



PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE POLICY



POSH

INTRODUCTION

- Sexual harassment at the workplace is a grave violation of fundamental rights guaranteed under the Constitution of India and recognised under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. FIA adopts a zero-tolerance approach toward any form of sexual harassment and is fully committed to preventing such incidents and addressing them promptly, fairly, and sensitively when they occur.
- At Foundation for Innovation and Action (FIA), we are committed to providing a safe, inclusive, and respectful workplace for all individuals, including employees, volunteers, interns, consultants, and partners. As an organisation working towards social impact, we uphold the highest standards of dignity, equality, and non-discrimination.
- This Policy against Sexual harassment at the workplace has been made and adopted in addition to; and not in abrogation of the Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act 2013 (“Act”) or any other law in place. The procedure under this does not take away the right of any individual to take recourse under any other law in the Country. It is termed as Organisation’s Policy against SexualHarassment of Women at Workplace and shall hereinafter be referred to as “this Policy”.

1. Objective

The objective of this policy is to promote a safe, secure, and inclusive work environment at Foundation for Innovation and Action (FIA), where every individual is treated with dignity and respect. It aims to prevent and deter acts of sexual harassment at the workplace and to provide a fair, transparent, and effective mechanism for redressal of complaints.

This policy seeks to:

- Uphold the right of every person to work in a harassment-free environment;
- Create awareness about what constitutes sexual harassment;
- Establish clear procedures for filing and handling complaints;
- Ensure that all cases are dealt with promptly, confidentially, and impartially;
- Align with the provisions of the POSH Act, 2013, and support its implementation in both physical and virtual workspaces.

PURPOSE & MANDATE

Foundation for Innovation and Action (FIA) is committed to providing a workplace that upholds dignity, safety, and equality for all individuals associated with the organization, including employees, interns, volunteers, consultants, field workers, and visitors.

This policy has been formulated in alignment with the following legal provisions and judicial guidelines:

1. Legal Framework

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the associated Rules (2013), which mandate the prevention and redressal of complaints of sexual harassment.
- Article 14, 15, and 21 of the Constitution of India, which guarantee equality before the law, prohibit discrimination on the grounds of gender, and protect the right to life with dignity.
- The guidelines laid down by the Supreme Court of India in Vishaka & Ors v. State of Rajasthan & Ors (1997), which recognized sexual harassment at the workplace as a violation of fundamental rights and led to the formulation of the Vishaka Guidelines, forming the basis of the 2013 Act.
- In addition, certain actions that fall under the definition of sexual harassment may also constitute criminal offences under the Bharatiya Nyaya Sanhita, 2023, including: Section 75 – Sexual harassment, Section 77 – Words, gestures or acts intended to insult the modesty of a woman.

2. PURPOSE

- In accordance with these laws and judgments, FIA adopts a zero-tolerance policy towards sexual harassment. This includes both preventive and corrective measures, ensuring that every individual — irrespective of gender, caste, religion, ethnicity, marital status, disability, or sexual orientation — can work in an environment free from fear, prejudice, or injustice.

This policy aims to:

- Promote gender-sensitive behavior and a culture of respect and accountability,
- Clearly prohibit any form of sexual harassment within and beyond the physical office (including remote and field-based workspaces),

- Provide a structured grievance redressal mechanism through a duly constituted Internal Committee (IC),
- Ensure that all complaints are addressed confidentially, promptly, and fairly, with protection against retaliation.

By adopting this policy, FIA not only complies with the legal mandate but also affirms its commitment to uphold the human rights and dignity of every individual associated with its mission.

3.SCOPE & APPLICABILITY

This policy is applicable to all persons associated with the Foundation for Innovation and Action (FIA), including but not limited to full-time, part-time, temporary, ad hoc, or contractual employees, interns, volunteers, consultants, service providers, and visitors.

It extends to all organisational spaces and situations, including:

- Office premises and project sites
- Virtual workspaces, video calls, and official communication platforms
- Off-site events, workshops, conferences, field visits, and work-related travel.

4.THIRD-PARTY HARASSMENT

This policy also applies to acts of sexual harassment committed by third parties such as clients, vendors, donors, service providers, visitors, or individuals encountered during work-related events, travel, or field visits.

In such cases, the Internal Committee (IC) will provide necessary support to the aggrieved person, and the organisation will take appropriate steps, which may include reporting the matter to relevant authorities or restricting the third party's access to the workplace.

