



PROTECTION OF SEXUAL HARASSMENT POLICY (POSH)

FOR JANA VIKAS



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PROTECTION OF SEXUAL HARASSMENT POLICY (POSH)

For JANA VIKAS

Creating an Anti-Harassment Policy



Looking into the need of the organization and for the stakeholders associate with Jana Vikas, the Governing Body Members approved the **Revised Protection of Sexual Harassment (POSH) Policy** of **JANA VIKAS** during the 43rd Governing Body Meeting held on **30th June 2025**.

I wish the staff and management would make better use of it for safety and dignity of women.

Fr. Madan Sual Singh

Secretary

Jana Vikas

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Protection Of Sexual Harassment Policy (POSH)

(Sexual Harassment at Workplace (Prevention and Redressal) Policy)

1

OBJECTIVE OF THIS POLICY:

JANA VIKAS is a grass root and leading organization working for the holistic development of the community. Jana Vikas is engaged in promotion of women empowerment in terms of livelihood as well as protection of their security. It always tries to ensure a safe, secure and congenial work environment where employees, associates and partners will deliver their best without any hesitation, threat or fear. In pursuance of this objective Jana Vikas has evolved a “Sexual Harassment at the Workplace (Prevention and Redressal Policy”.

The organizational approach is to spread awareness about the causes and consequences of sexual harassment at workplace and thereby prevent and occurrences. In the event of such an occurrence, the organization would use this policy to provide the framework for action.

Sexual harassment in the work place has been defined as “unwelcome” sexually determined behavior (whether directly or by implication). It includes any or all of the following:

- Physical contact and advances
- A demand or request for sexual favors
- Sexually colored remarks
- Showing pornography
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.

In view of the nature of work in the organization, topics like HIV/AIDS, sex and sexually and related topics will be discussed. In this connection, sexual harassment will be deemed to have taken place if work; is used as the excuse or occasion for, repeated, personalized, offensive and unwelcome speech or gestures.

As the duty of the organization to prevent or deter acts of sexual harassment and if they take offence, to provide procedure for resolution, encourage counselling, settlement or prosecution acts of sexual harassment.

- ❖ Where the conduct of the conduct of the employee would constitute an offence under the law, the organization shall initiate legal action.
- ❖ Where the conduct would in addition to an offence under law, constitute misconduct under the rules and regulations of the organization, organization shall initiate disciplinary action against him/her.

Any allegations of sexual harassment will be investigated quickly and disciplinary action initiated as described in this policy. If the extent possible, the identify of the complainant, the victim, witnesses and the alleged harasser will be protected against unnecessary disclosure. All efforts will be made to ensure that proceedings remain confidential.

Jana Vikas commits to providing a safe, healthy and congenial organizational environment to all its staff. As a key organizational principle, Jana Vikas also commits to ensuring gender equality and gender justice through all its policies, practices & interventions. In order to uphold this principle, it is important that the work environment that Jana Vikas provides to its people is free from discrimination and harassment, particularly sexual harassment. Sexual Harassment results in violation of Fundamental Rights to Equality under Article 14 & 15 and Right to Life and to live with human dignity under Article 21 of the Constitution of India. Any act of Sexual harassment is also against Jana Vikas value and principle which prescribe the attitude and behavior of Jana Vikas staff.

This policy provision termed as the Protection Of Sexual Harassment Policy (POSH) of JANA VIKAS has been formulated with a particular focus on sexual harassment at work place. The Policy is designed to take effective measures to prevent and prohibit sexual harassment and also have the mechanism to redress cases of sexual harassment and impose punishment for those responsible for it. The conduct that is described as “Sexual Harassment” in this policy will not be tolerated and provided herein under is a procedure by which inappropriate conduct will be dealt with, if encountered among staff. While this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the authority of JANA VIKAS to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Sexual harassment of employees occurring in the workplace or in other settings in which staff may find themselves in connection with their employment is unlawful and there will be zero tolerance in the organization for this. All allegations of sexual harassment will be taken seriously and responded promptly and where it is determined that such inappropriate conduct has occurred, prompt and appropriate

corrective action as is necessary, including disciplinary action, will be taken. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an

investigation of a sexual harassment complaint will similarly be unacceptable and will not be tolerated in the organization.

The law of the land also expects us to do so. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 requires all organisations to provide protection to women against sexual harassment at workplace and for prevention and redressal of any complaint of sexual harassment and for matters connected therewith or incidental thereto."

