

Organisational Policy on Prevention of Sexual Exploitation and Abuse (PSEA) at Workplace

Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Protection of Children from Sexual Offences (POCSO) Act 2012 and subsequent amendments in 2019



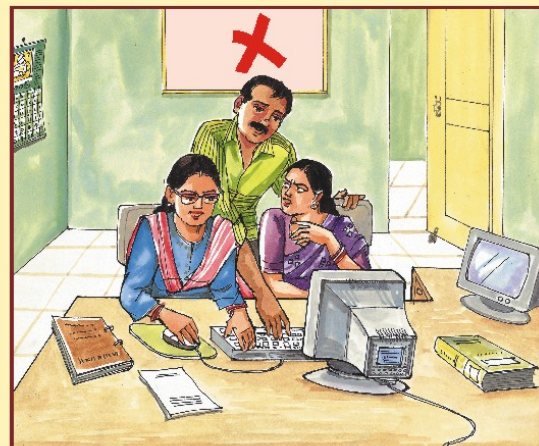
Stop Sexually coloured statements



Stop Closed door meetings



Stop Unwelcome physical contact



If you see, hear or feel that there is any sexual harassment, exploitation and abuse in our work environment, recognise it and report to the Complaints Committee members of the organisation

UNNATI is a **ZERO** Tolerance Organisation against Sexual Harassment, Exploitation and Abuse

ORGANISATIONAL POLICY ON PREVENTION OF SEXUAL EXPLOITATION AND ABUSE (PSEA) AT WORK PLACE

Under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Protection of Children from Sexual Offences (POCSO) Act 2012 and subsequent amendments in 2019

Original Policy framed and came into implementation on 01.04.1914

1stAmendment: 01.04.2021

UNNATI Organisation for Development Education is a voluntary non-profit organisation. It was set up in 1990 to provide educational support to development initiatives. Currently UNNATI works on the themes of social inclusion and empowerment, civic leadership and governance and disaster risk reduction. It is a mission driven organisation and expects the staff to be committed to the mission. It values the contribution of the staff in achieving the stated mission. The aim is to create a work culture, which provides a sense of fulfilment to the fellow colleagues. Organisational policy on Prevention of Sexual Exploitation and Abuse (PSEA) at workplace has been framed to ensure a fair, just and gender sensitive working environment.

UNNATI recognises that while both men and women face deprivation and exploitation, in most instances, women face greater vulnerability by virtue of the patriarchal mindset and socialisation. Women are primarily responsible for reproductive roles and despite in equal positions, women perform the strenuous and repetitive tasks of cooking, feeding, cleaning, caring for children, elderly and sick, collection of water, fuel, food etc. This leaves women with little or no time to play a pro-active role outside their family domain.

Single women and those women who do not wish to conform with the society live with the lurking fear of character assassination. Women, especially single women, do not enjoy an equal status in society. Women with disability face a double disadvantage, by virtue of being a woman and due to their disability which further curtails their freedoms and rights. Disabled women are perpetually caught in the vicious cycle of deprivation. They are subject to deliberate neglect, verbal abuse, physical assaults and sexual harassment. All the above situations get further exacerbated in case of single and disabled women belonging to lower socio-economic strata. These factors inhibit/reduce the participation of these women in the public sphere. Their access and control over resources and processes of development is limited.

Even though women are not a homogenous group and their situation varies with age, caste, class, religion, ethnicity and place of domicile, overall the subordination of women in our society makes them poorer and more vulnerable than men. They often face social and cultural discrimination on grounds of sex. They have less access to power, wealth and resources and very little control over them. They are less likely to be involved and represented in decision-making bodies and their voices are less likely to be heard.

We believe that any development effort which is not gender sensitive leads to further marginalisation and inequity. Hence, UNNATI is committed to abide by an inclusive and gender equity and social justice approach practice in its work and organisational practice.

UNNATI understands that sexual harassment at a workplace is a violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment, which discourage women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.

UNNATI is also committed for prevention of any forms of exploitation and abuse – physical, mental and sexual, violence, injury, neglect, maltreatment or exploitation of the children. Children have the right to be protected from all exploitative and vulnerable situations. A separate Child Protection has been formed.

This policy laid out a common Internal Complaint Committee for redressal of issues and take up corrective measures including training of the staff for sensitisation and appropriate behaviour for Prevention of Sexual Exploitation and Abuse (PSEA) of women and children. As mentioned in the title, this policy is formulated based on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Protection of Children from Sexual Offences (POCSO) Act 2012 and subsequent amendment in 2019.

