

2020

APSWDP PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY



**Association of Professional Workers and
Development Practitioners (APSWDP)**

Registered under Section XXI of the Society Registration Act, 1860



Association of Professional Social Workers &
Development Practitioners

ESTD. 2014

Promoting Social Work Education for Sustainable Development

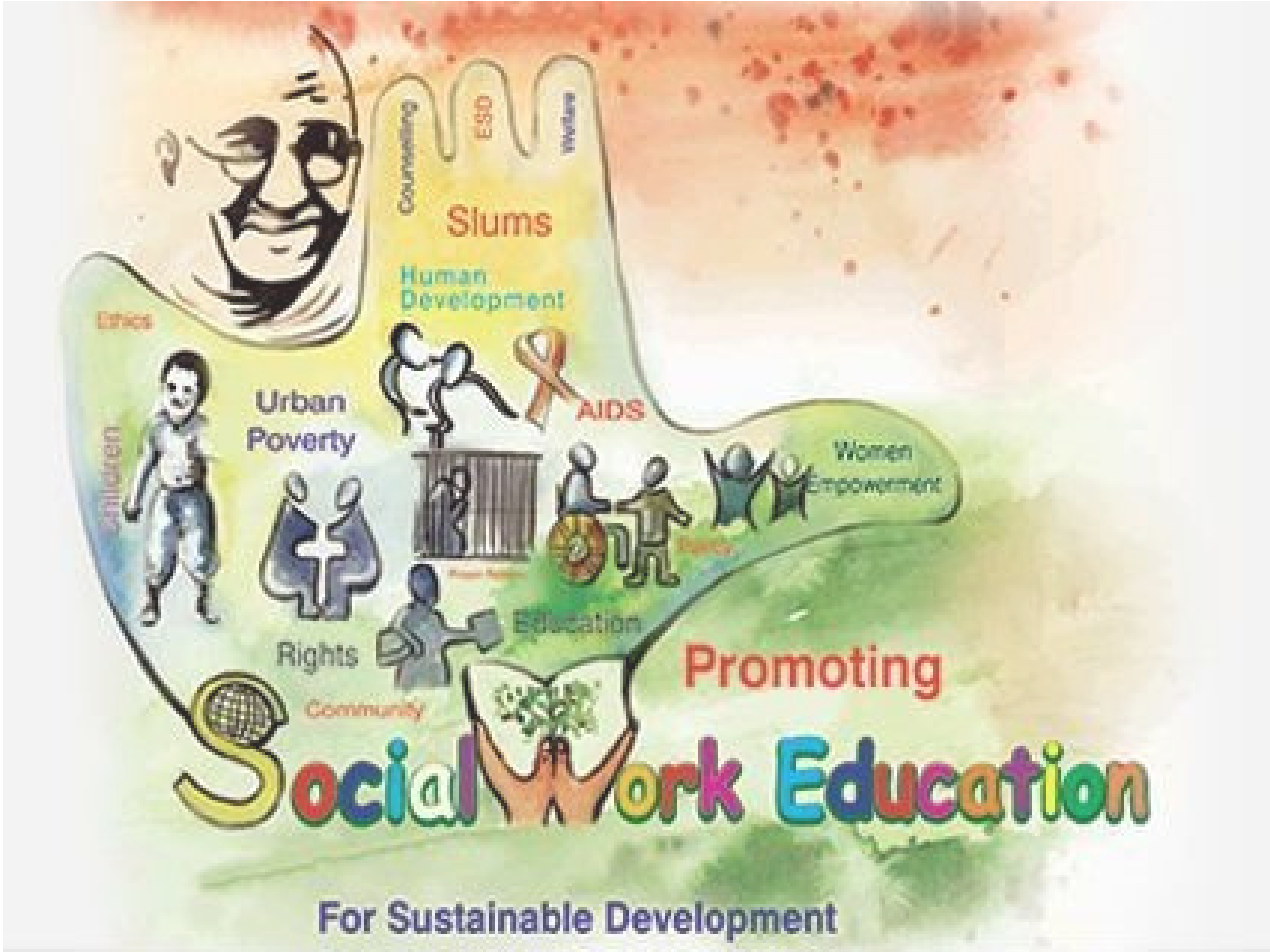


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BACKGROUND

Association of Professional Social Workers & Development Practitioners (APSWDP) is a registered, not-for-profit, professional, membership-based organization of professional social workers and development practitioners working in various social welfare domain across the country. APSWDP has been conferred Special Consultative Status with Economic and Social Council (ECOSOC) and affiliation with the Department of Global Communication (DGC) of United Nations since 2019. APSWDP also addresses social issues like poverty, livelihood, health, environment, education, water & sanitation, unemployment, disease control program, urbanization, youth issues of de-addiction, and others, which have covered the whole gamut of government, development agencies, and academic institutions.

Since the influx of specialization and expertise has increased over the current decade in the country among implementation agencies, then the requirement of trained social work professionals and practitioners is indeed a factual requirement. The association focuses on creating a countrywide and global network of dedicated social work professionals and development practitioners from remote geographical rural areas, to discuss, debate, and develop a key framework on evidence & practice-based interventions, methods.

The focus will be to enable social workers and development practitioners all around the globe to share their ideas and work on various development issues. APSWDP also offers a platform to youth leaders, scholars/researchers with striving passion to participate in bringing reformation through correctional measures in existing policies.

