

POLICY FOR DEALING WITH SEXUAL HARASSMENT COMPLAINTS

I. Preamble

The Corporation (the term 'Corporation' refers to (Goa State Infrastructure Development Corporation Limited A Government of Goa Undertaking) is committed to create and maintain the work environment free of violence, harassment, exploitation, and intimidation. This includes all forms of gender violence, sexual harassment, and discrimination on the basis of sex/gender. Every employee of the Corporation should be aware that the Corporation is committed to fundamental rights of 'Gender Equality' and the 'Right of Life and Liberty'. The Corporation is committed to the safety and well-being of all its employees in various grades and categories and will make all efforts to fulfil its commitment.

Sexual harassment has come to be widely condemned as a form of human rights violation, and as an infringement on life and liberty as defined by the Constitution of India. Such behaviour is seen to transgress common dignity, gender equality, and fundamental rights. This policy applies to all individuals who are employed on Contract & Temporary Capacity at the location of the Corporation.

II. Definition of Sexual Harassment and Redressal Mechanism

The following constitute sexual harassment:

1. When submission to unwelcome sexual advances, demands or requests for sexual favours, and verbal or physical conduct of a sexual nature are, implicitly or explicitly.
2. When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, sexually coloured remarks or jokes, letters, phone calls or e-mails, SMSs, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating an intimidating, hostile, or offensive environment.
3. When a person/s uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against that person's will, such conduct will amount to sexual assault.
4. When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person to denigrate/discriminate against person(s), or create a hostile environment on the basis of a person's gender identity/sexual orientation.
5. Threat made of adverse consequences to a persons physical well-being or employment.
6. Deliberately creating a hostile or humiliating working environment in a manner that is sexually discriminatory or the person has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion.

III. Objectives of the Policy

1. To fulfil the directive of the Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work place.
2. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence.
3. To ensure the implementation of the policy in letter and spirit through proper reporting of the complaints and their follow-up procedures.
4. To uphold the commitment to provide an environment free of gender-based discrimination.
5. To create a secure physical and social environment which will deter acts of sexual harassment.

6. To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.

IV. Committee

Based on the guidelines, as given above, a 'Sexual Harassment Complaints Committee' (SHCC) is being set up in the Corporation to which any complaint on sexual harassment shall be made for the redressal of such complaint. All employees of the Corporation whether they are on Contract & Temporary are provided equal protection through this Committee. Sexual harassment of any kind is considered unacceptable behaviour in any employee of the Corporation which will attract appropriate disciplinary action including dismissal.

The Complaints Committee shall be headed by a woman and not less than half of its member should be women. Moreover, to prevent possibility of any pressure or influence from senior levels, such Committee should involve a third party, i.e. legal advisor of the Corporation, NGO or other body who is familiar with the issue of sexual harassment. (Both the Committee and the employer are required to report on action taken/compliance to the Audit Committee.

V. Procedure for Registering Complaints

1. The complaints can be made verbally or through email or in a letter to any member of the Sexual Harassment Complaints Committee (SHCC). Complaints shall be made directly by the person facing harassment and even by third parties. In exceptional cases, third party/witness complaints may be entertained. In such cases, the committee will ascertain whether the person alleged to have been harassed wishes to lodge a formal complaint. Once such a complaint is received the committee shall proceed to investigate it as per the procedure specified.
2. Anonymity of complainants and all persons involved shall be ensured. All complaints will be dealt with equal seriousness irrespective of the positions held by the persons involved. In view of the complicated nature of sexual harassment, complaints will be considered appropriately even where it is difficult or impossible to provide concrete evidence.
3. Any complaint also has to be addressed within the stipulated time of one year from the date of occurrence. Complaints shall not be allowed to continue indefinitely.
4. The complainant can be accompanied by a representative.