IMPORTANT DEFINITIONS

1. Sexual Harassment

1.1 As per Section 2(n) and Section 3(2) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, sexual harassment includes 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 sexual nature

1.2 In addition, the following circumstances, if they occur or are present in relation to or connected with any of the above acts or behaviour, may also amount to 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 the present or future employment status
- Interference with work or creating an intimidating, offensive, or hostile work environment

1.3 Following are some forms of sexual harassment. These instances are merely illustrative and not exhaustive:

1. Display of sexually graphic materials, including screen savers, wallpapers, pictures, calendars, posters, objects, or messages left on board or desks.
2. Electronic mail messages, voice mail messages, screen savers, any material of a sexual nature downloaded from the internet, or viewed on a computer, offensive telephone calls, faxes, or gifts.
3. Unwelcome comments or questions about a person's sex life, appearance, or dress.
4. Deliberate and unnecessary familiarity such as deliberately touching, fondling, patting, or pinching.
5. Inappropriate humour such as smutty or sexist jokes or comments or vulgar gestures.
6. Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality, or tales of sexual performance.

2. Aggrieved Woman

As per Section 2(a) of the POSH Act, an “aggrieved woman” means a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment.

This includes employees, trainees, interns, volunteers, consultants, or any woman visiting the workplace in connection with work.

3. Respondent

The “respondent” is the person against whom the aggrieved woman has made a complaint of sexual harassment under the POSH Act.

4. Employee

According to Section 2(f), an “employee” includes a person employed on a regular, temporary, ad hoc or daily wage basis, either directly or through an agent, with or without the knowledge of the principal employer.

It includes those working for remuneration or not, and includes volunteers, interns, trainees, contract workers, apprentices, or any other persons performing duties in the organisation.

5. Employer

As per Section 2(g), the “employer” refers to the person or authority responsible for management, supervision, and control of the workplace. This includes those responsible for hiring, disciplinary actions, and decisions regarding employment.

6. Internal Committee

The Internal Committee (IC) is a body constituted by the employer under Section 4 of the POSH Act to receive and inquire into complaints of sexual harassment.

It must consist of at least four members, including:

- A Presiding Officer (woman employee at a senior level)
- Two employees committed to women's issues/legal knowledge
- One external member (from an NGO, legal background, or with POSH expertise)

The IC is responsible for ensuring a fair and impartial inquiry process in accordance with the law.

7. Workplace

As per Section 2(o) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the term “workplace” includes:

- All offices, branches, units, or field locations of the organisation, whether in urban or rural settings
- Non-governmental organisations (NGOs), charitable foundations, and community-based centres
- Any place visited by an employee or volunteer arising out of or during the course of employment or engagement, including transportation provided by the organisation
- Off-site locations such as training venues, workshops, conferences, partner offices, donor meetings, community outreach sites, and homes visited during fieldwork
- Virtual or online work environments, including official communication via email, messaging apps, and video conferencing platforms

This definition ensures protection in both physical and digital workspaces and applies to all individuals associated with the organisation, regardless of their mode or place of work.

Roles & Responsibilities

1. Responsibilities of Individual: It is the responsibility of all to respect the rights of others and to never encourage harassment. It can be done by:

- a. Refusing to participate in any activity which constitutes harassment
- b. Supporting the person to reject unwelcome behaviour
- c. Acting as a witness if the person being harassed decides to lodge a complaint

All are encouraged to advise others of behavior that is unwelcome. Often, some behaviours are not intentional.

While this does not make it acceptable, it does give the person behaving inappropriately, the opportunity to modify or stop their offensive behaviour.

2. Responsibilities of Managers: All managers at FIA (Foundation for Innovation and Action) must ensure that nobody is subject to harassment and there is equal treatment. They must also ensure that all employees understand that harassment will not be tolerated; that complaints will be taken seriously; and that the complainant, respondent/s, or witnesses are not victimized in any way.

REDRESSAL MECHANISM

In compliance with the Act, if the complainant's warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

1.Internal Complaints Committee(ICC)

- As mandated under Section 4 of the POSH Act, 2013, every organisation with 10 or more employees must constitute an Internal Committee (IC) to receive and redress complaints of sexual harassment.
- The Presiding Officer and every member of the IC shall hold office for such period, not exceeding three years, from the date of their nomination, as may be specified by the Organization. The IC will be composed of the following members:

<u>S.NO.</u>	<u>MEMBERS</u>	<u>ELIGIBILITY</u>
1.	Presiding Officer	Women working at senior level as employee; if not available, then nominated from other office/units/department/workplace of the same employer.
2.	2 Members(minimum)	From amongst Employees committed to the cause of women/having legal knowledge/experience in social work.
3.	1 External Member	From amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment.

