



Policy on Prevention, Prohibition and Redressal of Sexual Harassment at the Workplace

Society For Promotion of Area Resource Centers (SPARC)

April 2024

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1. INTRODUCTION AND OBJECTIVE

SPARC (Society for Promotion of Area Resource Centers) strives to create and maintain a healthy, safe and productive work environment, free from discrimination and harassment at all its affiliated workplaces and at places visited by its members in connection to its work. SPARC strives to provide equal opportunity and a harassment free workplace to all members without regard to race, caste, religion, color, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin or disability. SPARC is committed to creating a safe and conducive work environment that enables members to work without fear of prejudice, gender bias and Sexual Harassment.

All Members are expected to uphold the highest standards of ethical conduct at the Workplace and in all their interactions with business stakeholders including clients. This means that they have a responsibility to, inter alia:

- Treat each other with dignity and respect,
- Follow the letter and spirit of law,
- Refrain from any unwelcome behavior that has sexual connotation (of sexual nature),
- Refrain from creating a hostile atmosphere at Workplace via Sexual Harassment, and
- Report Sexual Harassment experienced and/or witnessed to appropriate authorities and abide by the complaint handling procedure of SPARC.

The Sexual Harassment of Women (Prevention, Prohibition and Redressal) Act 2013 was enacted to provide protection against sexual harassment of women at workplace and for preventing and addressing complaints of sexual harassment. SPARC acknowledges its legal responsibility to provide a safe working environment free from sexual harassment and discrimination for all its women members through the functioning of its Internal Committee for the prevention, prohibition and redressal of sexual harassment.

Accordingly, this Policy Against Sexual Harassment at the Workplace has been framed with the intention of preventing and prohibiting and providing redressal of Sexual Harassment at the Workplace. SPARC's zero-tolerance commitment to sexual harassment at workplace is communicated through



this policy and extends to provide for a safe and harassment free working environment for all its members.

This policy defines sexual harassment and provides a framework to engage with complaints of sexual harassment. Further, the policy enforces strong disciplinary action in face of any occurrence.

Enforcement of Policy:

All complaints of sexual harassment against members of SPARC will be taken seriously and dealt with promptly. All investigations will be conducted thoroughly and professionally. Accurate records of the investigation and the findings will be maintained. Members who file complaints will not face retaliation.

Anyone violating this policy will be subject to disciplinary action commensurate with the action as mentioned in the Code of Conduct.

SPARC recognizes and respects the confidentiality and privacy of individuals reporting or of the respondent to the extent reasonably possible.

2. SCOPE AND COVERAGE

The provisions of this policy are applicable to:

- All members (irrespective of sex and/or gender) of SPARC, regardless of the nature of their contract, location and/or duration of employment or position in the organization
- All persons whether working full-time, part-time, temporary, casual, contractual, those appointed as consultants and all others drawing a salary/honorarium/payment from SPARC
- Interns and volunteers during their association with the organization
- Individuals who are on deputation from other organisations, visiting students or faculty
- All partners, clients, visitors to any of the SPARC offices and its affiliated offices as guests, participants to all events (workshops, seminars, conferences, meetings, trainings) which have been hosted, sponsored, partnered or organized by or in collaboration with SPARC



Strict action under this policy will be initiated in cases where any members of SPARC is subjected to sexual harassment by any of the above OR if any of the above is subjected to sexual harassment by a member of SPARC, inside or outside the office. This policy mandates immediate action to protect the aggrieved and initiate action through the redressal mechanism.

Note: All members should take special note that, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unacceptable and will be actionable.

3. DEFINITIONS

3.1. Sexual Harassment

“Sexual Harassment” spans a wide range of actions and behaviours. Whether or not a particular action or behaviour constitutes sexual harassment is determined by the effect it has had on the recipient. The term has been defined by the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal), Act 2013, as any unwelcome sexually determined behaviour, which could be all or any one of the following:

Physical contact

A demand or request for sexual favours

Sexually coloured remarks

Showing pornography

Any other physical, verbal or non-verbal conduct of a sexual nature.

