Prevention of Sexual Harassment at Work Place Policy (POSH)

November 2020

Approved by The Board: 27-11-2020

Passed by Board on 27-11-2020 vide minutes dated 27-11-2020

Shri BDTatti (Annavaru) Memorial Charitable Trust, Tatti Annavaru Nagar, Agasthya Teerth Road, Laxmeshwar, Gadag District- 582116

Email: bdtlxr@gmail.com

Shri B.D. Tatti (A) Memorial Charitable Trust

.....Reach, Unreached

Ref. No.

Date : 27-11-2020

Resolved That The Board Of Trustees Unanimously Approves That Prevention of Sexual Harassment at work place policy (POSH) Of Shri B D Tatti (Annavaru) Memorial Charitable Trust ,Which Was Recently Circulated Personally and Discussed in the **Meeting No:124 at 27-11-2020**

SHRI.B.D.TATTI (ANNAVARU) MEMORIAL CHARITABLE TRUST (R) R.NO.A 3443 (DWR) LAXMESHWAR 582 116.

Board of Trustees Details

Board of Trustees Name & Signature

1. Dr. Siddhalingesh J Tatti — Chairman
2. Shri. ManviAndaneshDandappa — Trustee
3. Shri. A. Prabhushankar. C — Trustee A.C.ಪ್ರಭುಶಂಕರ.
4. Shri. Somanath Mahajanashettar — Hon. Secretary
5. Shri. Anand. S. Tatti — Trustee

Approved by the board
in its meeting on 27-11-2020

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DOCUMENT CONTROL

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Passed by Board on 27-11-2020 vide minutes dated 27-11-2020

Issued by: Somanath mahajanashettar, "Honorary Secretary"

Effective from 1st April 2020

Effective to: This document is valid for three years from the date of issue, unless modified earlier by a Board resolution. This document can be revalidated as such by the Board by a resolution at the end of three years

Modification procedure: Any changes to this document will again have to be approved by the Board of Trustees before it can be incorporated. All changes will be embedded into a fresh and reissued

"Honorary Secretary"

(Somanath Mahajanashettar)

Preface

Shri B D Tatti (Annavaru) Memorial Charitable Trust (BDT) is a registered not for profit Trust under the Registered under the Bombay public charitable trust act-1950, registration number is No. A-3443/DWR. All contributions to BDT are exempted from Income Tax u/s 80G of IT Act, 1961. Also Trust registered under FCRA and accepting all foreign donations.

BDT came in to existence since 1994 to serve in disability sector.

BDT's registered office is at Tatti Annavaru Nagar, Agasthya Teerth Road, Laxmeshwar, Gadag District- 582116 Karnataka, India

Trustees are:

1. Dr. Siddhalingesh J Tatti	Chairman
2. Shri. Manvi Andanesh Dundappa	Trustee
3. Shri. A. Prabhushankar. C	Trustee
4. Shri. Somanath Mahajanashettar	Hon. Secretary
5. Shri. Anand. S. Tatti	Trustee

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in its meeting on 27-11-2020

Shri B.D. Tatti (Annavaru) Memori
Charitable Trust (R), Laxmeshwa

"Honorary Secretary" is

Somanath Mahajanashettar "Hon.Secretary"

Charter

The main purpose of the BDT is to ensure rehabilitation in disability sector through both direct and indirect interventions. BDT believes in providing quality and long-term services to its beneficiaries and stakeholders.

To further its objectives, BDT currently engages in the following key programs in disability sector:

I. Sushravya Pre-primary school for Oral Deaf Education (Mother Care Center)
II. Residential school for Children with Hearing Impairment
III. Community based rehabilitation program (CBR) for all the age group
IV. Rehabilitation Center
V. Advocacy
VI. Ortho Center
VII. Early Intervention and Early Education in Gadag District
VIII. Garv Se Livelihood Centre

Shri B D Tatti (Annavaru) Memorial Charitable Trust' s

Prevention of Sexual Harassment at Work Place Policy (POSH)

I. About Us

SHRI B D TATTI(ANNAVARU)MEMORIAL CHARITABLE TRUST, a non-governmental organization registered under the Bombay Trust Act, was established in the year 1994 Our work for the cause of Shri B D TATTI(ANNAVARU) Memorial Charitable Trust established in 1994 which works for the welfare and development of the person with the disabilities in North Karnataka. .BDT was started with the group of socially sensitive individuals who wanted to bring about a positive change in the society.