Other parameters regarding the constitution of the IC are:

- At least fifty percent of the member will be women.
- The Employer will not be a part of the IC.
- All members of the Internal Committee will be nominated by the Employer for a period not exceeding three years from the date of their nomination.

1.1 Removal or Disqualification of a Member

A member of the IC shall be removed if they:

- Breach confidentiality
- Are convicted of an offence or disciplinary breach
- Are found guilty in a disciplinary proceeding
- Abuse their position or act in a biased manner

On such removal, a new member shall be nominated for the remaining term.

1.2 Role and Responsibilities of the IC

The Internal Committee shall:

- Receive complaints of sexual harassment from aggrieved women
- Conduct inquiries into the complaints as per principles of natural justice
- Submit findings and recommendations to the employer within prescribed timelines
- Recommend appropriate action against the respondent if the complaint is proven
- Recommend interim measures during the pendency of inquiry (e.g., transfer, leave)
- Prepare and submit an annual report to the employer and the District Officer, detailing the number of cases received, resolved, pending, and disposed

1.3 Quorum for Proceedings

For any inquiry to take place, a minimum of three members, including the Presiding Officer and the external member, must be present. Decisions shall be made by majority vote of the members present.

2.Complaint Redressal Mechanism

2.1 Process of filing the complaint: The aggrieved person can file a written complaint with any member/s of the Internal Committee. The complaint should include the following information:

- 1.Name and details of the aggrieved person.
- 2.Name and details of the respondent.
- 3.Date, place, and time-period of the incident.
- 4.Description of the incident.

If the aggrieved woman is unable to submit the complaint in writing, the IC shall assist her in doing so.

2.2 Time Limit for Filing:The complaint should be filed within 3 months from the date of the incident, or in the case of a series of incidents, within 3 months from the date of the last incident. The IC may extend the time limit by a further 3 months, if it is satisfied that there were sufficient reasons for the delay.

2.3 Assistance in Filing Complaint : If the aggrieved woman is unable to make a complaint due to physical or mental incapacity, death, or any other reason, a complaint may be filed by:

- Her legal heir
- A relative or friend
- A co-worker
- An officer of the National Commission for Women or State Women's Commission
- Any person who has knowledge of the incident, with the written consent of the aggrieved woman

2.4 Withdrawal and Conciliation: Before initiating an inquiry, the aggrieved woman may request conciliation, provided:

- It is at her written request
- No monetary settlement is made as a basis of conciliation

If a settlement is reached, no further inquiry shall be conducted. A copy of the settlement shall be given to the aggrieved woman and the respondent, and it shall be binding.

3. Process of Inquiry

3.1 Conducting Inquiry: The Internal Committee shall initiate an inquiry in the following circumstances:

- 1.No conciliation is requested by the aggrieved woman.
- 2.Conciliation has not resulted in any settlement.
- 3.The complainant informs the Committee that any term or condition of the settlement arrived at through conciliation has not been complied with by the respondent.

The Committee shall initiate the inquiry within a period of one week from the receipt of the original complaint, closure of conciliation, or repeat complaint.

3.2 Manner of Inquiry into Complaint: The complainant should submit the complaint along with supporting documents and the names of witnesses (if any).

- 1.Upon receipt of the complaint, the Committee shall send a copy of the complaint to the respondent within 7 working days.
- 2.The respondent must submit a reply along with supporting documents and names of witnesses, if any, within 10 working days from the date of receipt of the complaint copy.
- 3.No legal practitioner shall be allowed to represent either party at any stage of the inquiry process.
- 4.The Committee shall conduct the inquiry in accordance with the principles of natural justice.
- 5.The inquiry must be conducted in the presence of a minimum of three Committee members, including the Presiding Officer or the External member.

3.3 Interim Relief: During pendency of the inquiry, on a written request made by the complainant, the committee may recommend to the employer to -

- Transfer the complainant or the respondent to any other workplace
- Grant leave to the aggrieved woman of maximum 3 months, in addition to the leave she would be otherwise entitled
- Prevent the respondent from assessing complainant's work performance
- Grant such other relief as may be appropriate

3.4 Inquiry Procedure:

(a) All proceedings of the inquiry are documented. The Committee interviews the respondent separately and impartially.

(b) The Committee states exactly what the allegation is and who has made the allegation. The respondent is given full opportunity to respond and provide any evidence, etc. Detailed notes of the meetings are prepared, which may be shared with the respondent and complainant upon request. Any witnesses produced by the respondent are also interviewed, and statements are taken.

