

Harassment Committee:

1.Definitions:

- a) “accused” means an employee or employer of an organization against whom complaint has been made under this Act.
- b) “Code” means the Code of Conduct as mentioned in the Schedule to this Act.
- c) “Competent Authority” means the authority as may be designated by the management for the purposes of this Act.
- d) “Complainant” means a woman or man who has made a complaint to the Ombudsman or to the Inquiry Committee on being aggrieved by an act of harassment.
- e) “Employee” means a regular or contractual employee whether employed on daily, weekly, or apprentice.
- f) “Employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whosoever.
- g) “Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;
- h) “management” means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;
- i) Organization means all SKANS entities i.e. SKANS Schools, Colleges ,Head office and any other entity.
- j) “workplace” means all SKANS School , colleges , Head office and any other entity.

2.Inquiry Committee : It means the Inquiry Committee established under provisions of this ordinance

- a) The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee . A Chairperson shall be designated from amongst them.
- b) In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case.

3.Procedure of Holding the inquiry

- a) Manager HR will within same day inform information regarding an incident received to the Executive Director, Admin and HR and to the Chairman of Harassment Committee.
- b) A meeting of the Harassment Committee will be schedule within 4 working days after the approval of the Chairman of Harassment Committee.

- c) The minimum quorum of the Harassment Committee is 3 members. In the absence of the Chairman of Harassment Committee Vice Chairman will chair the Committee.
- d) The Harassment Committee has full rights to investigate and call upon any employee of the company and any external expert or witness for assistance if needed.
- e) The Harassment Committee final report with findings, opinions, and recommendations must be signed members who attended the Harassment Committee meeting
- f) Name of the whistle blower or witnesses will be kept confidential
- g) The final report duly signed must reach Executive Director Admin and HR within 20 days from the date when application or information was 1st received.

4.Minor penalties:

- a) censure;
- b) withholding, for a specific period, promotion or increment;
- c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

5.Major penalties:

- a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- b) compulsory retirement;
- c) removal from service;
- d) dismissal from service; and
- e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.

6.Powers of the Inquiry Committee:

6.1) The Inquiry Committee shall have

- a) to summon and enforce attendance of any person and examine him on oath.
- b) to require the discovery and production of any document;
- c)to receive evidence on affidavits
- d) and to record evidence.

6.2) The Inquiry Committee may recommend to Ombudsman for appropriate action against the complainant if allegations leveled against the accused found to be false and made with mala fide intentions.

6.3) The Inquiry Committee can instruct to treat the proceedings confidential.

Annexure

CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE

Whereas it is expedient to make the Code of Conduct at the Workplace etc to provide protection and safety to women against harassment it is hereby provided as under:

- i. The Code provides a guideline for behavior of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;
- ii. "Harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

Explanation:

There are three significant manifestations of harassment in the work environment:

(a) Abuse of authority

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

(b) Creating a hostile environment

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment. The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(c) Retaliation

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

(iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;

- iv. A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry

- Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;
- v. If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;
 - vi. If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;
 - vii. A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;
 - viii. The complainant may make formal complaint through her in charge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;
 - ix. Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;
 - x. The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;
 - xi. Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;
 - xii. The harassment usually occurs between colleagues when they are alone, therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and
 - xiii. The Code lays down the minimum standards of behavior regarding protection of women from harassment at workplace etc but will not affect any better arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.