

HUMAN RIGHT TO A SAFE WORK ENVIRONMENT: ZERO TOLERANCE TO SEXUAL HARASSMENT

Indians for Amnesty International Trust: PROTECTION FROM SEXUAL HARASSMENT AT THE WORKPLACE POLICY

I. OBJECTIVE

- (a) Respect for people, their dignity and their moral and personal integrity is a fundamental principle underpinning all human rights. Sexual harassment offends human dignity and in some circumstances is a form of discrimination against an individual because of their sex.
- (b) Indians for Amnesty International Trust (IAIT) has a mission within the context of its work to promote all human rights. Indians for Amnesty International Trust recognizes the right of all its members, staff and volunteers to be treated with respect and dignity and without discrimination. Sexual harassment, of any kind, is a denial of these rights and therefore unacceptable.

2. AIM

- (a) The aim of Indians for Amnesty International Trust's policy against sexual harassment is to:
 - (a) Have zero tolerance to sexual harassment
 - (b) Create within IAIT an harassment-free environment,
 - (c) Provide support for individuals who have been subjected to sexual harassment, and
 - (d) Set out the principles for the establishment of fair and transparent procedures for dealing with allegations of sexual harassment.
- (b) IAIT's management is committed and responsible for maintaining an environment in which mutual respect and equality are valued and any forms of harassment are discouraged. The policy is aimed at providing a workplace that is free of harassment including sexual harassment or from any conduct which can be considered harassing, coercive or disruptive, particularly conduct that could tantamount to inappropriate conduct as defined in this policy or as stipulated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Act**").
- (c) This policy applies to all in IAIT as they carry out their everyday work or take part in the activities of the organization. It covers their conduct in meetings and conferences and while travelling on behalf of IAIT. It concerns their rights and responsibilities towards other people inside and outside IAIT.

3. SCOPE & APPLICABILITY

- (a) Sexual harassment is strictly prohibited by the Organization, whether committed by any person including directors, managers, supervisors, co-workers or other employees or trainees, consultants, contractors, vendors or visitors in the workplace or during the course of employment of employees of Amnesty International India.
- (b) The policy covers third party harassment which refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee of Indians for Amnesty International Trust but a visitor, vendor or client who comes into contact with the employee to in some other capacity or for some other purpose or reason.

- (c) This policy is applicable to all persons employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied, including a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (d) While recognizing that the Act deals specifically with sexual harassment of women at the workplace, Indians for Amnesty International Trust also recognizes that sexual harassment is misconduct. Indians for Amnesty International Trust is committed to framing a policy prohibiting all forms of discrimination and harassment at the workplace and till such time as a separate code of conduct dealing with sexual harassment at the workplace of the male gender, transgender and those who are intersex is framed, this policy will protect persons of all genders from sexual harassment at the workplace.

4. WORKPLACE

The policy is not restricted only to the Organization premises, but also applies in the instances where all individuals covered by this policy have occasion to interact on a work related basis including:

- (a) All offices or other premises and online platforms where the Organization's activities is conducted.
- (b) Any site, online platform or external premises where all organization related activities are performed by the employees arising out of or during the course of their employment, including vehicles and public venues.
- (c) All organization related activities performed at any other site away from the Organization's premises including third party premises and online platforms.
- (d) Any social, business or other functions where the conduct or comments of any individual may have an adverse impact on the workplace or workplace relations.

5. SEXUAL HARASSMENT

- (a) As per the Act, sexual harassment includes any one or more of the following unwelcome acts or behavior (whether directly or by implication towards women employees): (a) physical contact and advances; (b) a demand or request for sexual favors; (c) making sexually colored remarks; (d) showing pornography; or (e) any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
- (b) The Organization particularly prohibits sexual harassment at a workplace which may include, but is not limited to:
 - (i) implied or overt promise of preferential treatment in employment; or
 - (ii) implied or overt threat of detrimental treatment in employment; or
 - (iii) implied or overt threat about present or future employment status; or
 - (iv) interference with work or creates an intimidating or offensive or hostile work environment; or
 - (v) Humiliating conduct constituting health and safety problems.

