A Matter of Mutual Respect and Dignity

PREVENTION OF SEXUAL HARASSMENT AT THE WORKPLACE

* This policy has been prepared based on “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” as applicable.
1. INTRODUCTION

The Wildlife Conservation Trust (herein after referred to as ‘WCT’) is committed to providing a safe and respectful work environment to its employees that enable employees to work without fear of prejudice, harassment, or any forms of intimidation or exploitation. The organisation also believes that all employees have the right to be treated with dignity.

WCT does not support discrimination of individuals on the basis of race, colour, gender, age, national origin, religion, sexual orientation, marital status, citizenship or disability.

WCT strictly prohibits sexual harassment at the workplace. WCT treats sexual harassment as gross misconduct under the organisational service rules, and action, including action as required under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 will be initiated appropriately for such misconduct. It is required that all employees, contractors, consultants, etc. associated with WCT deal with their colleagues and third parties with full fairness, respect, and dignity.

To institute this both in spirit and in letter, WCT shall aim to conduct regular sensitisation sessions on sexual harassment and POSH training sessions for all its employees, and undertake activities that ensure the creation of safe and healthy working environment for all its employees. Further, this policy document shall act as a guide for all employees.

WCT shall update this policy on a regular basis to reflect any changes in law or management policy with regards to the prevention, prohibition and redressal of sexual harassment at the workplace.

2. PURPOSE OF THE POLICY

To provide protection against and for the prevention of sexual harassment at the workplace; and for setting out the procedure for redressal of complaints of sexual harassment and for matters connected therewith.

3. APPLICABILITY OF THE POLICY

This policy applies to all persons, irrespective of gender, age, and position, who are engaged in any capacity with WCT’s workplace. This policy will also apply to all the women who are covered by definition in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

This policy is applicable in the office premises, or any place visited by an employee arising out of work such as work-related travel, and also applies when employees work from home. If an employee is sexually harassed by a third party or outsider while on official duty, WCT will take necessary and reasonable steps within its capacity to assist and support the Aggrieved Employee (as defined in section 5.1 below) in taking action under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

This policy will come into force with immediate effect.
4. KEY CONCEPTS

4.1 SEXUAL HARASSMENT:

As per 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:

a. Physical contact and advances; or
b. A demand or request for sexual favours; or
c. Sexually coloured remarks; or
d. Showing pornography; or
e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Such conduct can be humiliating, offensive, and may constitute an unsafe and unhealthy work environment.

4.2 TYPES OF SEXUAL HARASSMENT:

a. Quid pro quo (meaning “this for that”): Under this form of harassment, a person or authority, usually the superior of the victim or someone who has direct control over the working conditions of the victim demands sexual favours for getting a job benefit (e.g. an increment, promotion, etc.) and threatens to not extend benefits to the employee if sexual favours are not provided. In other words, implied or explicit promise of preferential treatment in employment or implied or explicit threat of detrimental treatment in employment or implied or explicit threat about the present or future employment status will amount to quid pro quo sexual harassment.

b. Hostile work environment: This arises when a person creates an unsafe work environment through the use of unwanted/offensive means, which include:

• Verbal - includes sexual words and other sexual/suggestive comments.
• Non-verbal - includes gestures or written/video/photo offensive material and making offensive sounds.
• Conduct - includes intentional touching of the body and inappropriate display of the body.

This interferes with an employee’s job performance or creates a workplace atmosphere which is intimidating, hostile, offensive or humiliating. In other words, among other circumstances, if it occurs or is present in relation to or connected with any of these acts like interference with the employee’s work, or creating an intimidating or offensive or hostile work environment for the employee, or humiliating treatment likely to affect the employee’s health or safety, these acts will amount to sexual harassment.
5. KEY DEFINITIONS

5.1 Aggrieved Employee means an employee of any gender, age, or status of employment with WCT (permanent, temporary, contracted, probationary, ad-hoc, consultant, intern, trainee, daily-wage worker, volunteer, etc.), who alleges to have been subjected to any act of sexual harassment by the Respondent (as defined in clause 5.6 below) at the WCT workplace.

5.2 Aggrieved Person means a person of any gender or age who alleges to have been subjected to any act of sexual harassment by the Respondent at the WCT workplace.