3.2. Sexual Harassment at Workplace

“Sexual Harassment at Workplace” is determined with the presence or occurrence of the following:

- Implied or explicit promise of preferential treatment in employment;
- Threat of detrimental treatment in employment;
- Threat about present or future employment status;
- Interference with work or creating an intimidating or offensive or hostile work environment; or



- Humiliating treatment likely to affect health or safety.

Sexual harassment is a violation of human rights as defined by the Constitution of India through Article 14, 15, 21 and 19 (1)(g).¹

3.3. Workplace

“Workplace” consists of any place where working relationships between colleagues exist, going beyond the physical boundaries of the primary workplace or office building. It includes all premises, locations, offices and/or branches owned, controlled, or those being used for a limited period by SPARC. All places visited during employment, including the use of transportation and accommodation provided by SPARC.

3.4. Member

“Member” means a person engaged with SPARC for any work on permanent, temporary, part time, ad hoc or daily wage basis, either directly or through an agent, including a retainer, a contractor, with or without the knowledge of the principal retainer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of engagement are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

4. PREVENTION OF SEXUAL HARASSMENT

- 4.1. All new members will be made aware of this policy during induction
- 4.2. It is mandatory for all members to attend the POSH training that will be organised annually
- 4.3. It is mandatory for all IC members to attend a training to be conducted by an external consultant annually
- 4.4. Information on IC members will be displayed in all prominent places
- 4.5. It is the responsibility of all members to discourage sexual harassment by:

¹ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed by the Lok Sabha and the Rajya Sabha on 3 September 2012 and 26 February 2013 respectively and notified on 23 April 2013. It recognizes that sexual harassment results in the violation of a woman's fundamental right to equality under Articles 14, 15 and 21 - which provide for equality under the law, prohibition of discrimination on grounds of religion.



- 4.5.1. Refusing to participate in any activity which constitutes sexual harassment.
- 4.5.2. Supporting the person to reject unwelcome behavior
- 4.5.3. Acting as a witness if the person being harassed decides to lodge a complaint
- 4.6. It is the responsibility of all managers to prevent sexual harassment and report to the IC should they see, hear or are privy to such information
- 4.7. Detailed records of all trainings will be maintained in a designated cloud space or office file.

5. PROCEDURE OF FILING COMPLAINTS

- 5.1. If any member of SPARC has been subjected to sexual harassment, such person may file a complaint with the Internal Committee (IC) within 90 days of the occurrence of the incidence and an additional 90 days from the last time that the incident occurred.
- 5.2. A complaint may be filed by contacting any one of the members of IC verbally or in writing or by sending an email to **sparcicc@gmail.com** . IC members will extend support for writing the complaint should there be any difficulty in doing so.
- 5.3. IC members will also be available to discuss any concerns members may have and to provide information about SPARC's Anti Sexual Harassment Policy.
- 5.4. In such event that the case may be against any of the IC members, the aggrieved may speak directly to the Presiding Officer of IC or the CEO of SPARC.
- 5.5. If the aggrieved is unable to lodge the complaint on account of their incapacity, the following may do so on their behalf, with written consent.
 - 5.5.1. Legal heir, relative or friend
 - 5.5.2. Co-worker
 - 5.5.3. Any person having the knowledge of the incident

6. INVESTIGATION PROCESS

While investigating any complaint of sexual harassment, the IC shall ensure that the principles of natural justice are adhered to, namely:



- 6.1. Both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before IC
- 6.2. Upon completion of the investigation (90 days), both parties will be informed of the results of the investigation and a copy of the report will be provided within 10 days of its completion.

Confidentiality will be strictly maintained during the investigation of all complaints. IC shall be empowered to do all things necessary to ensure a fair hearing of the complaint including ensuring that the aggrieved, respondent and the witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. Both parties shall receive equal opportunities of cross examination during inquiry. IC shall also exercise its 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. Interim action may also include counselling if so desired. The request to do so must be initiated by the aggrieved.

7. DISCIPLINARY ACTION

The specific action taken in any particular case depends upon the nature and gravity of the conduct reported. IC will be guided by the code of conduct of SPARC in this regard.