- (c) Sexual Harassment may be part of a pattern of behavior or occur only once. It may be directed at an individual or at a group of people. It may take place during face to face contacts, but can also be inflicted by means of telephone calls, letters or e-mails.
- (d) Indians for Amnesty International Trust recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee or may be between co-workers. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.
- (e) There is a wide range of ambiguous behavior that might offend some people but not necessarily others: comments on dress, compliments about appearance, unintentionally offensive jokes that many others would find acceptable. In an organization as diverse as Amnesty International India, individuals will have different views about what is offensive. Amnesty International India's core values, however, do not allow any cultural value or practice to legitimize behavior that harasses, intimidates, threatens or humiliates others. The conduct has to be offensive to the recipient and might not be intended to be so by the perpetrator.
- (f) Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

(I) PHYSICAL CONDUCT

1. Indecent exposure
2. Coerced sexual intercourse
3. Blocking passage or walk ways
4. Sexual assault or using criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty
5. Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching or unnecessary close proximity
6. Physical contact or attempt thereof when the victim is under the influence of any intoxicating substance, drugs or alcohol and thereby is not fit to withhold consent or refuse to participate in any activity of sexual nature
7. Physical contact or attempt or preparation thereof by rendering a person directly or abetting in so rendering a person under the influence of any intoxicating substance, drugs or alcohol and thereby prevent the person from withholding consent or refusing to participate in any activity of sexual nature
8. Physical violence, including sexual assault

(II) VERBAL CONDUCT

1. The use of job-related threats or rewards to solicit sexual favours
2. Teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy
3. Comments on personal appearance, comments on physical features, age, sexual orientation, etc.

4. Rumors about an individual's sexual behavior
5. Sexual comments, stories and jokes, using crude or obscene language or gestures or trolls
6. Sexual advances and invitations for physical intimacy
7. Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest after the recipient has made it clear that such invitations are not welcome
8. Repeatedly making suggestive comments or innuendos that, while perhaps minor in themselves, gain in offensiveness as they accumulate

(III) NON VERBAL CONDUCT

1. Offensive gestures, staring, leering, hooting or whistling with the intention to insult or discomfort another
2. Sounds, gestures or display of written materials of a sexual nature, including books, pictures, cartoons, magazines, calendars, screen savers
3. Viewing, making, posting, showing or mailing pornographic posters, Internet sites, sexually demeaning or offensive pictures, cartoons or other materials through use of any media or through technology
4. Giving gifts or leaving objects that are sexually suggestive;
5. Making or posting sexual pranks, sexual teasing, sexual jokes through email, SMS, MMS or any other means
6. Display of sexually explicit or suggestive material in any form and through the use of any technology
7. Sexually-suggestive gesture either in person or through the use of any media or technology
8. Persistent watching, following, contacting of a person either physically or virtually

(IV) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

6. PARTIES TO A COMPLAINT

- (a) Complainant: The Complainant or person who is eligible to file a complaint under this Policy is a person of any gender who is a recipient of sexual harassment as per Paragraph 5 of this policy.
- (b) Respondent: The Respondent or the person against whom a complaint can be filed has to be a person who is of male gender and who is alleged to have committed acts which constitute sexual harassment as per Paragraph 5 of this policy.

7. ROLES AND RESPONSIBILITIES

- (a) The roles and responsibilities of Employers and Management include the following:
 - (I) Pro Active Steps
 1. To not tolerate behavior within IAIT which undermines or attacks the integrity and dignity of another person and publicly commit itself to a zero tolerance policy towards sexual harassment
 2. To frame a code of conduct policy and treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee
 3. To provide safe no-harassment work environment which shall include safety from all

persons coming into contact at the workplace, take preventive measures to ensure the same

4. To prohibit sexual harassment at the workplace and endeavor to create an atmosphere in which members, volunteers and staff feel free to express concerns about inappropriate behavior and to use, without fear of reprisal the mechanisms for redressal
5. To formulate a no-harassment policy that states what constitutes sexual harassment & the procedures to process a complaint and the same should be displayed and disseminated widely and prominently at conspicuous places, Notice Boards and the website of the organization the policy including the penalty and consequences of sexual harassment and make all aware of the information on the mechanism put in place for redressal of complaints pertaining to sexual harassment, contact details of members of Internal Committee and complaints procedure
6. To recognize that vulnerable groups are particularly prone to harassment and also find it more difficult to complain. Vulnerability can be socially compounded by region, class, caste, sexual orientation and identity, minority identity and by being differently abled. Enabling committees must be sensitive to such vulnerabilities and special needs.
7. To periodically conduct sensitization programs for stakeholders and especially create awareness about what constitutes sexual harassment including hostile environment harassment and quid pro quo harassment and also provide special sessions and opportunities for discussion on sexual harassment and gender based discrimination at the workplace at all organizational meetings and forums.
8. To organize regular orientation or training programs for the members of the IC to deal with complaints, steer the process of settlement or conciliation, etc., with sensitivity
9. To proactively move to curb all forms of harassment of employees whether it is from those in a dominant power or hierarchical relationship within the Organization or owing to intimate partner violence or from peers or from third parties
10. To monitor the implementation of the sexual harassment policy in order to evaluate its effectiveness and make necessary changes if required by conducting a half yearly review of the efficacy and implementation of the anti-sexual harassment policy.
11. To ensure that the Internal Committee submits an annual report on the implementation of the policy and publish the same in the annual report of the organization