(c) If the complainant or respondent desires to cross-examine any witnesses, the Committee facilitates the same and records the statements.

(d) In case the complainant or respondent seeks to ask questions to the other party, they may give them to the Committee, which asks them and records the statement of the other party.

(e) Any such inquiry is to be completed within 90 days from the date on which the inquiry is commenced, and the report is submitted to the employer within 10 days of completion of the inquiry. (Section 11(4) and Section 13(1)).

The inquiry procedure ensures absolute fairness to all parties.

3.5 Considerations while preparing inquiry report :

- Whether the language used (written or spoken), visual material or physical behaviour was of sexual or derogatory nature
- Whether the allegations or events follow logically and reasonably from the evidence
- Credibility of complainant, respondent, witnesses and evidence
- Other similar facts, evidence, for e.g. if there have been any previous accounts of harassment pertaining to the respondent
- Both parties have been given an opportunity of being heard
- A copy of the proceedings were made available to both parties enabling them to make representation against the findings

A copy of the final findings is shared with the complainant and the respondent to give them an opportunity to make a representation on the findings to the committee.

3.6 Timeline of the Inquiry Process:

- Inquiry must be completed within 90 days from the date of the complaint
- Inquiry report must be submitted to the employer within 10 days of completion
- Employer must act on the recommendation within 60 days of receiving the report.

3.7 Outcome and Recommendation:

After inquiry, the IC may recommend:

- Disciplinary action against the respondent (e.g., warning, written apology, suspension, termination)
- Deduction from the salary of the respondent as compensation to the aggrieved woman
- No action, if the complaint is not substantiated

Complaint unsubstantiated

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further, the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded and neither will be disadvantaged within the company.

Complaint substantiated

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- i. Counselling
- ii. Censure or reprimand
- iii. Apology to be tendered by respondent
- iv. Written warning
- v. Withholding promotion and/or increments
- vi. Suspension
- vii. Termination
- viii. Or any other action that the Management may deem fit.

The employer at Foundation of Innovation and Action acts upon the recommendations within 60 days and confirm to the committee

4. Malicious Allegations(Section 14 of the Act)

Where the committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person making the complaint.

The action recommended should be similar to the ones proposed for the respondent in case of substantiated complaints.

While deciding malicious intent, the committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

5. Confidentiality:

The contents of the complaint, the identity and address of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer under this policy, will not be published, communicated or made known to the public, press or media in any manner.

Any person contravening the confidentiality clause is subject to disciplinary action as prescribed in the Act.

6.Appeal:

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the Act and rules, within 90 days of the recommendations being communicated.

7.Awareness and Capacity Building:

To ensure a safe and inclusive workplace, the organization is committed to continuous awareness and capacity-building efforts on the prevention of sexual harassment.

- Regular workshops, sensitization sessions, and training programs will be conducted for all employees, including internal committee members, to build awareness of their rights and responsibilities under this policy.
- Special orientation programs shall be organized for members of the Internal Committee to equip them with the skills to handle complaints with sensitivity, fairness, and confidentiality.
- Educational material, posters, and FAQs will be displayed at conspicuous places within the organization to reinforce the policy and the procedure for redressal.

8.Responsibilities of the Employer:

The employer shall take all necessary steps to ensure effective implementation of this policy, as mandated under the law. These responsibilities include:

- Displaying the policy and Internal Committee contact details in visible areas of the workplace.
- Ensuring that the Internal Committee is duly constituted, functional, and trained.
- Providing the necessary facilities and resources to the Internal Committee for conducting inquiries and related work.
- Organizing periodic awareness and training programs for employees and the Internal Committee.
- Assisting the complainant or the Internal Committee in securing justice and ensuring safety.
- Taking appropriate action against persons who violate this policy or obstruct inquiry procedures.

9.Annual Report:

As required under the POSH Act and Rules, the Internal Committee shall prepare and submit an annual report to the employer and the appropriate District Officer. This report shall include:

- Number of complaints received during the year.
- Number of complaints disposed of during the year.
- Number of cases pending for more than 90 days.
- Nature of action taken by the employer.
- Number of awareness programs conducted.

This annual report helps in reviewing the effectiveness of the policy and identifying areas of improvement for creating a safer work environment.

