Policy on Prevention of Sexual Harassment

Nawazishein Foundation. Made under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

What this policy is for

Everyone who works with Nawazishein Foundation, paid or unpaid, is entitled to work without being harassed. This policy says what sexual harassment is, what to do if it happens to you or you see it happen, and what we will do about it.

It applies to founders, interns, volunteers, consultants, visitors and anyone else present at our work. It applies at our office, on field, at events, on trips, and in calls, messages and online groups connected to our work. It applies regardless of who is senior to whom.

What sexual harassment means

The Act defines sexual harassment as any one or more of the following unwelcome acts or behaviour, whether directly or by implication:

- Physical contact and advances.
- A demand or request for sexual favours.
- Making sexually coloured remarks.
- Showing pornography.
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

It also includes an implied or explicit promise of preferential treatment, a threat of detrimental treatment, a threat about present or future status, interference that creates a hostile environment, or humiliating treatment likely to affect health or safety.

In plain terms: if conduct of a sexual nature is unwelcome to the person receiving it, it is capable of being harassment. Intention is not the test. Whether it was welcome is.

Examples, not an exhaustive list

Unwanted touching, hugging or brushing past. Comments about someone's body or clothing. Sexual jokes or innuendo in a group. Persistent personal messages after being asked to stop. Sharing sexual images. Staring or gestures. Asking a colleague out repeatedly after a clear no. Suggesting that a certificate, reference or opportunity depends on a personal relationship.

Where to complain

The Act requires an organisation with ten or more employees to form an Internal Committee. Nawazishein Foundation currently has fewer than ten employees, so complaints may be made to the Local Committee constituted by the District Officer for the district in which we work, or directly to the police.

Local Committee details

District: _____
District Officer / Local Committee contact: _____
Fill this in from your District Magistrate's office and update it when it changes.

You may also raise the matter internally, with the person named below, who will record it, support you, and act on it. Raising it internally does not take away your right to go to the Local Committee or to the police at any point, including afterwards.

Internal contact for complaints

Name: _____ Phone: _____
Email: _____
If your complaint is about this person, go to any other founder. We recommend naming a woman founder here.

How to make a complaint

1. A complaint should be made in writing where possible, within three months of the incident, or within three months of the last incident in a series. This period can be extended where there is good reason.
2. If you cannot put it in writing, tell us and we will help you record it. Nobody is turned away for not knowing the format.
3. A relative, friend, colleague or any person who knows about the incident may make the complaint with your written consent, if you are unable to.
4. Include what happened, when and where, who was involved, and anyone who saw it. Keep any messages or other evidence.

What happens next

1. You will be heard, in private, by someone who takes it seriously. You will not be asked to explain why you did not object sooner.
2. Conciliation may be offered if you want it. It is never compulsory, and no monetary settlement can be the basis of it.
3. If an inquiry proceeds, both sides will be heard, and the inquiry should be completed within 90 days.
4. While the matter is being looked into, we will take steps so you do not have to work alongside the person complained against, including changing rosters or duties.
5. If the complaint is upheld, action will follow, and may include a written warning, removal from duties, ending the association with the Foundation, and reporting the matter to the police.
6. The outcome will be communicated to you.

Confidentiality and protection

- The identity of the complainant, the respondent, the witnesses and the details of the complaint are kept confidential. Publishing them is an offence under the Act.
- No one who makes a complaint in good faith, or who gives evidence, will be penalised, sidelined, denied a certificate or reference, or treated differently for doing so.
- Retaliation against a complainant or a witness is itself a disciplinary matter.
- A complaint made maliciously and knowingly falsely may lead to action. This is not the same as a complaint that is not upheld. Being unable to prove something is not the same as lying.

What everyone is expected to do

- Treat colleagues, volunteers, beneficiaries and visitors with respect.
- Stop immediately if told that your behaviour is unwelcome.
- Speak up if you see something happening to someone else.
- Do not pressure anyone to drop a complaint or to keep it quiet.

Review

This policy is reviewed once a year by the founders, and whenever the law or our size changes. If we reach ten or more employees, an Internal Committee will be constituted as the Act requires, with a woman as Presiding Officer, at least two members from among employees, and one external member from an NGO or a person familiar with issues of sexual harassment.

Acknowledgement

I have received and read the Policy on Prevention of Sexual Harassment of Nawazishein Foundation. I understand what sexual harassment means, how to raise a complaint, and that I will not be penalised for raising one in good faith.

Name and signature
Intern or volunteer

Date

Important

This policy was drafted for Nawazishein Foundation's own use and follows the structure of the 2013 Act. Have it reviewed by a lawyer before you rely on it, and in particular confirm the Internal Committee position for your current headcount and fill in the Local Committee details for your district.