(II) Responsive Steps

1. To provide prompt, fair and impartial resolution of the complaint and act as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
2. To support the reporting of complaints of sexual harassment to an appropriate person and respecting the confidentiality of anyone involved in a sexual harassment complaint;
3. Where the alleged conduct amounts to an offence under applicable law, the Organization shall provide assistance to the Complainant take steps to initiate action under the Indian Penal Code or any other law for the time being in force, against the perpetrator after the conclusion of the inquiry. Where the perpetrator is not an

employee in the workplace of the Organization, the Organization may, without waiting for the inquiry, take steps to initiate action under the Indian Penal Code.

4. Where the alleged perpetrator is not an employee of the Organization, provide all assistance to the Complainant to file and prosecute the complaint before the appropriate forum including bearing any legal costs of the same
5. To take prompt and appropriate action in case of third party harassment
6. To provide necessary facilities to the Internal Committee in dealing with the complaint and for conducting the inquiry
7. To make available any information required by the Committee with reference to any complaint before it and also assist in securing attendance of the parties and witnesses before it
8. To ensure that no person including the Complainant, Respondent or witness shall be victimized, discriminated, harassed or subjected to retaliation for anything said or done in relation to any complaints or proceeding of sexual harassment
9. To not alter to the prejudice of the Complainant/Supporter/Witness concerned, the conditions of service of the Complainant/ Supporter/ Witness prevailing immediately prior to the complaint being lodged or subsequent to the complaint being lodged as a consequence to the filing and prosecuting of a complaint under this Act.
10. To provide all psycho-social, legal, medical and any other support to the Complainant where required

(b) The roles and responsibilities of the Employees include the following:

- a. To respect the rights of others and to never encourage harassment
- b. To refuse to participate in any activity which constitutes harassment
- c. To support the person in rejecting and dealing with unwelcome behaviour and encourage the person to file a complaint
- d. To support the reporting of complaints of sexual harassment to an appropriate person and respecting the confidentiality of anyone involved in a sexual harassment complaint;
- e. To act as a witness if the person being harassed decides to file a complaint
- f. To advise others of behaviour 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
- g. To not indulge in victimisation, discrimination, harassment or retaliatory behaviour anyone who is a party or a witness to a sexual harassment complaint

8. INTERNAL COMMITTEE

(a) An Internal Committee ("Committee") shall be constituted at each of the branches/ offices of Indians for Amnesty International Trust that have more than ten employees. The committee shall comprise of:

- a. A woman employed at a senior level in the organization or workplace as the Chairperson
- b. At least 2 members from amongst employees, committed to the cause of women and or having legal knowledge