VISION & MISSION

Vision: -

- Equal opportunities for persons with disability
- Persons with disability are contributing members of society

Mission: -

- Mainstreaming persons with disability in families and society

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- Facilitating a barrier free environment and opportunities to them so that they can lead their life in a satisfying and productive manner

II. Purpose of the Document

BDT's Prevention of Sexual harassment at workplace (POSH) policy is to share a common commitment to protect, promote and uphold the Rights of all Women outlined in the Sexual Harassment of Women at Workplace Gender equality, it applies to both men, women, transgender (Prevention, Prohibition and Redressal) Act of India passed in 2013. Persons with disability is vulnerable to all kind of harassment including sexual harassment. So BDT aims to provide protection to women against sexual harassment at the workplace and provides a redressal mechanism for complaints related to sexual harassment and other such incidents. BDT aspires to create a workplace free from harassment in any form, based on factors such as gender, caste, colour, religion, age, national origin, ancestry, disability, veteran status, marital status, sexual orientation or any other employment status protected by applicable law. To maintain a safe and inclusive work culture, SHRI B D TATTI(ANNAVARU)MEMORIAL CHARITABLE TRUST takes a zero-tolerance stance on this behaviour.

To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons, particularly women and to promote respect for their inherent dignity.

To ensure that all staff, interns, volunteers, consultants and members of the Governing Board work together, own the responsibility and share accountability to encourage the development of an ethos which respects the dignity and human rights of all persons in all its dealings and in all settings in which they work.

To ensure that any person who is a victim or witness of any abuse, neglect or exploitation is treated with dignity and concern for her/his well-being and safety.

BDT believes in providing more working opportunities for women and men(Currently 60% of our staffs are women). As we also work with partners across the geographies, we believe that there will be situations of many women staffs of our partner organisations visiting us or our team interacting with them for official purposes, hence BDT adapts Zero tolerance of any sort of sexual harassment in any form. This policy aims building awareness, provide guidelines, procedures in case of any wrong doings, POSH committee and its role.

III. Scope of BDT's POSH Policy

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A. Coverage

- Staff, consultants, interns, volunteers, trustees, advisory members, beneficiaries, caregivers and visitors of BDT.
- All partners, venders and any other stakeholders who will come in touch with BDT through its programs and interactions.

B. Definition

Any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

Situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

C. Sexual harassment

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of contact or behaviour which constitute sexual harassment include, but are not limited to:

Physical: Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching, and Physical violence including sexual assault.

Verbal: Comments on a worker's appearance, clothing, body, age, private life, etc., Sexual comments, stories and jokes, the use of job-related threats or rewards to solicit sexual favours

Non-verbal: Display of sexually explicit or suggestive material, Sexually-suggestive gestures, persistent watching, whistling and Leering

Sexual advances: Repeated and unwanted social invitations for dates or physical intimacy, Insults based on the sex of the worker, condescending or paternalistic remarks, and sending sexually explicit messages (by phone or by email)

The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment
- Implied or explicit threat of detrimental treatment in employment
- Implied or explicit threat about the present or future employment status
- Interference with the person's work or creating an intimidating or offensive or hostile work environment
- Humiliating treatment likely to affect a person's health or safety

IV. Procedures of POSH policy and Grievance Management

A. Awareness:

All BDT staff / Consultants/Trustees/Volunteers/Caregivers will undergo thorough training on POSH during their induction into the organization. BDT team will receive similar training at least once a year by POSH committee. All pertinent data / information would be shared with BDT team including any changes / update done to the policy.

BDT will create awareness on its POSH with all its stakeholders who engaged with BDT, will ensure POSH protocols are adhered during program planning, partnership, recruitment or with any external agency involved for work.

BDT will create posters, handbills etc to spread awareness on different forms of sexual harassment and the ways to prevent it. It is officially mailed to all new recruits, volunteers, consultants and interns and is an official part of any agreement with our partners. Policy will be displayed on BDT website. A letter of consent to adhere to the policy will be undertaken.

Names and common contact number / email ID of POSH committee will be displayed at all office spaces of BDT & at external intervention centres.

B. Recruitment:

- All the advertisements for any position in BDT will clearly specify that foundation provides preference to women to join our workforce and we try our best to keep minimum 60% women staff
- Background check on any kind of direct or indirect involvement in any incident related to women harassment or abuse of the selected male candidates will be done through the reference provided, prior to issuing appointment letter. During the reference if BDT gets any information or any incident wherein the selected candidate indulged in any incident of sexual harassment of women, such candidates will be differed from appointment order.
- All new recruits will be handed over POSH during their induction period to understand and sign the acceptance of adherence.

D. MOUs/Agreements:

All MOUs/ Contracts of BDT will always have a clause on POSH.

E. Role and possible process to be followed by the person who experiences harassment

- If comfortable to do so, inform the alleged harasser that his/her behaviour is offensive, unwelcome, against the organization's policy and should stop.