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SCOPE OF THE POLICY:

This policy shall extend to all Staff of JANA VIKAS and project partners and includes external incidents involving such staff. The Protection Of Sexual Harassment Policy (POSH) of Jana Vikas is a gender-neutral policy. It extends to all women and men staff of organization. The effective implementation of this policy will not be affected by the sexual orientation and or the socio-cultural background of all staff.

This policy shall be in line with the provisions under the legal enactment on the subject that is the 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013', that have come into effect from 9th December, 2013 vide the Gazette Notification of the Central Government, Ministry of Women and Child Development.

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APPLICABILITY:

To all women employees on the rolls of the organization and outsourced personnel working in Jana Vikas premises.

Definitions and examples of sexual harassment

For the purposes of this Policy

- i. "Staff" shall mean any person employed by Jana Vikas including Jana Vikas associates whether full-time, part-time, temporary, voluntary, seconded, contracted or casual and also researchers, trainees, consultants and employees of project partner.
- ii. "NGOs" for the purposes of this policy means any non-governmental organisation operating on a secular non-profit basis and involved in work concerning gender justice.
- iii. "Sexual harassment" includes any unwelcome sexually determined behaviour (whether direct or by implication) such as -
 - a) physical contact and advances either physical and non –physical
 - b) a demand or request for sexual favours
 - c) sexually coloured remarks or conduct of a sexual nature
 - d) showing pornography / graphic descriptions of sexual act
 - e) creating a hostile work environment
 - f) any other unwelcome "sexually determined behaviour" be it physical, verbal or nonverbal
 - g) Verbal abuse or comments that put down people because of their sex.
 - h) Comments about people's body.
 - i) Tales of sexual exploits.
 - j) Pressure for dates.
 - k) Sexually explicit gestures.
 - l) The difference between a friendly behaviour and sexual harassment is that sexual harassment is an unwelcome act.

Explanation 1: “Unwelcome” is the key in defining sexual harassment. It is the impact and effect the behavior has on the recipient. Unwelcome “sexually determined behavior” shall include but not be limited to the following instances:

- a) where submission to or rejection of sexual advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment
- b) decisions; or,
- c) such advances, requests or conduct (whether direct or implied) have the purpose or effect of interfering with an individual’s work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Explanation 2: Creating a “hostile work environment” means

- a) Creating a workplace where Sexual Harassment may go unheeded, where despite complaints no action is taken, where there is nexus between accused/aggressor & higher management, and where complainant is placed under fear, disadvantage or threat of victimization.
- b) It will also mean Retaliation which includes:
 - marginalizing someone in the workplace with regard to his / her roles and responsibilities
 - socially ostracizing
 - intimidating someone physically, psychologically, emotionally or someone close to or related to the victim spreading canard

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PREVENTIVE ACTION AND OBLIGATIONS OF THE COMPANY:

The Organization shall be responsible, among others, for the following:

- Prohibit, prevent and deter commission of acts of sexual harassment;
- Implement the Policy in strict alignment, thus creating a favourable environment.
- Spread awareness of the Policy amongst its employees by providing easy access to the policy through publication, notification and circulation of the same
- Provide fair and impartial procedures for resolution, settlement or prosecution of acts of workplace harassment by taking all necessary steps
- Implementation of recommendations of the Anti-Workplace Harassment Committee). Ensuring that sexual harassment as an issue is raised and discussed at Jana Vikas meetings from time to time.
- Circulation of this policy in English/vernacular and provide to all persons employed by or in any way acting in connection with the work and/or functioning of Jana Vikas.
- Conduct orientation on sexual harassment and addressing complaints to First Instance Persons (FIPs) as well as members of the POSH Cell.
- HR Unit will ensure that the policy is presented to new staff during the time of induction and that the same has been read and understood.” Each staff member during induction will be encouraged to act as an ambassador to spread the message that “sexual harassment has zero tolerance in Jana Vikas”.

5

Protection Of Sexual Harassment Policy

A Protection of Sexual Harassment Policy (POSH) Cell will be constituted by organization for prevention and effective resolution of sexual harassment of any form in the organization.

