

**Prevention and response policy with reference to**  
**SEXUAL HARASSMENT AT WORK PLACE**

Sexual harassment in a work environment violates not only the human rights of the victim but also the fundamental values of the organization including the value it places on high standards of personal and professional integrity and responsibility. It is therefore a legal responsibility for NCAS to ensure that a gender friendly environment is nurtured at the work place, that the employees do not face any kind of sexual harassment and in the instance of sexual harassment; there exists a redress mechanism to support the concerned employee.

The definition of sexual harassment as clearly laid down by the Supreme Court of India is, *“any unwelcome behavior of sexual nature in the working or learning environment. It may include but is not limited to<sup>1</sup>:*

1. *Physical contact and advances*
2. *Demanding or asking for sexual favors*
3. *Sexually coloured remarks, jokes or comments shared in the office that make others uncomfortable*
4. *Display of pornographic pictures/messages*
5. *Any unwelcome and avoidable physical , verbal or non-verbal conduct of sexual nature<sup>2</sup>*
6. *And any other act or gesture, perceived by the victim as sexual harassment”*

In order to prevent and deal with instances of sexual harassment at the workplace, NCAS has established two committees, the members of which are nominated for by consensus by the entire team at NCAS. The two committees are:

- a. Gender Mainstreaming Committee comprising of two most senior women team members and the Executive Director to pro-actively work for creating a gender sensitive environment and preventing sexual harassment and mainstreaming gender issues in all of NCAS's work, and for conducting gender audit from time to time.
- b. Complaints Committee Against Sexual Harassment which has been provisioned to meet immediately, if and when the need to address and resolve any cases of sexual harassment in the organization arises to address the issue without any delay.

The Complaints Committee would be composed of 5 members, the Convener, who would be a female employee of NCAS, a member invited from another organization to bring an element of objectivity and ensure justice in the workings of the Committee, the Executive Director, who would be the ex-officio member of this Committee. In addition the Committee will consist of one more female member and one male member from amongst NCAS's employees.

---

1. Vishaka vs. State of Rajasthan AIR 1997 SC 3011  
2. Women's groups feel that 'AVOIDABLE PHYSICAL CONTACT' as opposed to the original term (UNWANTED) should be used.

**Eligibility for the above committees:**

Every member of these Committees must have:

- a. Completed at least one year of service in NCAS.
- b. No previous record of allegations of sexual harassment
- c. Gender sensitivity and knowledge about women's issues

**Procedure For Addressing Cases Of Sexual Harassment:**

- a. The aggrieved person must lodge a written complaint regarding the sexual harassment with the Complaints Committee including all details.
- b. The working committee will then inform the alleged harasser about complaint against him/her and also inform him/her about the action proposed against him/her.
- c. The alleged harasser/s will be given an opportunity to make his/her case before the Committee.
- d. The Committee shall hold individual and joint meetings with the complainant and the alleged harasser/s and witnesses, if any, for further investigations.
- e. The absence of an eyewitness or delay in filing the complaint will not be the ground for disbelieving a complaint.
- f. The Committee may undertake home/ field visits if necessary.
- g. At all times of its working, the Committee will maintain absolute confidentiality regarding its proceedings.
- h. Where the alleged harasser is not an employee of NCAS, the Complaints Committee shall approach police and/or a women's organization with such a complaint.

**Penalties:**

The Complaints Committee may follow any of the following courses of action against the alleged harasser:

- α. Requiring the alleged harasser to make a written or verbal apology in public or private.
- β. Warning the alleged harasser and
- γ. Referring the alleged harasser to a counselor
- δ. Maintaining closer supervision of the alleged harasser's conduct
- ε. Demoting the alleged harasser from his current position
- φ. Suspending or dismissing the alleged harasser from work.
- γ. Where the act of sexual harassment constitutes a specific offence under Indian Penal code (IPC) or any other law in force in India,, the management will be under a duty to follow a course of action as prescribed under the law.

**Remedial measures:**

The Complaints Committee can provide the person so harassed with:

- a. Adequate compensation for any wages or salary lost as a result of harassment and/or failure on part of the organization to take necessary action for redress.
- b. Leave with pay during the period of investigation.
- c. The option of remaining or resigning from his/her present position at NCAS without any kind of disadvantages with respect to the job profile.