

# CRT-Child

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# Rights Trust

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## Policy on Prevention of Sexual Harassment at Work Place – POSH

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## Child Rights Trust's Policy on Prevention of Sexual Harassment at Work Place

### **1. Introduction of the Policy on Prevention of Sexual Harassment at Work Place:**

- 1.1 Child Rights Trust (CRT) is a resource center on child rights issues. The Trust has been reaching out to children, Government, NGOs, media, academic institutions, people's representatives, national and international organizations in India since 2002 through training, consultations, research, advocacy, lobbying, publications and direct interventions. Although the Trust is located in Bengaluru, the scope of operation of the organization is extended throughout the State and national level.
- 1.2 The Policy comprises the vision, mission aims, and scope of the organization. Meanings / definitions, internal committee details and commitment to prevent sexual abuse at work places.
- 1.3 CRT as an organization committed to promote a work environment that is conducive to the professional growth of its employees and encourages equality of opportunity. The organization will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its employees (men/ women/anybody) are not subjected to any form of harassment.

### **2. Vision of CRT : Every Right for Every Child**

### **3. Mission of CRT :**

To endeavor to protect and promote all the inherent and indivisible rights of children whoever and wherever they are.

### **4. Aim of CRT:**

- To achieve and to consolidate the rightful position of children in general to the benefits and services to which they are entitled as children, and to a healthy and safe environment which is their due as human beings
- To endeavor to protect, maintain and develop children' inherent right to peaceful existence and quality of life to which they are entitled
- To sensitize civil society and the authorities on child rights
- To carry out statistical research and research in social sciences relevant to children and their families
- To secure the effective use of the legal process to remedy children's grievances.

### **5. Scope and Coverage**

The scope of CRT's activities is throughout India, with a special focus on the south. Its field activities are mainly in Karnataka, while its training and support is available nationally.

### **6. Background and commitment to protect employees from sexual harassment**

- 6.1 CRT as an NGO which works for every right for every child in the same way believes in equality, protection of women, gender justice so CRT adheres to following acts and policies,

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- Constitution of India 1950
- National policy for Women 2016
- National policy for the empowerment of women (2001)
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal ) Act 2013 and amendment
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal ) Act 2013, Rules
- National Commission for Women Act 1990

6.2 This policy applies to all the employees of the organization including management and workmen, contract workers, trainees at its workplace or at visit places, training institutes, students, volunteers and network organizations. The organization will not tolerate sexual harassment, if engaged in by employees or by suppliers or any other network associates.

### 6.3 The definition of the workplace includes:

1. All offices or other premises where the organization's works/activities are carried.
2. All organization related activities performed at any other place away from the organization's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.
4. Field visit/during transportation hours and places where the employees stay for official purpose

6.4 **Definition of sexual harassment:** Sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) as:

- a. Physical contact and advances;
- b. A demand or request for sexual favors;
- c. Sexually colored remarks;
- d. Showing pornography;
- e. Unwelcome sexual advances involving verbal, non-verbal conduct of sexual nature Or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds, display of pictures, signs, verbal or non-verbal communication which offends the individuals sensibilities and affect her/his performance.
- f. Eve teasing, innuendos and taunts, physical confinement against one's will and likely to intrude upon one's privacy;
- g. Act or conduct by a person in authority which creates the environment at workplace hostile or intimidating to a person belonging to the other sex;
- h. Conduct of such an act at work place or outside in relation to an employee of Blossom or vice versa during the course of employment; and
- i. any unwelcome gesture by an employee having sexual overtones.

6.5 Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories: -

#### 1. **quid pro quo and creation of a hostile working environment.**

- a. Under the quid pro quo (meaning - this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favors for getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.

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- b. A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity.

For example: an employee tells offensive jokes.

No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co-workers.

However, an employee who is sexually harassed can complain about the same even if there is no adverse job consequence.

### 7. Complaint and Relevant Process

- 7.1 Whether or not such conduct constitutes an offense under law and a breach of the employment rules, an appropriate complaint mechanism in the form of "Complaints Committee" has been formed/constituted in the organization for redressal of such complaints.
- 7.2 CRT will ensure that any complainant will not suffer adverse job consequences as a result of any complaint being made.
- a. **Internal Complaints Committee:** CRT has formed an Internal Complaints Committee for redressal of harassment complaints and for ensuring resolution of such complaints.