1. Objective:

All employees and associates of UNNATI must be sensitive and respectable towards the women and children. They need to display attitude and behaviour that protects women and children from any form of discrimination, sexual exploitation and abuse. The organisation spells out action plan to sensitize and orient staff on rights of women and children, creates space and environment where women feel safe and secure to work independently and fair and quick redressal of any incident or complaint of sexual harassment, exploitation and abuse. The policy ensures:

- Highest level of standards of practice for prevention of sexual exploitation and abuse of children and women in the organization.
- Assessment of potential areas of discrimination, sexual exploitation and abuse in the organization and in the domain of the program implementation.
- Educational and corrective measures to develop consciousness and awareness about rights of women and children and about the Acts and policies.

2. Statement of Commitment

UNNATI is committed to create safe environment for women and children both internally and externally where they are respected, protected, empowered and feel free to actively participate and engage in all the activities of the organisation. Sexual harassment, exploitation and abuse of Women and children at workplace is a **zero tolerance** area in UNNATI. It will attract maximum punishment.

3. Institutional Systems and Practices

The Staff Service Rules specifies many of the code of conduct to be abided by the staff. However, some of the gender sensitive practices are mentioned here.

- i. At the leadership level it will be strived to maintain a gender balanced composition of the Governing Board as well as management positions so as to maintain a balanced leadership.
- ii. All advertisements for employing staff shall specifically state that we are an equal opportunity employer and that UNNATI particularly encourages women to apply. The organisation shall encourage women to apply for management positions to deconstruct gender stereotype in its staffing patterns.
- iii. UNNATI shall provide flexibility of half an hour on arrival and departure timings from office without affecting the number of working hours in a day. Suitable arrangements for the time schedule may be worked out in special cases, as in case of new parents, recovery from illness etc.
- iv. While on travel, safety of the staff shall be given due importance. Where necessary, staff will be escorted or reimbursed transport expenses. Special concessions could be made for staff with children below 5 years of age while on travel.

- v. Equal opportunities shall be provided to all employees for their professional development and growth.
- vi. UNNATI shall make provision for maternity and paternity leave along the lines of the latest government provisions. In special cases, leave without pay, part time work, work from home arrangements may be considered after the maternity leave has lapsed.
- vii. The organisation shall create Gender Focal Person/s to co-ordinate gender mainstreaming at the programme level. GFP shall ensure that right from inception to implementation, all projects have gender as a cross cutting theme. All documents produced for public use by the organisation shall be screened for gender incorporation. GFP shall periodically organise gender training/sensitization programmes for staff at all levels to promote and enhance gender sensitive planning and actions. GFP shall also co-ordinate the activities of GSEC.
- viii. Gender audits shall be conducted periodically, with inputs from external resource where required, to review the existing practices, both within the organisation and in the programmes, to arrive at a common understanding of the gender sensitive rules and practices in the organisation and its programmes.

4. Programme Design and Activity

- i. All Programme Coordinators shall design and implement programme activities with a gender mainstreaming perspective which would take into account strategic and practical gender needs, culture and institutional circumstances.
- ii. All Programme Centres shall undertake capacity building activities with partners and stakeholders to enable them to formulate and promote policies and actions that are gender sensitive and based on principles of equity.
- iii. UNNATI shall use various forums to share its knowledge and experience for influencing other major players in the development sector for gender sensitive policies and practices.

5. Mechanism for prevention of sexual harassment, exploitation and abuse at work place.

It may be noted that Under 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) namely:

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

UNNATI strives to create a work place where the women and children are safe and there is no form of danger of sexual harassment, intimidation, exploitation and abuse. Victim or any other person witnessing or sensing it shall freely lodge a complaint and there shall be fair and fair redressal. In the line of the internal complaint committee under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, a **Committee on Prevention of Sexual Exploitation and Abuse (PSEA Committee) is constituted.**

- i. In a staff meeting the members of the PSEA Committee shall be formed. It shall have five internal members representing both program, administration and field offices. It shall have maximum women members. One external women NGO representatives shall be invited by the Chairperson to the Committee. The tenure of members shall be for three years. If there is any vacant seat because of staff turnover, the seat will be filled within three months. The Committee has the right to invite any member to fill the vacant seat.