- a) The Chief Functionary of organization shall assume primary responsibility for effective constitution and functioning of the POSH Cell. It shall be the primary responsibility of the Director to constitute the POSH Cell in consultation with the Board Members and renew its composition on the expiry of its term and to fill up vacancies as and when they may occur.
- b) The POSH Cell shall comprise the following members:
 - ❖ Five persons of whom three shall be women including a Chairperson who shall also be a

- woman; Chairperson should be at least at the level of Senior Manager of Jana Vikas staff.
 - ❖ Two persons selected from organization staff
 - ❖ One member shall be a clinical psychologist if possible
 - ❖ One, third party/NGO representative/lawyer familiar with the issue of sexual harassment;
 - ❖ In addition to the five persons, POSH Cell may also include an advisor or invitee who should preferably be female.
- c) POSH Cell will play a strong preventive and redressal role in maintaining a workplace free from sexual harassment.
 - d) It will be the responsibility of the POSH Cell to groom senior woman leadership in Jana Vikas on POSH Policy matters.
 - e) Membership to the POSH cell shall generally be for a period of three years. Thereafter, new appointments shall be made. At least 2 members and not more than 3 should be retained for continuity. Tenure of a particular member may exceed three years to the extent necessary in order to ensure continuity as mentioned above.
 - f) A member of the POSH Cell shall cease to hold membership should any one of the following conditions arise:
 - ❖ Upon s/he ceasing to be a staff of Jana Vikas, in case the member is Jana Vikas employee.
 - ❖ Any member of the POSH Cell without any valid reason remains absent without permission of the POSH Cell from three consecutive meetings
 - ❖ Any member of the POSH Cell against whom a complaint of sexual harassment, violation of Jana Vikas code of conduct or violating confidentiality or criminal charges are made and prima facie established.
 - g) In the event of any vacancy on the POSH Cell due to resignation, termination, death or for any other reason whatsoever the same shall (within a period of two months of such vacancy) be filled in accordance with the procedures prescribed by this policy.
 - h) Each formal complaint that is received by the POSH Cell, will merit the formation of an Enquiry Committee (EC). In other words, ECs may be constituted on a case-to-case basis.
 - i) The Chairperson of the POSH Cell will be required to present a quarterly report on the activities of the POSH Cell to the Director. Care must be taken not to breach confidentiality in these reports.
 - j) All regular meetings of the POSH Cell shall be fixed by the chairperson through mutual consultation among the members.
 - k) The POSH Cell shall be required to present a yearly Plan & Budget for preventive activities.

6

THE FIRST INSTANCE PERSONS (FIPs):

Though not mandated as per provisions of relevant National Law, designated colleagues will be nominated as First Instance Persons who will act as the first point of contact in the occurrence of any event of sexual harassment in the organization. This will provide colleagues with ease in accessing the policy provisions and also serve as a good practice that may be replicated in other organizations.

FIPs will be nominated by the concerned Unit/Region, after an appropriate process of consultation within Regions/Units.

- FIPs need to have a strong commitment to women's rights and gender equality. They should also understand that complaints of SH are of a sensitive nature and confidentiality of all parties concerned, especially the complainant and accused has to be respected.
- FIPs will need to co-ordinate preventive activities within their Unit / Region to create a Sexual Harassment free atmosphere. The responsibility for ensuring that such activities take place lies with the Management of Jana Vikas.
- FIPs will be responsible for taking steps to ensure that cases of Sexual Harassment in Jana Vikas are brought to the notice of POSH Cell.
- FIPs would be sufficiently trained and capacitated to deal with informal complaints of Sexual Harassment with the report to the POSH Cell.
- The Senior Manager OE of Jana Vikas will in coordination with the Chairperson of the POSH Cell, ensure that at least 2 workshops are held every year to enable FIPs to upgrade their knowledge and skills.
- FIP & the Unit Head have to inform all new staff of POSH Policy.
- The names and contact details of all members of the POSH Cell as well as First Instance Persons (FIPs described below) shall be prominently displayed on the main notice board of all Jana Vikas offices.
- First Instance Persons ("FIP" s) at the various levels of Jana Vikas may provide first instance/ first stage

intervention in case of any complaint of sexual harassment. The POSH Cell shall undertake to impart training to such FIPs to equip them to respond effectively to first instance reports of sexual harassment.

➤ Details of the role of FIPs are given in the section below.

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PROCEDURE OF DEALING WITH COMPLAINTS OF SEXUAL HARASSMENT:

- ❖ If any staff at Jana Vikas believes that he or she has been subjected to sexual harassment, such person (or FIP who may have assisted the complainant or those who have otherwise observed sexual harassment at Jana Vikas) shall have the option to file a complaint with POSH Cell. This may be done in writing or orally. Even if it is done verbally initially, it is always preferable to have the complaint in writing.
- ❖ A complaint may be filed by contacting any one of the members of the POSH Cell. The POSH Cell as well as FIPs will also be available to discuss any concerns staff may have and to provide information about Jana Vikas policy on sexual harassment and the complaint process.
- ❖ Informal complaints of SH may be made to the FIP within the Unit / Region or directly to the POSH Cell or any of its members as stated above.

