes harassment or it falls under sexual exploitation, abuse and harassment, the respective committee will consider whether a reasonable person could conclude that the conduct created an intimidating, hostile, or offensive workplace environment. "I didn't mean it," "it was just a joke" and/or "I was drinking" are not excuses for engaging in inappropriate conduct. According to this policy, the employees, APs or anyone who is working in association with IRTC are held to the same standards of conduct regardless of impairment by alcohol or controlled substances

2.4. For the purpose of this Policy, "Child" is any person under the age of 18. Any sexual activity with a child is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense for the same.

2.5. "Aggrieved person" refers to any person who alleges to have been subject to any form of sexual harassment, exploitation and abuse as prescribed in the policy.

2.6. "Respondent" means any person against whom allegations have been made by an





aggrieved person.

2.7. If in pursuit of a legitimate professional objective or in the ordinary course of work, it is necessary to carry out any activity, including discussion, viewing, reading or other handling of issues or material related to sex, sexuality, pornography or other activities of a sexual nature, such activity will not amount to sexual harassment provided that, care is taken to ensure that such activity is carried out in a professional, respectful and dignified manner.

2.8. Finally, it should be noted that the allegation of sexual exploitation, abuse or harassment depends on the experience of the aggrieved person, and not on the intentions of the respondent.

### **3. Internal Complaints Committee (ICC)**

3.1. IRTC shall have an Internal Complaints Committee comprising of five (5) members for the purpose of conducting inquiries into allegations of sexual harassment, exploitation and abuse as per S.4 of the Sexual Harassment of Women at the Workplace Act, 2013. The ICC should be headed by an academic faculty who must be a gender expert (mandatory) and will consist of one member from the social science division, one gender expert from outside, one female EC member and one staff member.

3.2. Any person who has been subject to, or is witness to an incident of sexual exploitation, abuse or harassment propagated by a member of IRTC, is directed to approach the ICC as prescribed.

### **4. Complaint**

4.1. An aggrieved person who alleges to have been subject to an act of sexual exploitation, abuse or harassment may submit a complaint, in writing, to any member of the ICC.

(i) The complaint should be made within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall render all reasonable assistance to the person for making the complaint in writing:

Provided further that the ICC may, for the reasons to be recorded in writing, extend the time





limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(ii) Where the aggrieved person is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir, relative, friend, co-worker, or any person having the knowledge of the incident may make a complaint as prescribed above.

(iii) Extraordinary situation: "Extraordinary situation" would include situations where the jurisdiction of the ICC is unclear (for example, in cases where the limitation period has lapsed),

In such situations, where the IRTC management reasonably believes that there may be a case of sexual harassment, exploitation and abuse pertaining to any current member of IRTC. IRTC commits to undertaking an inquiry either at the Chair Person of IRTC, the Executive Committee, or through an independent third party. IRTC commits to ensuring the inquiry is impartial and follows due process.

It should be noted that in case of an allegation/ complaint against the Director, an alternate remedy is also available to complainants under section 6(1) of the Sexual Harassment of Women at the Workplace Act, where the Local Committee is empowered to inquiry complaints. The complainant has the option of electing either forums.

The external entity, in receiving, conducting inquiry into, disposing of, and otherwise handling, complaints, adhere to the procedure below, in proper compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

4.2. (i) The ICC shall take cognizance of the complaint at the earliest and in any case within 15 working days of receiving the complaint. The Presiding Officer will constitute an Inquiry Committee of at least four ICC members to conduct the inquiry and prepare the report.

(ii) A complete copy of the complaint and other supporting documents, including evidence and statements of witnesses shall be sent to the respondent within 10 working days of receiving the complaint.

(iii) Upon receiving a copy of the complaint, the respondent shall submit his reply to the complaint to the Inquiry Committee, along with supporting documents within a period of 10 working days.

(iv) The Inquiry Committee shall share the complete copy of the respondent's reply and the supporting documents, including evidence and statements of witnesses with the aggrieved woman within 10 working days of receiving it.