- ii. The Committee will nominate the Chairperson from among themselves.
- iii. The Director who is the Chief Executive of the organisation shall not be part of the committee.
- iv. The names of the Committee members with their mobile and mail id shall be displayed in all offices in a prominent place.
- v. The Committee shall hold two meetings annually and/or whenever there is a need. A register shall be maintained to record the minutes of the meeting.
- vi. The committee shall organize training and orientation program for all the staff and create mechanisms to display boards/ posters on prevention of sexual harassment, exploitation and abuse. It must state that it is a zero-tolerance area for UNNATI.
- vii. Every office shall have a complaint box where the staff can drop their complaints without fear or not being identified. The Committee will take up those complaints and proceed for redressal.
- viii. The committee members may conduct visits to different offices and field locations to assess the level of risk and threat of sexual harassment and propose/ recommend action to the Director which shall be redressed within 60 days of submission of the written recommendations.
- ix. The committee shall organize at least one training program in a year involving all the staff to educate about the laws and how to create a safe and respectable work environment. The training calendar / schedule mentioning the name of participants shall be displayed in advance.
- x. If any problem related to misbehavior or sexual harassment occurs then the victim should inform in writing to any of the Committee members.
- xi. General complaints where there is no specific accused and there are suggestions to create a safe work environment and gender sensitive behavior can be put in the complaint box provided.
- xii. Action on the problem would be taken by the Director after receiving the recommendation from the Chairperson of Committee after their investigation. The process of the investigation is specified separately in this policy.
- xiii. To enable the functioning of the Committee, the organization has year marked Rs.1,00,000. It shall not be carried forward to the subsequent years. The utilization is at the discretion of the Chairperson of the Committee.

6. Scope of the Policy

All persons including staff, partners, vendors and suppliers fall within the scope of UNNATI's policy on Prevention of Sexual Exploitation and Abuse (PSEA) which includes prevention of Sexual Harassment at workplace and Child Protection Policy. By signing any of the agreement and appointment letter issued by UNNATI, the person confirms its understanding and commitment to the above-mentioned policies of UNNATI. All contracts, agreements and appointments shall mention that "UNNATI's policy on Prevention of Sexual Exploitation and Abuse (PSEA) includes prevention of Sexual Harassment at Workplace and Child Protection shall be strictly followed. Violation of these two policies fall under zero tolerance area of the organisation and strict action will be initiated on anyone violating the policies. During the course of the work, it is obligatory on the part of all staff and associates to report any incidents / suspicions on violation of the two policies to UNNATI and support in taking actions taken on the same." The above declaration must be included in all contracts, agreements and appointment.

7. Steps to be taken by the PSEA Committee on receiving a Sexual Exploitation and Abuse Complaint

(The details of the functioning of the Committee is borrowed from the model prescribed by Unicef.
The PSEA effectiveness of UNNATI is regularly assessed by Unicef)

- i. On receiving the complaint of Sexual Exploitation and Abuse, the Chair of Committee will decide who will be the primary investigator. The Chair can also be the primary investigator.
- ii. Maintain confidentiality during the investigation process.
- iii. Primary investigator will send acknowledgement (e-mail or letter) to the complainant within 24 hours of receiving the complaint acknowledging receipt of the complaint and indicating that the complaint is being looked into.
- iv. If situation demands, the complainant shall be placed in a safe and secure place where she/ he does not meet the accused.
- v. The Chair will call a meeting of the Committee including the external person to review the complaint and agree next steps.
- vi. The Chair shall ensure organisational support and guidance to primary investigating committee member to carry out the investigation.
- vii. Schedule relevant interviews, prepare interview questions clarify details and gather evidence and witnesses.
- viii. To keep the investigation flowing as efficiently as possible, a time schedule has to be worked out. It shall be completed within one month of the receipt of the complaint.
- ix. Hold closure meeting with the accused and accuser separately.
- x. The primary investigator prepares the final report and share with the Committee Members.
- xi. The Committee decide on final resolution and disciplinary action if required.
- xii. The action points along with the investigation report has to be presented to Director.
- xiii. The Director shall take disciplinary action within 15 days of receipt of the recommendations of the PSEA Committee.
- xiv. Implement procedural, policy or training interventions as required.

7.1 Suggested questions to be asked to the complainant

- i. Who committed the alleged harassment? What exactly occurred or was said? When did it occur and is it still ongoing? Where did it occur? How often did it occur? How did it affect you?
- ii. How did you react? What response did you make when the incident(s) occurred or afterwards?
- iii. How did the harassment affect you? Has your job been affected in anyway?
- iv. Are there any persons who have relevant information? Was anyone present when the alleged harassment occurred? Did you tell anyone about it? Did anyone see you immediately after episodes of alleged harassment?
- v. Did the person who harassed you harass anyone else? Do you know whether anyone complained about harassment by that person?
- vi. Are there any notes, physical evidence, or other documentation regarding the incident(s)?
- vii. How would you like to see the situation resolved?
- viii. Do you know of any other relevant information?