➤ INFORMAL WAY OF DEALING WITH COMPLAINTS: -

- An informal approach to resolve a complaint of sexual harassment can be through mediation between the parties involved and by providing advice and counselling on a strictly confidential basis. The procedures though less stringent than formal procedures will be conducted in the full spirit of this policy document.
- The case will be taken up for investigation at an informal level by the FIP or a member of the Enquiry Committee in a confidential manner. The matter will be reviewed and the alleged offender will be approached with the intention of resolving the matter in a confidential manner.
- If the incident or the case reported does constitute sexual harassment of a higher degree the member will suggest taking it up for disciplinary action or with the agreement of the complainant, the case can be taken as a formal complaint.
- Once such complaints are dealt with, the FIP must inform the POSH Cell.
- The choice whether to deal with the complaint in the informal way or through the formal mechanism (whether the case constitutes sexual harassment of a higher or lower degree) should depend entirely on the complainant.

➤ FORMAL COMPLAINTS OF SEXUAL HARASSMENT: -

All formal complaints of Sexual Harassment have to be referred to the POSH Cell by the FIP

- ❖ Based on the provisions of the 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013', Jana Vikas POSH Chair will constitute an Internal Complaints Committee, whenever a formal complaint of sexual harassment is received in order to conduct an enquiry.
- ❖ The Chairperson of POSH cell will be the presiding officer of the ICC.

➤ PROCESS OF INQUIRY

- The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The ICC/ Enquiry Committee (EQC) will be set up immediately after receiving the formal complaint of sexual harassment.
- The ICC/EQC has to investigate and submit report to POSH Cell within 6 weeks. The POSH Cell will have to decide on recommendations and forward it to Director/Assistant within 2 weeks of receiving report from EQC.
- In case of exceptional circumstances, the time limit for investigation may be extended by the POSH Cell. The POSH Cell has to inform the Director, who will then inform both the complainant and accused.

- Upon receiving a formal complaint, the Committee shall ask the complainant to prepare a detailed statement of incidents if written complaint is sketchy. A statement of allegations & witnesses (as far as possible to mention names) will be prepared by the Committee in consultation with the complainant.
- A copy of the complaint carrying the statement of allegations, supporting documents & names and addresses of the witnesses will be shared with the respondent within a period of seven working days or earlier, by the ICC.
- The respondent will be asked by the ICC, to submit to the ICC, a reply to the Complaint along with the respondent's list of documents & names and addresses of witnesses within a maximum period of 10 working days from the date of receipt of the complainant's complaint & documents by the respondent.
- The ICC will have the right to terminate the inquiry proceedings if the complainant or the respondent fails to be present without sufficient cause for three consecutive hearings convened by the Chairperson of the ICC. However, the aforesaid order to terminate the inquiry proceedings decision will not be passed without giving a notice in writing at least 15 days in advance to party/parties concerned.
- The statements and other evidence obtained in the inquiry process will be considered confidential materials.
- An officer in the organization could be designated to provide advice and assistance to each party if requested by either of them. Similarly, the complainant and the accused, will have the right to be represented or accompanied by a member of staff of Jana Vikas a friend or a colleague.
- The parties concerned will not be allowed to bring in any legal practitioner to represent them in their case at any stage of the inquiry proceedings before the ICC.
- The Committee will organize verbal hearings with the complainant and the accused.
- The Committee will take testimonies of other relevant persons and review the evidence whenever necessary. Care should be taken to avoid any retaliation against the witnesses by giving necessary protection.
- The Committee will take its decision after carefully reviewing the circumstances, evidence and relevant statements in all fairness.
- If the accused, being provided fair opportunity to participate in the inquiry and defend him/herself fails to participate in the inquiry, the Committee may conduct the inquiry expert.
- The Committee will ensure confidentiality during the inquiry process.
- In the course of investigating any complaint of sexual harassment, the POSH Cell shall ensure that the principles of natural justice are adhered to namely: -
 - ✓ Both parties shall be given reasonable opportunity to be heard along with witnesses
 - ✓ and to produce any other relevant documents before the POSH Cell;
 - ✓ Upon completion of the investigation, both parties, will be informed of the results of the investigation.
- Documents which form part of the official record shall also be given to the complainant if need be.
- The ICC shall be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that victims or witnesses are neither victimised or discriminated against while dealing with a complaint of sexual harassment. In this regard the POSH Cell shall also have discretion to make appropriate interim recommendations vis-à-vis an accused person pending the outcome of a complaint including suspension, transfer, leave, change of office etc. The complainants should have the option to seek transfer of the perpetrator or seek his/her own transfer.
- In the event, the ICC determines that sexual harassment has occurred, it will make appropriate recommendations as to necessary action to be instituted to remove the offensive conduct and, where appropriate, to institute disciplinary action. The complainant's views may be taken into consideration for this purpose.
- Given that Jana Vikas views any finding of sexual harassment a serious violation of human rights, if it is determined that inappropriate conduct has been committed by a staff, appropriate action will follow under the circumstances. Such action may range from counselling to termination from employment, and may include such other forms of disciplinary action the ICC deems appropriate under the circumstances. The ICC will be guided by HROD procedures for disciplinary action within Jana Vikas.
- If the aggressor is guilty of serious sexual harassment or has repeatedly (second time) committed acts of SH then s/he will be dismissed. In appropriate cases s/he may also be required to pay monetary compensation. If the offence is of the serious nature (which involves challenging modesty of the complainant or any kind of molestation), then the complaint shall be lodged under Section 354 of the IPC with the consent of the complainant.