## 5. Inquiry

5.1. Conciliation: Once the complaint and reply are received, before initiating the inquiry the ICC may take steps to conciliate the complaint between the aggrieved person and the respondent. This shall be initiated only if requested by the aggrieved person in writing.





In case a settlement is arrived at, the ICC will record and report the same to the Director for taking appropriate action. If conciliation fails and/or no settlement is reached between the parties, the ICC shall proceed to conduct a formal inquiry into the complaint.

The ICC shall provide copies of the settlement to aggrieved woman and respondent. Once the action is implemented, no further inquiry is conducted.

If the respondent and/ or Director fail to implement the terms of the settlement, the aggrieved person may request the ICC to conduct a formal inquiry into the complaint.

No monetary settlement shall be made as a basis of conciliation.

5.2. Formal Inquiry: Upon receipt of a complaint, the Presiding Officer and two members shall at a meeting specially convened for this purpose, constitute from among its members a quorum of at least three members known as the Inquiry Committee to examine, conduct the inquiry, and prepare a report. The Inquiry Committee shall be notified to the parties prior to commencement of the inquiry and hearings, and will not be changed unless a situation mentioned in section 4(5) of the Sexual Harassment of Women at the Workplace Act, 2013 presents itself. Majority of the members of the Inquiry Committee shall be women.

The Inquiry Committee shall be subject to the following rules:

(i) Both parties shall be given the opportunity to appear before the Inquiry Committee and present their case and/or submit names of any witnesses or documentary evidence substantiating their case.

(ii) The Inquiry Committee shall have the power to call upon any such witnesses and record their statements. The proceedings shall be conducted in such language as may be familiar to the aggrieved person and the respondent.





Absent exceptional circumstances, the aggrieved person and respondent should inform the Inquiry Committee in writing at least 24 hours in advance of the hearing the names of any witnesses he/she wishes to testify. Any information shared during a hearing is confidential.

Neither the aggrieved person nor the respondent shall question each other or other witnesses directly but may raise questions to be asked of that party through the Inquiry Committee, which will determine whether to ask them.

The minutes of the proceedings shall be recorded in English and where the aggrieved person or the respondent is not conversant with English, in addition, in such language as may be familiar to them.

If a party is not present for more than 3 consecutive hearings, without sufficient cause, the Inquiry Committee may, after giving that party a notice of 15 days, give an ex-parte decision on the complaint or terminate the complaint.

The Inquiry Committee will make every effort to complete its inquiry within 60 days of receipt of a complaint.

The Inquiry Report of the Inquiry Committee, including its decision and recommendations, and reasons for arriving at such a decision, shall be communicated to the concerned parties and the Executive Director, in writing, at the earliest and in any case within 10 working days of completion of the inquiry. Notification of the decision and the reasons shall be individually communicated to the respondent and the aggrieved person on the same day.

If the allegations against the respondent are proved to be true, the Inquiry Committee shall also recommend the penalties or corrective/restorative action that may be taken against him/ her to the Executive Director. The Executive Director shall act on the recommendation of the Inquiry Committee within a period of 30 days from the date of the receipt of the Inquiry Report, unless an appeal against the findings is filed within that period by either party.

## **6. Relief**

6.1. Interim relief: During the pendency of the inquiry, or during the pendency of the investigation by the police, on a written request made by the aggrieved person or otherwise, the Inquiry Committee may recommend to the Director to:

- i. Transfer the aggrieved person or the respondent to any other workplace; or





- ii. Suspend the respondent; ask them to work from home, or go on leave - for the duration of the inquiry; or
- iii. Grant leave to the aggrieved person, for a period of three months maximum, in addition to the leave s/he would be otherwise entitled; or
- iv. Prevent the respondent and/ or Director from assessing the aggrieved person's work performance; or
- v. Grant such other relief as may be appropriate including:
  - a. Pass an order restraining all communication between respondent and various IRTC members;
  - b. Pass an order restraining all communication between respondent and any IRTC member which is likely to influence the inquiry;
  - c. Any other measure to inspire confidence in various members of the workplace that IRTC is committed to providing a safe working environment.