#### Committee Members (2021 onwards):

- Ms.Nagamani C.N. Project Coordinator
- Mr.Kalakappa, Project Coordinator
- Ms.Margaret, External person with legal knowledge

#### b. Responsibilities: -

1. Investigating every formal written complaint of harassment
2. Taking appropriate remedial measures to respond to any substantiated allegations of harassment
3. Discouraging and preventing any harassment at the workplace.

#### 7.3 Procedures for resolution, settlement of acts of harassment: CRT is committed to providing a supportive environment in which to resolve concerns of harassment as under:

- a. **Informal Resolution Options:** When an incident of harassment occurs, the complainant/person who was affected by such conduct can communicate her/his disapproval and objections immediately to the harasser and request the harasser to desist from such conduct in the future. If the harassment does not stop or if the person is not comfortable with addressing the harasser directly, she/ he can bring the concern to the attention of the Complaints Committee for redressal of grievances.

The Complaints Committee will thereafter provide advice or extend support as requested and will do the needful to resolve the matter. It is advisable that the person keeps a record of incident i.e. date, place, possible witness and file a complaint as soon as possible.

#### 7.4 Procedure for complaints in occurrence of sexual harassment:

- a. Any employee with a harassment concern, who is not comfortable with the informal resolution option or has exhausted such option, may make a formal complaint to the Chairperson or any member of the Internal Complaints Committee. The person should make a complaint within

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- three months from the date of occurrence of the event or in a case of series of incidents, within a period of three months from the date of the last occurrence.
- b. The complaint should be submitted in writing for it to be considered as formal and for the committee to probe and take the necessary actions. The person may submit the complaint in the form of a written letter, duly signed by the person and submitted in a sealed envelope to the Chairperson/Member of Internal Complaints Committee. Alternatively, they may also send in a written communication through email to the Chairperson/Member of Internal Complaints Committee. The person should disclose their name, department, date of occurrence, place of occurrence in the complaint letter.
  - c. If any complaints are received by any of the Members of the Internal Complaints Committee, the member is obliged to bring it to the notice of the Chairperson within three working days from the receipt of the complaint.
  - d. The Internal Complaints Committee should meet within 7 working days from the date of receipt of the complaint by the Chairperson to decide on the proceedings and the course of investigation.
  - e. A quorum of 2 members is required to be present for the proceedings to take place. The quorum shall include the Chairperson and at least one member, one of whom shall be a woman.
  - f. Once the complaint is received by the Internal Complaints Committee, the alleged accused should be informed regarding the complaint. It should also be made clear that no act of retaliation or unethical action by the accused shall be tolerated and that the accused should extend full support during the investigation of the case.
  - g. The Internal Complaints Committee shall ensure that a fair and just investigation is undertaken immediately.
  - h. Both the person and the alleged accused will be questioned separately by the Internal Complaints Committee with a view to ascertain the authenticity of their contentions.
  - i. Witnesses named if any, shall also be questioned separately.
  - j. The victim and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 90 days of the receipt of the complaint. If the investigation reveals that the victim has been sexually harassed as claimed, the accused will be disciplined accordingly. Disciplinary action may include any of the following: · Formal written apology · Suspension from services · Transfer · Withholding promotion · Termination · Police Complaint
  - k. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Internal Complaints Committee and the Management. The final decision shall be communicated to the person and the alleged harasser.
- 8. Confidentiality:** The organization understands that it is difficult for the person to come forward with a complaint of sexual harassment and recognizes the person's interest in keeping the matter confidential. To protect the interests of the person, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.
- 9. Access to reports and documents:** All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the organization except where disclosure is required under disciplinary or other remedial processes.
- 10. Protection to complainant/person:** CRT is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The organization will ensure that person or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

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**11. Complaint made with a malicious intent:** This policy has been evolved as a tool to ensure that in the interest of justice and fair play, our employees have a forum to approach in the event of instances of sexual harassment. However, if on investigation it is revealed that the complaint was made with a malicious intent and with the motive of maligning the concerned individual / tarnishing his/her image in the organization and to settle personal/professional scores, strict action will be taken against the complainant. The Committee may also take suo moto action, if any incident of harassment is brought to its attention, without any formal complaint being made in this regard.