- c. The employee members should be representative of all levels of employees including administrative staff
 - d. One external member, familiar with the issues relating to sexual harassment
 - e. At least one half of the total members shall be women
 - f. The appointment of the employee members of the Committee shall be done through a transparent and democratic process wherein initially persons from different stakeholders of the Organization shall be asked to volunteer and thereafter the remaining vacancies shall be filled through nominations from the different stakeholders. The names of the volunteers and nominees shall be accepted subject to the persons fulfilling the criteria as laid down in paragraph 8 (a(ii)) above.
 - g. The term of the committee shall be a period of 3 years.
 - h. A committee member will be disqualified if there is any pending complaint against the member related to sexual harassment, or where the member has convicted by any court of law or has abused her or his position as to render her or his continuance prejudicial to public interest.
 - i. The quorum for the Committee to look into any complaint will be minimum three members where the number of members in the Committee are six or less and higher when the number of members in the Committee are higher.
- (b) The responsibilities of the Internal Committee include the following:
 - (c) To meet every quarterly to review the safety of the workplace with reference to sexual harassment and gender based discrimination
 - (d) To conduct discussions and other programmes to disseminate awareness on the policy against sexual harassment and gender based discrimination every quarterly both independently as well as a part of the other in house programmes of the organisations
 - (e) To receive complaints of sexual harassment at the workplace
 - (f) To assist the Complainant in filing the complaint whenever required
 - (g) To inform the Complainant of the right to claim interim relief and the procedure in the inquiry
 - (h) To take *suo moto* action in cases where the Complainant is not willing or able to come forward to file the complaint or where the Complainant is unable to file the complaint as the same is time barred
 - (i) To initiate and conducting inquiry in a fair and unbiased manner as per the procedure laid out hereinafter
 - (j) To protect the safety of the Complainant by not divulging the person's identity and to ensure that parties or witnesses are not victimized or discriminated against and provide interim reliefs to that end
 - (k) To submit findings and recommendations of inquiries
 - (l) To coordinate with the employer in implementing appropriate action
 - (m) To treat all the information received and the details of both the Complainant and the accused confidentially and maintain strict confidentiality throughout the process as per established guidelines
 - (n) To maintain all records viz. the written complaint, the notes of the meetings and the evidence action taken report, etc. for future reference.
 - (o) To submitting annual reports in the format prescribed under the Act to the District Officer stating the number of sensitization programs conducted, the number of complaints

received, number of cases disposed of, number of cases pending for more than 90 days and the nature of action taken by the employer the findings of the committee

- (p) To inform the Complainant of the availability of criminal provisions for redressal in addition to the internal compliant mechanism and assist the Complainant in filing a police case where assistance is requested

The details of the Internal Committees constituted by Indians for Amnesty International Trust in its branches are in **Annexure 1** to this policy

9. REPORTING OF SEXUAL HARASSMENT

The complaint shall be filed in the following manner:

- (a) Any incident of sexual harassment should be reported promptly to the Internal Committee, including any incident of which an individual knows or suspects the occurrence of unwelcome conduct to any other individual covered by this policy.
- (b) An aggrieved person may address a written complaint by way of hard copy or by email to any member of the Committee at the location where the Complainant is based by e-mail at the e-mail addresses provided in Annexure 1
- (c) The complaint has to be filed within three months of the date of the last incident and in case of a series of incidents within a period of three months from the date of the last incident. The time period may be extended by the Internal Committee by another three months for reasons recorded in writing, if satisfied that there were adequate grounds that prevented the lodging of the complaint.
- (d) Provided that where such Complainant requires assistance in writing the complaint, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing.
- (e) Friends, relatives, colleagues, Psychologist, or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.
- (f) The complaint should contain the details of the incident/s with the approximate dates wherever possible, the names and addresses of the witnesses and copies of any documents relied upon by the Complainant. The Complainant shall be informed that the copy of the complaint shall be forwarded to the Respondent.
- (g) If the Complainant due to reasonable apprehension of being harassed, victimized, discriminated or retaliated against, she may request that the complaint be anonymized and names of the Complainant and witnesses be not disclosed to the Respondent and if the Internal Committee considers the request reasonable, it will accept the same.
- (h) The Complainant may file application for interim reliefs at the time of filing of the complaint or any time thereafter.

10. CONCILIATION

Before initiating an inquiry, the Internal Committee, may, at the written request of the Complainant, take steps to settle the matter through conciliation. Where a settlement is arrived at, the Internal Committee shall conduct no further inquiry. However no monetary settlement shall be made the basis of conciliation. The Internal Committee shall take steps to ensure that the conciliation is out of the free will and consent of the Complainant and not due

to any fear, force, fraud, undue influence or misrepresentation. Where the settlement is arrived at, the Internal Committee shall record the same and obtain the signatures of the parties and forward the same to the management and close the case. However if the Complainant informs the Internal Committee that any of the terms or conditions of the settlement have not been complied with by the Respondent, the Internal Committee shall proceed to hear the complainant in accordance with the procedure laid down herewith.

11. INTERIM RELIEFS

- (a) During pendency of the inquiry, on a written request made by the Complainant, the committee may recommend to the employer to -
 - (i) Transfer the Complainant or the Respondent to any other workplace
 - (ii) Grant leave to the Complainant of maximum 3 months, in addition to any other entitled leave
 - (iii) Prevent the Respondent from assessing Complainant's work performance
 - (iv) Grant such other relief as may be appropriate
- (b) The Committee shall decide the interim relief application within three days of the receipt of the application.
- (c) The recommendations of interim relief should be implemented by the employer within a week from the passing of the interim orders and the employer will inform the committee regarding the same within three of taking such action.