7.2 Questions to be asked to the accused

- i. What is your response to the allegations?
- ii. If the harasser claims that the allegations are false, ask why the complainant might lie.
- iii. Are there any persons who have relevant information?

- iv. Are there any notes, physical evidence, or other documentation regarding the incident(s)?
- v. Do you know of any other relevant information?

7.3 Questions to be asked to the third parties

- i. What did you see or hear? When did this occur? Describe the alleged harasser's behaviour toward the complainant and toward others in the workplace.
- ii. What did the complainant tell you? When did he/she tell you this?
- iii. Do you know of any other relevant information?
- iv. Are there other persons who have relevant information?

It needs to be noted that credibility of the assessments is critical in determining whether the alleged harassment in fact occurred. Factors to consider include:

- i. Inherent plausibility: Is the testimony believable on its face? Does it make sense?
- ii. Demeanour: Did the person seem to be telling the truth or lying?
- iii. Motive to falsify: Did the person have a reason to lie?
- iv. Corroboration: Is there witness testimony (such as testimony by eye-witnesses, people who saw the person soon after the alleged incidents, or people who discussed the incidents with him or her at around the time that they occurred) or physical evidence (such as written documentation) that corroborates the accuser's testimony?
- v. Past record: Did the accused have a history of similar behaviour in the past?
- vi. Since harassment often occurs behind closed doors, there is a high probability there are no eye-witnesses. This by no means defeats the complainant's credibility. Likewise, the fact that the alleged harasser engaged in similar behaviour in the past does not necessarily mean that he or she did so again.

7.4 Conducting Interviews

Once the appropriate investigator has been selected, interviews can be conducted. The investigator should inform all parties involved of the need for an investigation and explain the investigation process. The investigator may follow the following factors.

- i. Conduct the interview in an objective and impartial manner
- ii. Consider relevant facts
- iii. Do not push the investigation in any particular direction
- iv. Never offer any opinion or say anything that will discredit impartiality
- v. Avoid harsh interrogation tactics that could result in charges such as coerced false confessions.
- vi. Take notes
- vii. Look for inconsistencies.
- viii. Seek opportunities for more evidence and names of potential witnesses.
- ix. Ask the complainant / witness to write down what happened to help find inconsistencies.
- x. Be a good listener.
- xi. Be aware of motivating factors that may influence individual's accounts of what happened.

7.5 Making a Decision

Through the investigation, the investigator must be careful not to jump to any conclusions before all the facts are available. Once the interviews are conducted, other necessary procedures, such as

evidence collection, should be completed. Once any credibility issues have been resolved, the investigator must evaluate all the information. The investigator in consultation with the Committee members should make the final report and the recommendation for action.

7.6 Closing the Investigation

Once a decision is made, the Director should notify both the complaining employee and the accused of the outcome. It is important to let the complainant know that the organisation took the complaint seriously and took appropriate action. It must be ensured that the complainant agrees that he or she has been properly heard and understood, even if he or she is not in agreement with the results. The investigator should set a time frame to follow up with the complainant to ensure there are no other issues and that he or she is settling back into the work environment. When necessary, the Director must take corrective action that is appropriate to the situation, such as discipline or even termination. The Director should:

- i. Look at any damages incurred by the accused and determine how to remedy those damages.
- ii. Determine training such as sexual harassment training, anti-harassment, prevention of sexual exploitation and abuse training would be beneficial to the individual or all employees.
- iii. Consider if policies need to be modified.
- iv. Determine whether a review of the investigation and complaint resolution processes is necessary.

7. Develop written summary investigation results

If operating on the premise that every investigation of a serious nature could potentially be heard and reviewed by a court, a final investigative report must be prepared with sufficient detail and quality to withstand the scrutiny of the courts. Keep a clear paper trail of the evidence, such as examining documentation of previous employee behaviour and incidents. Maintain a clear record of everything done as part of the investigation and any findings as well as other steps taken during the investigation. Ensure that interview with the accused, the accuser and witnesses are noted as factual as possible, contain as much relevant information as possible, the notes are dated and indicate the duration and time of the interviews.

Summarize the final report to include the following:

- i. The incident or issues investigated, including dates.
- ii. Parties involved.
- iii. Key factual and credibility findings, including sources referenced.
- iv. Policies or guidelines and their applicability to the investigation.
- v. Specific conclusions.
- vi. Party (or parties) responsible for making the final determination.
- vii. Issues that could not be resolved and reasons for lack of resolution.
- viii. Actions taken.

The aim of the final report is to ensure that if a court, jury or government agency were to review it, the reviewers would conclude that the employer took the situation seriously, responded immediately and appropriately, and documented all the investigation processes to arrive at the decision.





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