5.3 Complainant means the Aggrieved Person/Employee who makes a formal complaint of sexual harassment, or any person who has made such complaint on behalf of the Aggrieved Person/Employee.

5.4 Internal Committee (IC) means a committee constituted by WCT under the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, for addressing sexual harassment complaints made by Aggrieved Person/Employee.

5.5 Local Committee (LC) means a committee constituted by the Government at the District Level to receive complaints of sexual harassment from establishments where the IC has not been constituted due to having less than ten employees or if the complaint is against the employer itself.

5.6 Respondent means a person against whom a complaint of sexual harassment has been made by the complainant.

5.7 Workplace includes:
   a. Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit, which is established, owned, controlled or wholly or substantially financed by funds provided by WCT.
   b. Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

6. POWERS OF THE INTERNAL COMMITTEE

As per law, the Internal Committee (IC) has the same powers as that of a Civil Court under the Code of Civil Procedure, 1908. Hence, for the purpose of an inquiry of a sexual harassment complaint, the IC can:

1. Summon and enforce the attendance of any person and examine the person on oath.

2. Ask for production and/or discovery of document

3. Give ex parte decisions and/or grant interim relief

4. Recommend actions to be taken against a respondent found guilty of sexual harassment

As prescribed by law, WCT has formed an IC for handling and addressing any complaints of sexual harassment. Details of the WCT IC members are attached in Annexure A of this policy.
7. IF YOU ARE SEXUALLY HARASSED

If you believe you have been subjected to sexual harassment at the workplace committed by anyone, including visitors or other non-employees, you should do the following:

7.1 Personally, inform the offender that the behaviour is unwelcome and ask that it is stopped immediately.

7.2 Keep a record of incident(s) (dates, times, locations, possible witness, what happened, your response). It is helpful and necessary to have a record of events; since such a record can strengthen your case and help you remember the details over time. While submitting your written complaint, it is necessary to have all details and all possible evidences attached to the complaint.

7.3 If, after informing the offender to stop the behaviour, the harassment continues, report the matter to the IC constituted as per law to address sexual harassment complaints.

7.4 Such a complaint should be made in writing and should include a clear, chronological and detailed list of the incident(s), witnesses and evidences. The written complaint should be submitted to the IC within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. The IC, at its sole discretion, is empowered to grant extensions if the circumstances are deemed justified.

7.5 If for whatever reasons, the Aggrieved Person/Employee cannot file the complaint, a legal guardian or a legal heir can also file a written complaint with the due letter of authority. Further, the Members of the IC or the Chairperson shall render all reasonable assistance to the Aggrieved Person/Employee to make a complaint.

7.6 Once the Complainant has made a complaint in writing, it is necessary for the Complainant as well as all persons called upon to give evidence and the members of the IC to maintain strict confidentiality about the complaint. All those involved in the process of inquiry initiated upon such a written complaint will also be required to sign a confidentiality agreement.

8. COMPLAINT REDRESSAL PROCESS

Any complaints received in accordance with clauses 7.2 and 7.4 of this policy will be addressed as per the process laid down in this policy. In keeping with WCT’s obligation to conduct a fair and thorough inquiry and to take appropriate corrective action, complaint(s) of sexual harassment will be treated immediately and fairly.

8.1 It is the obligation of all employees to report sexual harassment faced by them in writing. Once the complaint is received, it will be kept strictly confidential and will be dealt with confidentially.

8.2 Once the complaint is received, the IC will inform the respondent within seven working days of receiving such written complaint, that a complaint has been filed against the respondent and that no unfair acts of retaliation or unethical action will be tolerated. The respondent will be given 10 working days to submit a reply in writing, along with witnesses and documents.

8.3 In the circumstance that the respondent is a member of the IC, this IC member will be required
to step down from their role on the IC and will be replaced by another qualified person from within WCT. In the circumstance that the respondent is the Employer (i.e. from within the Management of WCT), the complaint will be forwarded to the LC and the timelines followed by it shall be same as that prescribed for the IC. However, as dictated by law, this transfer of case to the LC is applicable only when the complaint is received from or on behalf of an aggrieved female employee. If the complaint is received from an Aggrieved Employee of any other gender, the complaint will stay with the IC and the timelines followed may be flexible.