12. PROCEDURE FOR INQUIRY

The procedure for conducting the inquiry into the complaint of sexual harassment shall be as under:

- (a) A copy of the complaint with the documents and the list of witnesses shall be forwarded to the Respondent within a period of seven days from the date of receipt of the complaint. Where the complaint has been anonymized, the names of the Complainant and the witnesses shall not be furnished to the Respondent and only the copy of the complaint and the documents shall be furnished to the Respondent after erasing the identifying details of the Complainant and witnesses.
- (b) The Respondent shall have a period of ten days from the date of service of the complaint to file reply along with the list of witnesses and copies of documents relied upon.
- (c) The copy of the reply of the Respondent along with the list of witnesses and copies of the documents shall be furnished to the Complainant.
- (d) The date of the inquiry shall be fixed after consultation with the Complainant and the Respondent.
- (e) Both the Complainant and the Respondent may request the Committee to summon any witness or direct the employer to produce any document that they intend to rely upon during the course of the inquiry
- (f) Summons shall be issued to the witnesses and for production of documents where applicable
- (g) The Complainant or the Respondent may request for transfer of the venue of the inquiry if there are reasonable grounds to believe that their right to confidentiality, privacy or fair inquiry will be breached in the venue

- (h) At the commencement of the inquiry the committee shall explain to both the Complainant and defendant the procedure which will be followed in the inquiry and be apprised of their rights therein
- (i) Both the Complainant and the Respondent have a right to remain present throughout the inquiry subject to the Complainant having made an application for anonymity or identity in which case the Committee shall call each party separately and examine them separately during the inquiry procedure
- (j) The inquiry shall be held *in camera* and no outsiders shall be allowed in the room during the inquiry
- (k) The evidence of the employer / establishment and of the Complainant and their witnesses be recorded. After the witness has deposed, he shall be offered for cross-examination to the defendant. After the completion of the cross examination the evidence of the next witness shall be recorded. After the evidence of the employer / establishment and of the Complainant has been completed, the evidence of the Complainant and any witnesses produced by him shall be recorded. After the defendant and each witness has deposed, he/she shall be offered for cross-examination to the employer / establishment and the Complainant. Sufficient opportunities shall be given to examine all witnesses notified by both parties.
- (l) Where the Complainant and her witnesses do not wish to come face to face with the Respondent or where the identity of the Complainant and / or her witnesses are not disclosed to the Respondent, the Committee shall call each witness separately and thereafter give the record of the proceedings to the opposite party who shall thereafter submit the questions for cross examination to the Committee which shall put the questions to the witness and give the records of the same to the opposite party
- (m) The Committee shall have the powers to suo moto summon any person or any document that it considers necessary for the just decision of the complaint.
- (n) If a party fails to remain present without sufficient cause for three consecutive hearings during the inquiry after due notice, the Committee shall after giving a notice of 15 days to the party, proceed to hear the proceeding ex parte and give its finding.
- (o) All proceedings of the Inquiry Committee including the testimony of the witnesses shall be recorded and the Complainant Respondent and the deposing witness shall endorse the same in token of authenticity. The convener shall endorse the refusal to endorse the same by either party. All parties involved in the process are at liberty to place on record any objections or observations which shall be recorded in the proceedings. Both the Respondent and the Complainant shall be furnished with a copy of the inquiry proceedings at the end of each proceeding.
- (p) The Committee shall see that every reasonable opportunity is extended to both the parties to put forward their case.
- (q) On the completion of the inquiry, the Committee shall submit a written Inquiry Report within 10 days of the completion of the inquiry. The inquiry report shall specify the details of the charge against the Respondent, the evidence led in the inquiry, the findings on the complaint and the reasons by which the Committee has reached its decision. The report shall also contain the recommendations of the Committee on the basis of its finding.
- (r) The report of the Committee shall be a single combined report based on the joint deliberations of all the members of the Committee who participated in the inquiry and any disagreements and dissenting notes shall be a part of the single Inquiry Report. The

final findings of the report shall be per majority with the dissenting notes of any member/s recorded in the combined report.