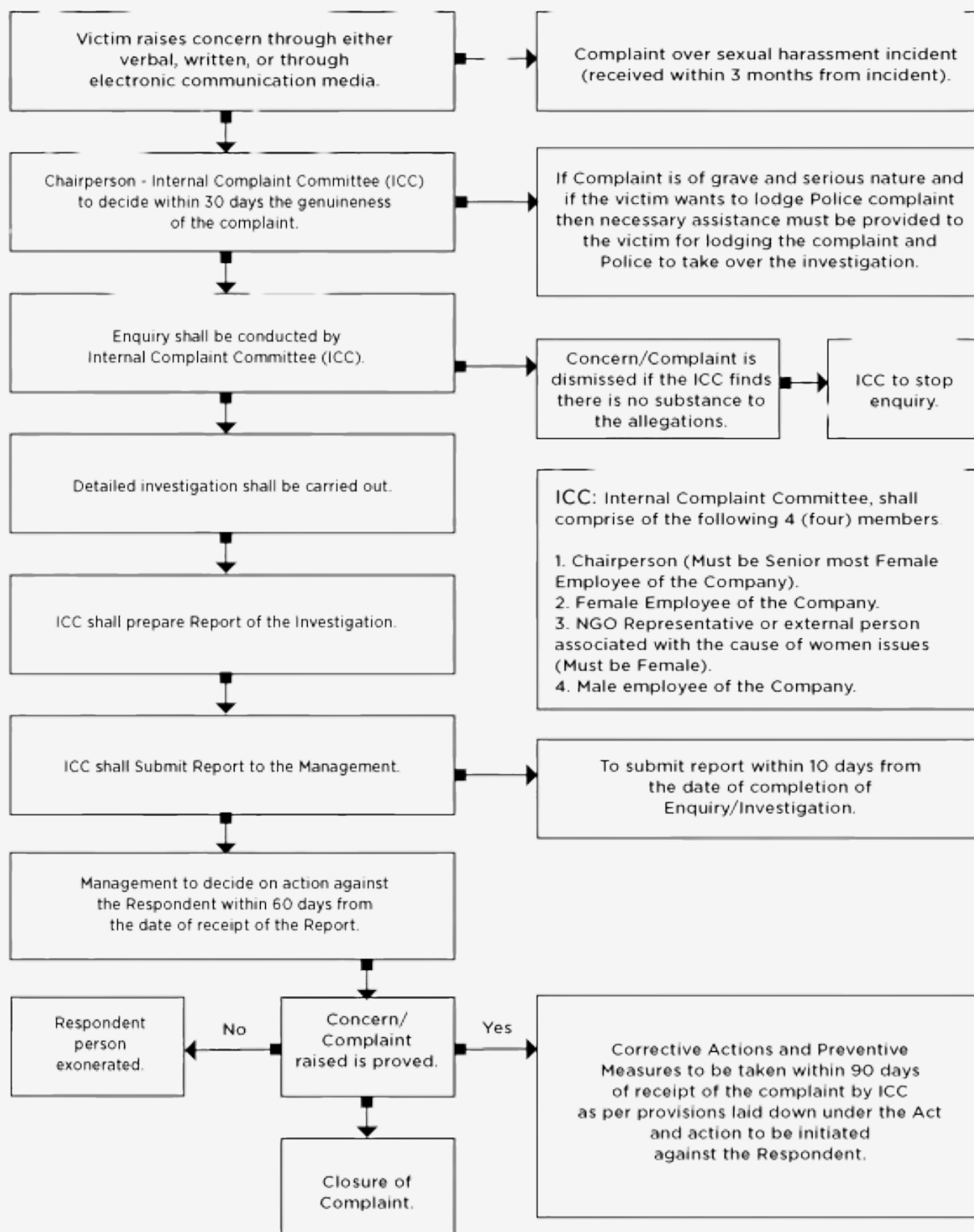
10. Modification and Review of Policy:

The Organization reserves the right to modify and/or review the provisions of this Policy from time to time, in order to comply with applicable legal requirements or internal policies, to the extent necessary.

11. Governing LAW:

This policy follows provision of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”.

Annexure-1 :Sexual Harassment - Complaint Flow Chart



Internal Complaints Committee at Foundation for Innovation and Action.

S.NO.	NAME	OFFICIAL DESIGNATION	IC ROLE	EMAIL ID
1.	Vidya Anand	Lead - M&E	Presiding Officer	vidyamoh2000@gmail.com
2.	Gaurav Khandelwal	Co-Founder	Member	gaurav@fia.foundation
3.	Ajay Sharma	District Action Officer	Member	ajay@fia.foundation
4.	Mohini Mehta	Consultant – Curriculum and Training	External Member	mohinimehta1@gmail.com

Employer - Yatish Bedi - yatish@fia.foundation