8.4 Before initiating an inquiry, the IC may consult with the Aggrieved Person/Employee and take steps to settle or reconcile the matter between the Aggrieved Person/Employee and the Respondent. However, strictly no monetary settlement shall be made a part of this reconciliation. When a settlement is arrived at, the IC will record the statement and forward the same to the WCT management, copies of which will also be given to the Aggrieved Person/Employee and the Respondent. Once a settlement has been arrived and reported, no further inquiry shall be conducted by the IC.

8.5 If the Aggrieved Person/Employee informs the IC that any term of condition of the settlement arrived upon has not been complied with by the respondent or WCT management, the IC shall proceed to make an inquiry into the complaint, including by forwarding the complaint to the police as the case may be.

8.6 Where no settlement is arrived pursuant to clause 8.3 above, the IC shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent. In addition, the IC shall, if a prima facie case exists, forward the complaint to the police, within the period of seven days [from such determination] for registering the case under section 509 of the Indian Penal Code.

8.7 The IC will begin the inquiry by separately questioning both the Complainant and the Respondent with a view to ascertain the veracity of their contentions.

8.8 Inquiry under this policy will be held, as far as possible, at a neutral location in order to ensure that confidentiality of the inquiry and all its participants is maintained. As prescribed under law, witnesses summoned by the IC will also have to make themselves available at such location to enable the IC to carry out the inquiry.

8.9 During the pendency of such inquiry, the IC in its sole discretion may recommend interim relief for the complainant to the employer as follows:

- Transfer the Aggrieved Employee or the Respondent to any other workplace department.
- Grant leave to the Aggrieved Employee up to a period of three months.
- Take any other action as the IC may deem fit.

8.10 The IC will make such a recommendation (as mentioned in 8.9) after considering the necessity for taking such an action; if a prima facie case of sexual harassment exists; and if the medical condition of the Aggrieved Employee so requires, as certified by competent medical authority. It will also depend upon the extent of damage it can cause and looking at severity of the incidence.
8.11 The IC shall complete the inquiry within 90 days and make a detailed report within 10 days of completing the inquiry. The IC shall submit this report to the WCT management with the following:

a) Background of the complaint
b) Documented testimony of the complainant and the respondent.
c) Evidences gathered/recorded.
d) Findings of the Inquiry.
e) Recommended action.

8.12 After completing an inquiry, if the IC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the WCT Management that no action be taken in the matter.

8.13 If the IC arrives at the conclusion that the allegations against the respondent have been proved it shall recommend to the WCT Management, as the case may be, the following:

• To take action for sexual harassment as misconduct in accordance with the provisions of the service rules applicable to the respondent including dismissal.

• To deduct from the respondent’s salary or wages that may be considered appropriate to be paid to the aggrieved employee as prescribed under the law.

• To make any other recommendations as the IC deems fit.

8.14 The Complainant and the Respondent shall be informed of the outcome of the inquiry.

8.15 Upon receipt of the report, The WCT Management, as required by law, shall implement the recommendations of the IC within 60 days of receiving the recommendations.

8.16 Notwithstanding anything contained in the Right to Information Act 2005, the contents of the complaint made, identity, addresses of the Aggrieved Person/Employee, Respondent and witnesses(es), any information relating to conciliation and inquiry proceeding, recommendations of the IC shall not be published, communicated or made known to the public. This will amount to breach of the policy by law.

8.17 If the Aggrieved Person/Employee or the Respondent wishes to appeal against recommendations made by the IC or the non-implementation of such recommendations by the employer, an appeal can be made to the appropriate Court or Tribunal within 90 days of the IC giving its final report and recommendations. Appeals can be made only with regards to specific recommendations made by the IC. For example:

• No sanctions/sanctions of misconduct or deductions of wages.

• False/malicious complaints or false witnesses or forged documents.

