



BSWI'S POLICY ON PREVENTION OF SEXUAL HARASSMENT

POSH

BARADRONE SOCIAL WELFARE INSTITUTION (BSWI)

BSWI: Prevention of Sexual Harassment Policy

The Sexual Harassment at The Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013 have been notified by the Ministry of WCD. The legislation has in force from December 9, 2013. MINISTRY OF WOMEN AND CHILD DEVELOPMENT NOTIFICATION New Delhi, The 9th December, 2013 S.O. 3606(E)-

In exercise of the powers conferred by sub-section(3) of section 1 of the Sexual Harassment of Women at Workplace (Prohibition, Prevention & Redressal Act, 2013 (14 of 2013), the Central Government hereby appoints the 9th of December, 2013 as the date on which the provisions of the said Act shall come into force.

Here are the 10 key features of vishaka guidelines:

1. The law applies to women harassed in the workplace including women working as domestic workers, daily wagers, temporary or permanent, full-time or part-time, as well as volunteers. The women may or may not be employed and can be of any age. The law is only applicable to women and women only.
2. Sexual harassment includes any one or more of the following unwelcome acts or behaviour:
 - Physical contact or advances
 - A demand or request for sexual favours
 - Making sexually coloured remarks
 - Showing pornography
 - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

If the following circumstances exist in relation to any behaviour, that is, if any act is done under the following circumstances that would also count as sexual harassment:

- Implied or explicit promise of preferential treatment in employment
 - Implied or explicit threat of detrimental treatment in employment
 - Implied or explicit threat about her present or future employment status
 - Interferes with work or creates an intimidating/hostile/offensive work environment
 - Humiliating treatment likely to affect her health and safety.
3. The act of harassment can occur in the workplace and also if a woman is harassed while visiting a place arising out of or during the course of employment including transportation provided by the office, a complaint can be filed under this Act.
 4. The Act requires all workplaces to set up Internal Complaints Committees to address the issue of sexual harassment. There will also be a Local Complaints Committee for each District where complaints can be filed.
 5. An aggrieved woman can file a complaint within 3 months of the incident (or later if allowed by the committee).

6. The Act provides the option of a settlement between the aggrieved woman and the responded through conciliation but only on the request of the woman. However, money compensation cannot be a basis for the settlement.
 7. The inquiry has to be completed within 90 days.
 8. In case of malicious complaints or false evidence, the Committee may take action against the woman/person. However, simply not being able to prove an allegation will not mean that it is a false/malicious complaint.
 9. The identity of the aggrieved woman, respondent, witnesses as well as other details of the complaint cannot be published or disclosed to the public/media.
 10. The Act also hopes to prevent such incidents by placing a duty on employers to hold regular workshops/awareness programmes as well as, display the consequences of harassment in the workplace. Every employer has a duty to provide a safe working environment to all employees.
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POSH POLICY OF BSWI

BSWI is pledged to preserving a working environment free from sexual harassment. Harassment is against the law and is a form of gender discrimination. The aim of this policy is to prevent harassment of any kind by anyone employed by or associated with the organisation BARADRONE SOCIAL WELFARE INSTITUTION (BSWI).

Sexual harassment consists of unwelcome sexual advances, requests for sexual favours or unwanted sexual attention by anyone associated with BSWI, whether male or female. Harassment may include references to employment status or conditions or may serve to create a hostile, intimidating or uncomfortable work environment. Harassment includes, but is not limited to, obscene jokes, lewd comments, sexual depictions, and repeated requests for dates, touching, staring or other sexual conduct committed either on or off BSWI premises.

Victims of sexual harassment have the right to sue both the BSWI and the perpetrator by contacting the Equal Employment Opportunity Commission or a state agency. For this reason and for the protection of all our employees, BSWI seeks to prevent sexual harassment.

All of BSWI's employees are responsible for helping ensure that our workplace is kept free of sexual harassment. If a person feels he/she has been a victim of sexual harassment, report the behaviour to our Sexual Harassment Coordinators [Sanchita Mondal, EC Member of BSWI and Dipali Bhattacharya EC member of BSWI] or to any Coordinator or EC member of BSWI or the BSWI President. If you have witnessed sexual harassment, you also are urged to report the incident so that prompt action may be taken.

All complaints will be treated seriously, kept as confidential as possible and investigated fully. BSWI expressly forbids any retaliation against employees for reporting sexual harassment. If, however, BSWI finds that false charges have been filed, disciplinary action may be taken against anyone who provides false information.

If an investigation confirms that sexual harassment has occurred, immediate action will be taken to put an end to the harassment. BSWI will take appropriate corrective actions against anyone found to be in violation of this policy, including possible termination of employment.

BSWI strongly supports the rights of all its employees to work in an environment free from all forms of harassment, including harassment on the basis of race, colour, religion, gender, sexual orientation, national origin, age or disability. Harassing conduct includes, but is not limited to:

Epithets

Negative stereotyping

Slurs

Threatening, intimidating or hostile acts that relate to the above characteristics

Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the above characteristics, and that is placed on walls, bulletin boards, or elsewhere on the premises, or circulated in the workplace.

In compliance with the policy, BSWI prohibits harassment of any kind. If the result of an investigation indicates that corrective action is called for, such action may include disciplinary measures up to and including immediate termination of the employment of the offender.

POLICY CONSIDERATIONS

BSWI will communicate this policy to all employees in it, regardless of management level. It would also review and update its policy on a regular basis. An effective sexual harassment policy should contain these points:

BSWI would ensure investigating complaints as early as possible. Every complaint of sexual harassment would be taken seriously and investigated promptly. BSWI would develop a method to interview the accused, the accuser and potential witnesses, as well as a system to gather and record evidences. It would treat all parties with dignity and respect. It would conduct all interviews privately, and ensure the confidentiality of the investigation.

BSWI would enforce its POSH and if an investigation reveals an actual sexual harassment case, BSWI would notify the involved parties and would decide on the type of disciplinary action to take. Depending on the harasser's work record and the gravity of the charge, BSWI would decide on an oral or written warning, deferral of a raise or a promotion, demotion, suspension or discharge.

BSWI would be fair in its judgment, and would apply its disciplinary actions evenly. BSWI would make sure it has all the necessary documentation to back up any disciplinary action. It would keep all those records contained in one file. If the harasser decides to sue for wrongful termination or job discrimination, it would be able to locate all the information it needs to justify its decision.

BSWI would promote its policy. It's not enough simply to have a sexual harassment policy on file. To avert liability, employees must know BSWI's policy exists and understand BSWI's grievance procedures. Once the policy is written, BSWI would present it separately in handbooks and on bulletin boards. BSWI would consider it as an educational vehicle for its employees. BSWI would hold in-house meetings to communicate its policy effectively. BSWI would also ask its work force to give their input and to voice their concerns.

Unlike other policies that are invoked only when a particular situation arises, BSWI's sexual harassment policy would govern workplace interaction all day, every day. It would not be a reference that employees turn to only after a problem arises.