- (s) No observations regarding the work and behaviour of either the Complainant or Respondent shall be made in the Inquiry Report which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the Respondent. The Committee will also consider the various myths and facts in relation to Sexual Harassment so as to give a well-thought out decision.
- (t) The copy of the findings of the Committee shall be furnished to the parties and where both the parties are employees they will be given an opportunity to make representation against the findings before the Committee.
- (u) The entire inquiry proceedings shall be completed in 90 days.

13. RULES OF EVIDENCE DURING THE INQUIRY

The inquiry has to be conducted in accordance with the principles of natural justice which comprise of two basic principles: a fair opportunity to be heard for both parties and lack of bias on the part of the Committee

- (a) While conducting the inquiry, the Committee shall keep in mind that the burden of proof is that of a civil case and that the standard of proof is preponderance of probability. The Committee shall also note that each party has to prove the submissions made before it.
- (b) The Committee shall be sensitive to the covert, private and insidious nature of sexual harassment and shall take into account that often the Complainant may not be able to lead direct or corroborative evidence.
- (c) The Committee shall also be mindful of the sensitive nature of the proceedings and shall not permit any evidence or examination based on the complainant's character, personal life, conduct, personal and sexual history.
- (d) The Committee shall take note of the respective socio-economic positions of the parties, their hierarchy in the respective organization / workplace, the employer-employee equations and other power differences while appreciating the evidence.

14. REPORT AND ACTION

- (a) The Committee shall forward its final report to the Employer with recommendations for action to be taken if the complaint is found to be proved. In case the complaint is found to be proven the Committee may recommend that the Management take disciplinary action as deemed appropriate, including counseling, apology to be tendered to the Complainant, oral/written warnings, transfer, withholding promotion and/or increments, demotion, suspension and termination of services from the Organization or any other action that the Management may deem fit. The Organization will take disciplinary action as provided in the Code of Conduct policy when the same is framed and till such time take action as per Rule 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the "Rules")
- (b) The Internal Committee may also recommend to the Organization to deduct, from the salary or wages of the Respondent, such sum of compensation to be paid to the aggrieved

woman or to the legal heirs of such aggrieved woman. In fixing the compensation, the Committee will consider:

- (i) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- (ii) the loss in the career opportunity due to the incident of sexual harassment;
- (iii) medical expenses incurred by the aggrieved woman for physical or psychiatric treatment;
- (iv) the income and financial status of the Respondent; and/or
- (v) feasibility of such payment in lump sum or in instalments.

15. ACTION ON THE COMPLAINT

- (a) The employer shall act on the recommendations of the Committee within 60 days of the receipt of the final report of the Committee and shall inform the Committee and the Complainant of the same.
- (b) Post implementation of the actions, the employer shall follow up with the Complainant to ascertain whether the behaviour has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring. The Complainant's superior shall undertake this follow up.

16. CONFIDENTIALITY

- (a)** The identity of the Complainant, Respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the employer is considered as confidential materials, and not published or made known to public or media. No information shall be disclosed under the Right to Information Act revealing such details as prohibited under Section 16 of the Act.
- (b)** Any person contravening the confidentiality clauses is subject to disciplinary action under Section 17 of the Act as well as subjected to penalty of Rs.5000 under Section 16 of the Act read with Rule 12 of the Rules.

17. 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.

18. COMPLAINANT/WITNESSES/SUPPORTERS PARTICIPATION

Mere inability to substantiate a complaint or provide adequate proof does not reflect lack of bona fides of the complaint. The Organization and the Internal Committee should take adequate steps including grant of interim and final reliefs to ensure that the parties, witnesses and supporters do not face any harassment, victimization, discrimination or retaliation due to the complaint.

19. GENERAL

- (a) The entire workforce of the Organization has a shared responsibility in contributing to a mature and respectful work environment. All persons are responsible for their actions and must ensure that their conduct does not constitute a violation of this policy against sexual harassment, whether it happens deliberately or inadvertently.
- (b) The Organization reserves the right to modify and amend the provisions of this policy, so as to comply with applicable legal requirements, internal policies, or with a view to fine tune or alter the provisions of this policy, to the extent deemed necessary. Amnesty International Trust ensures that all the staff are trained on this policy.

ANNEXURE 1:

LIST OF INTERNAL COMMITTEE MEMBERS AT INDIANS FOR AMNESTY INTERNATIONAL TRUST

1. Asmita Basu – Presiding Officer
2. Kumar Shivashankar – Member
3. Rupali Babu – Member
4. Reena Tete – Member
5. Angeline Sundar – Member
6. Suresh Kumar – Member
7. Tabassum – External Member