**12. Responsibility of employees regarding prevention of sexual harassment:** All employees have a personal responsibility to ensure that their behavior is not contrary to this policy. This policy is deemed to be a part of the terms of employment of every employee. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

**13. Dissemination of the policy :** A copy of this Policy shall be given to all employees and to all new recruits and they shall sign a statement acknowledging that they have received, read, understood and will abide by the Policy.

### 14. Other points to note

- At CRT the executive director conducted the workshop on 17<sup>th</sup> March 2020 about the legislation and also about do's and don'ts in the organization by the employees, forming ICC and etc.
- After finalizing the policy, we need to conduct one more orientation about the policy.
- Half yearly once the committee should meet and discuss the current situations and need for orientations or any.
- Rs.500 should pay to external committee members to attend the meeting as conveyance.

### 15. Contact of the Committee on Prevention of Sexual Harassment at Work Place

- **Ms.Nagamani C.N., Project Coordinator (Senior woman employee in the organization)Ph. No: 9513373169**
- **Mr.Kalakappa, Project Coordinator (7204530275)(Employee in the organization)**
- **Ms.Margaret Sampath, (External NGO person with legal knowledge) Ph.No: 9342163539**

**CRT employees/Team members are encouraged to report any such incidents and feel free to contact to discuss the same with the above members and also they can write to [crtposhicc@gmail.com](mailto:crtposhicc@gmail.com)**

### Complaint form

This is just an indicative form. You can use your own free form.

All information including the name of the complainant will be kept ***confidential***. The content of the complaint, complainant and other information will be made known only to the POSH convener and the Committee for necessary action.

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You can either give a printed complaint or a email complaint on the issue

1.	<b>Name of the Complainant</b>	:	
2.	<b>Status with CRT</b>	:	Employee / Consultant / Intern / Visitor / Client / other .....
3.	<b>Designation if employee</b>	:	
4.	<b>Mobile number</b>	:	
5.	<b>Email id</b>	:	
6.	<b>The complaint</b>  (Kindly refer the incident clearly and also name of the person/persons and their designations on whom you are complaining)	:	
7.	<b>Working relationship (s) with the accused</b>	:	
8.	<b>What kind of compensation you are expecting from the IC</b>	:	
9.	<b>Have you filed a police complaint? If so give details</b>	:	
10.	<b>Any other information you would like to give</b>	:	
11.	<b>Date</b>	:	
12.	<b>Place</b>	:	
13.	<b>Signature</b>	:	

**Mandatory official declaration to be made by all the members of all designations of CRT with name and contact details.**

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**I, Ms/Mr/Mrs. .... declare that:**

I have read the ‘Policy on **Prevention of Sexual Harassment at Work Place**’ of Child Rights Trust (CRT) as mandated under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal ) Act 2013 and amendment and will abide by it. I will at all times treat all persons of all genders, particularly women I come in contact with at work and elsewhere with respect and dignity.

I have not been accused or convicted of any offence involving any form of abuse or exploitation or discrimination of women.

I understand that CRT has a mandate to conduct my background verifications before or during my association with the organization.

I understand that if a complaint is brought against me regarding the abuse or exploitation of any person, women in particular while engaged in the activities of Child Rights Trust, the allegation will be thoroughly investigated in cooperation with the appropriate authorities, and I will lend full cooperation to the process and abide by the decision taken by the Committee/Board of CRT.

I understand that during my course of work with CRT if I come across any person within the organisational purview or outside being subjected to abuse or exploitation I shall immediately bring it to the notice of my supervising officer or senior staff or Board. I shall also not talk about the complaint to other colleagues, except the designated officer, or write about it in print, electronic or social media.

I also state that I will not take any pictures or videos of any person while on CRT work without the authorization of the person and/or CRT concerned authorities or share any such pictures or videos on any form of print/electronic/social media.

I willingly attend all training, orientations and exposure programmes on child protection policy implementation to get clarity about my, co workers and organization’s role.

**Name:**

**Signature:**

**Designation & Project:**

**Duty Station:**

**Date:**

**Place:**

Mob. No.

email id

Current Residential Address :