- Take a note of the date, time and location of the incident/s
- If not comfortable to confront the alleged harasser or if unwelcome behaviour continues, report to the nominated POSH Committee member
- If this is not possible, speak to another senior member of the organization, the head of the organisation or a member of the Governing Board
- DON'T KEEP QUITE

V. POSH Committee and Grievance Management

A. Formation of POSH Committee

BDT POSH will have a minimum of 6 members

- One Board Member
- One External Person from NGO or Other sector, experts in women issue
- One Field staff
- Two senior staff members (Should know sign language)
- HR Person

B. Roles and Responsibilities of POSH

POSH plays a major role in upholding the Rights, safety and addressing any harassment cases reported. Following are the key roles of the committee

- Meet at least 3 times a year
- Elect one member as its Chair
- Receive complaints, manage communication with victim, accused and management. If needed, should interpret in sign language or take the support of the person who know sign language (If the victim is Speech & Hearing Impaired) or braille communication (If the victim is visually impaired)
- Initiating and conducting enquiry as per established procedure within stipulated time
- Continuously try to improve the POSH policy and practices within the organization
- Create awareness among BDT staff, consultants, interns, external stakeholders, Board members, advisory committee members, partners, caregivers and other visits
- Maintain the committee meeting minutes in a designated Minutes Book and report all the meeting agendas and discussions of the meeting in the same
- Maintaining strict confidentiality throughout the process
- Be advocacy agents with external world for betterment in safe guarding women in work place

C. Specific role of Committee in managing complaint

- The complaint must be lodged within 3 months from the date of incident/last incident by the aggrieved person or his/her friend, relative, Co-worker or any person having the knowledge of the incident for committee take any action.
- After receiving the complaint, the informal resolution (if possible) between the complainant and the respondent is completed within 2 weeks
- The respondent replies with all supporting documents within 10 days of receiving the complaint, if a formal investigation is initiated

The Complaint Redressal Committee's final report is completed and submitted to BDT's management within 90 days of initiating the formal investigation

D. Role of Committee in case of Conciliation

- The POSH Committee may, at the behest of the aggrieved woman, before beginning its investigation take steps to settle the matter between the aggrieved woman and the accused through conciliation.
- No monetary settlement may be made through conciliation.
- The Act and the Central Rules spell out implementation procedures regarding conciliation

E. Guidelines for receiving a complaint, Investigation and closure

- Committee member listens to the complaint and assure the complainant that BDT takes the concerns seriously.
- Take written notes while listening to the person and record mostly words used by the complainant
- Prepare clear description of the incident in simple format and ensure confirmation by the complainant.
- All notes to be kept strictly confidential and take complainant's agreement to proceed with the formal investigation.
- Advise the complainant that although the process is confidential, the respondent needs to be informed and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity.

F. Management of Formal complaint

- Obtain and record a full, step-by-step account of the incident/s
- Ensure the organisation's process for handling the complaint is understood
- Establish the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- Agree on the next step: informal resolution or formal investigation

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- Keep a confidential record of all details of this discussion and subsequent steps in the process.

G. Prohibition of Publication

- As per Sec. 16 the contents of the complaint, the identity and personal details of the parties involved, any information relating to conciliation and inquiry proceedings, recommendations of the POSH Committee and the actions taken shall not be published, communicated or made known to the public, press and media.

- Any person who is entrusted with the above documents, shall be liable for penalty, in accordance with the provisions of the service rules, if he/she breaches regulations.

H. Informal resolution Procedure

Once the complaint is received regarding sexual harassment, the Committee may take steps to reconcile between the complainant and the respondent. It is possible, if a step is requested by the aggrieved person. It is just a practical mechanism through which issues are resolved or misunderstandings cleared. If an informal resolution is chosen by the complainant, the POSH Committee will take recourse to the following process:

- Inform the alleged harasser of the complainant and provide an opportunity to respond
- Ensure both parties understand their rights and responsibilities under the organisation's policy
- If possible, mediate an outcome that is satisfactory for the complainant
- Ensure that confidentiality is maintained
- Follow up to ensure the behaviour does not re-occur.

The Committee provides copies of the settlement to complainant & respondent. Once the action is implemented, it shall be recorded that no further enquiry shall be conducted on the complaint.