• Penalty for contravening the non-disclosure guidelines of the Act.
9. FALSE OR MALICIOUS COMPLAINT

This policy has been evolved as a tool to ensure that in the interest of justice and fair play, employees have a forum to approach in the event of sexual harassment. However, if on inquiry by the IC it is concluded that the complaint was made with a malicious intent or the Aggrieved Person/Employee or the Complainant has made the complaint knowing it to be false, forged, or a misleading document submission and with the motive of maligning the concerned Individual / tarnishing the individual’s image in the organisation and to settle personal/professional scores, strict disciplinary action will be taken against the complainant. In this context, mere inability to substantiate a complaint or provide adequate proof may not attract action against the complainant.

If in case the IC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to take action in accordance with the provisions of the service rules applicable to the said witness.

10. PROTECTION AGAINST RETALIATION

WCT prohibits retaliation of any sort regardless of the outcome of the complaint against a person who has reported a concern, brought a complaint, cooperated in the inquiry of a complaint, or because a person is closely associated with an individual who has raised a complaint.

The organization while dealing with complaints of Sexual Harassment shall ensure that the Complainant or the witness are not victimized or discriminated against by the respondent. The Complainant should report any unwarranted pressures, retaliatory or any other type of unethical behaviour from the respondent while the investigation is in progress to the IC as soon as possible. The IC will take disciplinary action against the respondent if any complaint of retaliation made against the respondent is found to be genuine.
### Details of the Members of WCT's IC-Mumbai

<table>
<thead>
<tr>
<th>No.</th>
<th>Post of Committee Members</th>
<th>Employee Name</th>
<th>Surname</th>
<th>Mobile Number</th>
<th>E-mail id</th>
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<tbody>
<tr>
<td>1</td>
<td>Presiding Officer</td>
<td>Samyukta</td>
<td>Chemudupati</td>
<td>9000846677</td>
<td><a href="mailto:samyukta@wctindia.org">samyukta@wctindia.org</a></td>
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<tr>
<td>2</td>
<td>Member</td>
<td>Aniket</td>
<td>Bhatkhande</td>
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<td>External Member</td>
<td>Aparna</td>
<td>Khandwala</td>
<td>9820915899</td>
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<td><a href="mailto:aparna@yellowspark.in">aparna@yellowspark.in</a></td>
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## Important Timelines related to Inquiry into Complaints of Sexual Harassment

<table>
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<tr>
<th>No.</th>
<th>Activity</th>
<th>Timeline</th>
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<tr>
<td>1</td>
<td>Submission of written complaint by complainant to IC</td>
<td>Within three months from last incident. Extensions can be granted upon sole discretion of the IC</td>
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<tr>
<td>2</td>
<td>Informing the respondent about the written complaint</td>
<td>Within seven working days of receiving written complaint</td>
</tr>
<tr>
<td>3</td>
<td>Reply by respondent</td>
<td>Within 10 working days of being informed</td>
</tr>
<tr>
<td>4</td>
<td>Completion of inquiry by IC</td>
<td>Within 90 days from receipt of complaint</td>
</tr>
<tr>
<td>5</td>
<td>Submission of report by IC</td>
<td>Within 10 days from completion of inquiry</td>
</tr>
<tr>
<td>6</td>
<td>Implementation of recommendations made by IC</td>
<td>Within 60 days from receipt of report from IC</td>
</tr>
<tr>
<td>7</td>
<td>Appeal against recommendations made by IC or the non-implementation of such recommendations to a Court or Tribunal</td>
<td>Within 90 days from receipt of report from IC</td>
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**ANNEXURE C**

Revision History

<table>
<thead>
<tr>
<th>No.</th>
<th>Particulars</th>
<th>Activity</th>
<th>Date</th>
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<tr>
<td>1</td>
<td>POSH Policy</td>
<td>Into effect</td>
<td>August 8, 2014</td>
<td>Anish Andheria</td>
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<td>2</td>
<td>Revision to policy</td>
<td>Deletion of ‘Complaints’ from ‘Internal Complaints Committee’ as per revision to policy</td>
<td>June 2, 2017</td>
<td>Anish Andheria</td>
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<td>3</td>
<td>Revision to policy</td>
<td>Change of Committee list as per Mumbai City Collectorate order dated 23/03/2017</td>
<td>July 15, 2019</td>
<td>Anish Andheria</td>
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<td>4</td>
<td>Revision to policy</td>
<td>Change of External Member, Update of policy</td>
<td>December 16, 2020</td>
<td>Anish Andheria</td>
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