VI. Complaints Procedure

1. This procedure for redressal is followed uniformly irrespective of the position held by the persons involved. It will be ensured that victims or witnesses will not be victimised or discriminated against. To prevent the possibility of undue pressure or influence from senior levels the SHCC has a (third party NGO) member who is familiar with the issue of sexual harassment. This person is intimated of each case handled by the SHCC and its progress.
2. The SHCC on receiving a complaint shall constitute an Inquiry Committee from amongst its members. Such Committee will attempt to find all facts related to a complaint. It will be ensured that this Committee consists of members who cannot be considered prejudicial and have little or no relationship with the accused.
3. This Committee shall have the power to summon people involved in the complaint or whoever can provide information. The Committee can also decide on a complaint even where the accused refuses to comply or cooperate with the Committee. After having considered all the facts of the complaint, further action shall be recommended within the stipulated time schedule.
4. All meetings of the Inquiry Committee will be called by a notice of at least 3 to 5 working days.
5. The committee is bound to maintain confidentiality during the time of the enquiry (in order not to prejudice the proceedings).
6. After the report has been finalised, confidentiality should be maintained, if the complainant so desires, by withholding the complainant's name and other particulars that would identify her. (Revealing the identity either in exceptional cases such as stalking may put the complainant at greater risk or as a result of social prejudices the complainant may face additional adverse effects as a result of public circulation of the finished report.)

7. The SHCC will, within ten days of the receipt of a complaint, establish a prima facie case of sexual harassment on the basis of both the definition of sexual harassment as given in this policy, and the jurisdiction of this policy. Reasons for not pursuing a complaint must be recorded in the minutes and made available to the complainant in writing.
8. In case of a complaint filed by another person on behalf of the complainant (where the complainant is in confinement) the complaint will be investigated in order to explore whether a prima facie case of sexual harassment exists and whether intervention or some other assistance is required.
9. The entire process of enquiry should be completed within one month.

VII. Power and Duties of SHCC

Preventive

1. To create and ensure a safe environment that is free of sexual harassment.
2. To create an atmosphere promoting equality and gender justice.
3. To publicise the policy in Konkani, Hindi and English widely, especially through prospectuses, notice boards etc.
4. To publicise in English, Hindi and in Konkani the names and phone numbers of members of the committees.

VIII. Remedial

1. The mechanism for registering complaints should be safe, accessible and sensitive.
2. To take cognisance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend penalties and take action against the harasser, if necessary.
3. To seek medical, police and legal intervention with the consent of the complainant.
4. To make arrangements for appropriate psychological, emotional and physical support (in the form of counseling, security and other assistance) to the victim if s/he so desires.

IX. Redressal

1. The SHCC shall forward its recommended action to the Managing Director who shall act upon the recommendation. The recommendation made by the SHCC cannot be over-ruled subsequently.
2. The disciplinary action will be commensurate with the nature of the violation and disciplinary action could be in the form of:
 - i. Warning
 - ii. Written apology
 - iii. Bond of good behaviour
 - iv. Adverse remarks in the Confidential Report
 - v. Debarring from supervisory duties
 - vi. Denial of membership of statutory bodies
 - vii. Denial of re-employment
 - viii. Stopping of increments/promotion
 - ix. Reverting, demotion
 - x. Suspension
 - xi. Dismissal
 - xii. Any other relevant mechanism.

3. Enhancement of disciplinary action, by the committee, could depend on factors such as the nature and extent of injury caused to the complainant, the impact of the violation on the institutions as a whole, the position of the harasser in the power hierarchy, repetition of offence etc.
4. Where the conduct of an accused amounts to a specific offence under the Indian Penal Code or under any other law, appropriate action shall be initiated in accordance with law

The Sexual Harassment Committee constitutes the following.

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| 1) | Ms. Leena Dharwadkar, | Chairperson |
| 2) | Mr. Dilip Joshi | Member |
| 3) | Ms. Reshma Pai Kuchelkar | Member |
| 4) | Ms. Kirti Bhat | Member |
| 5) | Ms. Sabina Martins, Bailancho Saad, Porvorim | Member |