Once the recommendations of interim relief are implemented, the Director will inform the ICC regarding the same.

6.2. Final relief: Where the ICC arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend

- i. termination of employment of the respondent in accordance with the zero - tolerance policy pursued by IRTC
- ii. to deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved person as maybe determined pursuant to S.15 of the Act. In case the employer is unable to make such deduction from the salary of the respondent due to his/her being absent from duty or cessation of employment, it may direct the respondent to pay such sum to the aggrieved person.

In case the respondent fails to pay the sum referred to, the ICC may forward the order for recovery to the concerned District Officer as per S.13(2) of the Sexual Harassment of Women at the Workplace Act,2013.

## 7. Confidentiality

The identity of the aggrieved person, respondent, witnesses, statements and other evidence obtained in the course of the inquiry process, recommendations of the ICC, and action taken by the Director are considered as confidential material and will not be published or made





known to the public or media. Any person contravening the confidentiality clause is subject to disciplinary action as prescribed. IRTC is committed to keep the matters, issues and concerns raised under the scope of this policy as confidential as possible, only disclosing information on a need to know basis. However, IRTC cannot promise absolute confidentiality as may need to disclose some or all of the information as part of the investigation and towards resolving the concern. If anyone who want to report a concern anonymously, they can do so through the complaint boxes or write to the concerned committee keeping their identity anonymous.

## **8. Appeal**

8.1. Any party not satisfied or further aggrieved by the decision of the ICC, recommendations made by the ICC or the implementation or non-implementation of such recommendations, may appeal to the appellate authority in accordance with the Sexual Harassment of Women at Workplace Act (Prevention, Prohibition and Redressal) Act, 2013, within 60 days of the recommendations being communicated, wherever applicable.

## **9. Malicious allegation**

9.1. Where the Inquiry Committee arrives at the conclusion that the allegation against the respondent is malicious, or the aggrieved person or any other person making the complaint has made the complaint knowing it to be false, or the aggrieved person or any other person making the complaint has produced any forged or misleading document, it may recommend to the Director to take action against the aggrieved person or the person making the complaint. This includes remedial and restorative steps of undertaking training or counseling, and coupled with proportionate actions including warning, suspension and disciplinary action, depending on the seriousness of the case. While deciding malicious intent, the Inquiry Committee will consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

## **10. Prohibition of Retaliation**

11. Retaliation means taking an adverse action against an employee or AP as a consequence of reporting, for expressing an intent to report, for assisting another employee in an effort to report, for testifying or assisting in a proceeding involving sexual harassment under any federal, state or local anti-discrimination law, or for participating in the investigation of what they believe in good faith to be a possible violation of the Code of Conduct, IRTC policy or the law of the country. In some instances, it may not only be a violation of policy of IRTC but also against the law for one employee to retaliate against another for their participation in the complaint process. An adverse action may include, but is not limited to, discipline, termination or demotion.





11.1. IRTC employees, directors and management will not intimidate or take any retaliatory action (direct or indirect) against a person who files a complaint or provides testimony/ evidence regarding a complaint in good faith. Types of retaliation that are prohibited include but are not limited to:

- i. Intimidation;
- ii. Interference with the person's work or creating an intimidating or offensive or hostile work environment;
- iii. Termination of employment;
- iv. Failing to hire or consider for hire or promotion; and
- v. Adversely impacting working conditions or otherwise denying any employment benefit to an employee

Note that an adverse disciplinary action against an IRTC employee whose conduct or performance warrants such action for reasons unrelated to the reporting of a complaint will not be deemed a violation of this clause.

Individuals who are concerned about retaliation should approach the Presiding Officer of the ICC or the External member of the ICC. Such concerns will be addressed on priority.



  
**Registrar**  
**Integrated Rural Technology Centre**  
**Mundur, Palakkad, Kerala**