- Sexual harassment by line managers or by colleague senior to the victim, then such acts will be considered to be very serious and will attract higher penalties.
- Interim relief to the woman will be assured under all circumstances.

8

SEXUAL HARASSMENT AND JANA VIKAS PARTNERS:

Jana Vikas is responsible for ensuring that its partners have a commitment to a Sexual Harassment free working atmosphere within their organizations i.e. the partner organizations. While respecting the autonomy of the partner organization, Jana Vikas will play a facilitating role within the partner organization, by:

- Creating a Sexual Harassment free climate
- Helping in the formation of POSH Cell
- Ensuring that complaints of SH are heard and investigated.

In the case where a staff of Jana Vikas has made an allegation of sexual harassment against a member of a Partner, Jana Vikas POSH Cell will constitute the ICC/EQC on which the Partner will be given the option to be represented.

In the case where a staff of the Partner has an allegation of sexual harassment against a member of the Partner, the POSH Cell will support the Partner itself to set-up the necessary EC and resolve the matter.

9

THIRD PARTY HARASSMENT:

Where SH occurs as a result of an act or omission by any third party or outsider, Jana Vikas will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action as prescribed by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013'.

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STATUTORY COMPLIANCE / MANAGEMENT OBLIGATIONS:

1. Management of Jana Vikas shall provide all necessary assistance for the purpose of ensuring full, effective and prompt implementation of this policy. It shall further be bound by the decisions of the POSH Cell and shall implement the same expeditiously.
2. The support to be provided to POSH Cell includes: -
 - ❖ Secretarial and administrative support for training and other preventive actions.
 - ❖ Helping to set up EQCs
 - ❖ Secretarial support during SH enquiries
 - ❖ Adequate financial resources for all activities
 - ❖ Time planning for members of POSH Cell, especially Jana Vikas staff
 - ❖ Prompt / timely action based on the recommendations of the POSH Cell
 - ❖ Proper fund allocation to support (related to) the Enquiry Committee.
3. The responsibility for preventive activities (regarding SH) rests with the Management of Jana Vikas.
4. The responsibility of taking prompt action on POSH Cell recommendations lies with the Director of Jana Vikas. Recommendations of the POSH Cell shall be binding on the Director. However, if the Director has a difference of opinion, he/she may ask the POSH Cell to review its decision. The final decision will, however, be that of the POSH Cell. Action on POSH Cell recommendations should be taken within 2 weeks of the recommendation being made and reported back in four weeks to the POSH Cell.

5. Jana Vikas is expected to provide adequate protection to POSH Cell and Enquiry Committee members in case of threats and any retaliation. Support and protection must also be provided (by Management) if matters go to Court. Management should in all cases defend the POSH cell & the complainant.
6. Jana Vikas Management will actively assist and do all that is necessary to ensure the safety of a complainant in the office premises or otherwise in respect to any duties/activities performed in connection with her work, which take place outside office premises.
7. Jana Vikas Management has to ensure that the POSH Cell and Enquiry Committee retain their autonomy and may work unhindered.
8. The provisions of this policy shall not restrict the powers of the Management or the complainant to proceed against the alleged offender for any other misconduct or other legal remedies.

10 **CONCLUSION:**

Jana Vikas is committed to providing a safe environment conducive to the growth and development of its all employees the organization strives to provide equal opportunities at employment, devoid of gender-based discrimination, coercion, intimidation or exploitation.



**Don't be an
Accomplice to Sexual Violence.
Report it, Fight it.**