I. Formal investigation Procedure

If an informal resolution fails and a formal investigation is requested by the complainant, the Complaint Redressal Committee will take necessary steps to:

- Afford natural justice to all involved
- Interview all directly concerned, separately (Take sign language/Braille support, if needed)
- Interview witnesses, separately (Take sign language/Braille support, if needed)
- Keep records of the interviews and investigation
- Ensure confidentiality and minimise disclosure
- Decide as to whether there is enough evidence that a reasonable person could conclude, on the balance of probabilities (i.e. it's more likely than not), that an incident/incident of sexual harassment has occurred

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J. Procedures to Manage Inquiry

1. Manner of inquiry

Complainant should submit the complaint along with supporting documents. Upon receipt of the complaint, the committee shall send one copy of the complaint to the respondent. The respondent receives the complaint and sends his/her reply to the committee. The Committee shall make an inquiry into the complaint in accordance with the principle of natural justice. While conducting the enquiry, minimum of three committee members including the Chair of the Committee should be present.

The decision of the committee is final. The employer is requested to act on the respondent as recommended by the committee. No legal practitioner can represent any party at any stage of the inquiry.

2. Inquiry procedure

All proceedings of the inquiry are documented. The documentation shall be shared with complainant and the respondent, if requested. The committee shall interview the respondent separately. Any witnesses produced by the respondent are also interviewed by the committee. If the complainant or respondent desires to cross examine the witnesses, it shall be facilitated by the committee. In exceptional cases/person having severe disability can be taken support of caregiver.

3. Interim action

- During the process of formal investigation, BDT management shall determine an appropriate action, which may include a change of duties for the harasser and change to working arrangements.
- If the incidents were frequent and/or severe, they may take recourse to the dismissal of the respondent.
- In case it cannot be determined by the required test, that an incident/incident of sexual harassment has occurred, may still act to ensure the proper functioning of the workplace without prejudice to any party.
- The management will also continue to closely monitor the situation and provide further training to the staff, if required.
- When the interim action is implemented, the employer shall inform the committee regarding the action taken.

4. Termination of inquiry

The committee may terminate the process of an enquiry if both the complainant and respondent are absent for three consecutive hearings without giving any reason in writing. If the committee concludes that the complaint was malicious, it can request the employer to take appropriate action against the complainant.

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K. Tenure of POSH Committee and Its Chairmen

- Chairmanship will be for a period of one year who can be re-elected with a gap of year
- All members of the committee to rotate on annual basis for the role of Chairmanship, except HR representative
- Committee will have a tenure for three years from the date of its inception and same will be renewed and members either re-elected or new members will be inducted
- One-month notice period is required in case of any committee member decide to resign from the committee
- Is case of any member resigning, the Chair has an authority to replace a suitable new member with in the 30 days
- In case if any incident reported against committee members the same rules of the grievance management will apply to committee member/s
- In case if any incident reported against committee chairmen, BDT board will interfere to take appropriate actions/decisions

L. Role of Executive Director and The Board

V. Hon.Secretary to facilitate the process of committee formation and seek board resolution for setting up POSH committee

VI. Hon.Secretary to provide required operational support for the effective function of the committee

VII. Hon.Secretary to accept and act as per the recommendation of the committee made on any cases

VIII. Report quarterly to the board either a Nil report or any complaints received or dealt with

- Board to provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the order constituting, the POSH Committee under subsection (1) of section 4.
- Orientation programmes for the members of the POSH Committee in the manner as may be prescribed.
- Provide necessary facilities to the POSH Committee for dealing with the complaint and conducting an inquiry.
- Assist in securing the attendance of respondent and witnesses before the POSH Committee.
- Make available such information to the POSH Committee as it may require having regard to the complaint made

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M. Details of the BDT 1st POSH Committee

Details of BDT's Internal Complaints Committee members are mentioned below:

- Somanath Mahajanashettar (Board Member)
- Sarashwathi Honnegoudar (External Person)
- Smith mahadevagouda (Field Staff)
- Pratima Mahajanashettar (Senior Staff)
- Jayashri Shettar (Senior Staff)
- Praveen Vadakannavar (HR Person)

N. Assistance and Contact Information:

For any assistance or clarification regarding this policy please contact the POSH Committee at: +91 9448309994. 08487-273326 or at bdtlxr@gmail.com. Same will be displayed in all concerned materials

O. Conclusion

There is an official obligation and an individual obligation to fulfil the intent of this Policy. The Policy will be made available in all BDT office premises and it is expected that every employee will have a working knowledge of permissible activities in the work place and will seek guidance from BDT Management.

P. Declaration of Commitment by Concerned BDT Members

I, hereby declare that:

- I have read and understood the "POSH Policy" of DF and I agree to adhere to this policy.
- I will work within the procedure as laid out in the "POSH Policy" of BDT.
- I understand that the policy holds good in all the locations where I represent BDT directly or indirectly.
- I understand the procedure involved in handling any compliant and I accept to cooperate with committee in case if I am the accused for any sexual abuse at workplace.
- I understand the decision of the committee is the final
- I agree to attend any awareness or training program that BDT organises related to POSH policy

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