Note: Sexual harassment by line managers or by colleague senior to the aggrieved will be considered to be more serious and will attract higher penalties.

8. EXCEPTIONS

Any exception to this Policy requires the approval of Board of Trustees of SPARC.

9. AMENDMENTS

The Board of Trustees of SPARC reserve the right to amend the Policy from time to time to comply with any laws / rules / regulations that come into



effect from time to time, related to Sexual Harassment. The latest version of the Policy including the composition of the Internal Committee (IC)s is available on SPARC's website.

10. EXTENSION OF THIS POLICY TO SSNS

SSNS or SPARC Samudaya Nirman Sahayak is a section 8 not for profit company set up by SPARC and engages a small team (less than 5 persons) of staff members, and a small floating number of consultants hired for specific activities from time to time. SSNS staff members, consultants and volunteers therefore can submit their grievance to SPARC ICC and will be covered by this POSH policy. SSNS will create its own policy and an ICC once the long-term team strength extends beyond 10 persons.

11. INTERNAL COMMITTEE

NAME AND DETAILS OF THE INTERNAL COMMITTEE MEMBERS:

POSITION	NAME	PHONE NUMBER
PRESIDING OFFICER	MARIA ALECKAL	9322475932
MEMBER	ASEENA VICCAJEE	9820951260
MEMBER	VINODKUMAR RAO	9920795842
MEMBER	MALTI AMBRE	9870504588
EXTERNAL MEMBER	NANDITA PRADHAN	9910048333
IC EMAIL ID: sparcicc@gmail.com		

NAME AND DETAILS OF THE STATE FOCAL LEADS:

STATE	NAME	PHONE NUMBER
Maharashtra	Malti Ambre	9870504588
Odisha	Noyona Das	6371955612
Karnataka	TBA	
Andhra/Telangana	TBA-MM4	
Tamil Nadu	TBA-MM5	
Gujarat	Banuben Ansar	9510133657



12. SEXUAL HARASSMENT REDRESSAL PROCEDURE

- 12.1. Detailed written complaint to be submitted as per the format
- 12.2. Committee to provide opportunity for conciliation between parties, on request of the aggrieved
 - 12.2.1. The conciliation process to be completed within 2 weeks of initiation
 - 12.2.2. If a resolution through the conciliation is arrived at, the same will be documented
 - 12.2.3. The resolution to be forwarded to the Director within 1 week of completion. A copy of the settlement is to be provided to both the parties.
- 12.3. In case a conciliation is not opted for, formal inquiry will be initiated.
 - 12.3.1. Inquiry to be completed within 90 days from the date of enquiry
 - 12.3.2. A copy of the complaint to be sent to the complainant to be sent to the respondent within 7 days of the initiation of the inquiry
 - 12.3.3. The respondent to respond in writing within 10 days of receipt of the complaint
 - 12.3.4. Findings of the inquiry to be submitted to the Director for taking recommendation within 10 days
 - 12.3.5. The Director to implement the recommendation within 60 days
 - 12.3.6. The action taken to be shared with both parties, along with copies of the report.
 - 12.3.7. Both parties may appeal to the committee within 90 days of receipt of the report and action.



Sexual Harassment Incident Reporting Form

This format should be used by the aggrieved to lodge a complaint of sexual harassment at the workplace *(Any information/details provided by the aggrieved individual shall be accessible to the IC only)*

Name of the IC member (in-charge of reporting):

Date and Location (filling out the form):

Details of the Aggrieved:

Name	
Age	
Designation and Job Location	
Contact Number	
Address	

Details of the respondent:

Name	
Age	
Designation and Job Location	
Contact Number	
Address	

Details of the Incident:



Description of the incident (*date, time, place, witness(es)*)

Evidence supporting the incident (if any)

Provide evidence of the incident, if any (attach the same with the reporting form)

Action taken by the IC

Action taken by the IC

Signature of the aggrieved

Signature of the Presiding Officer/IC member

Date:

____/____/____

Date:

____/____/____