GENESIS

Association of Professional Social Workers & Development Practitioners (APSWDP) was conceived initially by a group of professional social workers working in development sectors led by Mr. Vivek Trivedi, a development practitioner, and a UNESCO youth representative. It primarily started with a popular online social forum 'Alliance of Social Work & Development Practitioners' on the occasion of 65th Republic Day 2014 i.e. 26th January 2014. The forum productively stretched to BSW and MSW learners of Indira Gandhi National Open University (IGNOU) with support from Regional Centre Chandigarh. An orientation programme-cum-workshop was jointly organized by the Forum coinciding World Social Work Day 2014 on 29th March 2014 at IGNOU Regional Center. It was felt during the workshop that the forum must be taken to a next higher level by attaining legal status. On 1st December 2014, World AIDS Day, the online forum received its legal status as an association under the Society Registration Act 1860 as 'Association of Professional Social Workers & Development Practitioners (APSWDP)'.

AFFILIATION

Association of Professional Social Workers & Development Practitioners (APSWDP) is affiliated and registered with National Institution for Transforming India (NITI) Aayog Former Planning Commission of India and European Commission under research and innovation.

APSWDP has also been conferred Special Consultative Status under the Economic and Social Council (ECOSOC) and associated with the Department of Global Communication (DGC) and Non-Government Liasion Service (NGLS) on United Nations since 2019. In 2021, APSWDP got Affiliate Membership of the International Association of Schools of Social Work (IASSW).

MANDATE

IDENTITY

APSWDP is a non-government, not-for-profit, registered country-wide professional association of social work and development practitioners with a vision to strengthen Social Work Education and Profession in the development sector. APSWDP construe that working in association with diverse stakeholders is a key to achieve the vision. Our genesis as an association will assist us to focus on forming a robust, reverential, and germane vision that will strengthen our mission, objectives, and relationships with the social work practitioners, under-privileged, most disadvantaged, and vulnerable communities. This relationship will further boost our mandate, assert our practice-based learning at the grass-roots level to eloquent and publicize evolved models, practices, and methods to build capacity, empower, and to build leadership qualities among the masses for the attainment of Sustainable Human Development.

VISION

To be a state of art inclusive network of professional social workers and development practitioners, APSWDP will showcase a noteworthy role in the promotion of social work education, and evolving practice-based methods, approaches, skills, and ethics through social innovation, proven models, and vibrant social leadership.

MISSION

To achieve the vision of APSWDP, our mission is to work in proximity with togetherness, unlocking the inherent potential and building a sustainable network of professional social work and development practitioners by way of promoting social work profession to rural and urban-underprivileged youth, mid-aged to undertake the flagship of development, understand the global trend, be a partner and agent of social change at local stratum.

PURPOSE

APSWDP works to build a strong network of social work and development practitioners, where all the members can partner, express their professional views, discuss to work for change in social, welfare, development policies, implementation practices, models of innovations, social values, principles and ethics to warrant inclusive development.

VALUES

- Understanding differing ethnic and cultural patterns, as well as the capacity to engage in ethnic-gender and age-sensitive practice.
- Respecting and Welcoming.
- Committed to disperse social work and developmental leadership at bottom of the pyramid.

PRINCIPLES OF APSWDP

1. Work in partnership, the team with brotherhood
2. Commitment to Vision, Mission, and Values
3. Solidarity with poor, marginalized and vulnerable
4. Gender respecting and sensitive to specially-abled
5. Respecting human, women, and child rights
6. Cross-cultural relationship across all social affiliation
7. Working across a diversity of language, religions, ethnicity, geographical area
8. Committed to being goal-driven, outcome-oriented, and honest to work approach in bringing visible social
9. Committed to building a social-economic equilibrium and sustainable social development
10. Work for global peace, resolving social conflict, and a better tomorrow.

OUR AIMS

The key aims of the Association of Professional Social Workers and Development Practitioners are:

1. To promote social work and social development as a profession through national, regional & international cooperation and Network.
2. To strengthen professional values, ethics, standards, and professional relationship with the employing organizations.
3. To support social organizations, community-based organizations for the promotion of professionally educated and trained social workers participation in planning, formulation of policies, social work training, monitoring & evaluation
4. To strengthen the values of great Indian reformers into social work education and profession.
5. To bridge between the Professional Social Work organizations and Development agencies also including the faith-based & Cultural organizations.

KEY OBJECTIVES

The key broader objectives of the Association of Professional Social Workers and Development Practitioners are:

1. Work for developing cooperation between Professional Social workers in the Country.
2. Organizing workshops, conferences, social work forums, exposure visits, researches, field projects for the promotion and expansion of Professional Social Work.
3. Work for building relationships between local Social Work organizations & their members to International organizations and bodies.
4. Engaging with political leaders, researchers, corporate icons, technologists in the country with the view to fostering cooperation among Professional Social Worker & international issues, including UN organizations.
5. Focus on strengthening relationships with professional Social Work organizations with SAARC countries with the view to provide impetus on regional development.
6. Establish a working relationship between social work scholars, statesman administrators, and corporate leaders in the country.
7. Undertake-focused area-based studies targeting international social issues with respect to the Indian context.
8. Work for innovative development models through Public-Private Partnership in the Social Work profession.
9. Develop a think tank of Social work professionals so that this can provide solutions & action plans to complex social issues of national importance to national, state, and local government.
10. Examine the social work curriculum taught by the universities from the perspective of a professional career with a view to improving the credibility of the Social Work Profession.
11. Develop statistical tools and evidence-based indicators pertaining to human development.

Prevention Of Sexual Harassment Policy

I. OBJECTIVE

The Association of Professional Social Workers and Development Practitioners (hereinafter referred to as APSWDP) is committed to creating a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. APSWDP is dedicated to maintaining an environment that is free from coercion and intimidation.

APSWDP shall adopt certain procedures and guidelines to govern cases against sexual harassment with respect to all three genders. The procedure has been provided below in APSWDP's policy against sexual harassment ("Policy").

All allegations of sexual harassment shall be taken seriously by APSWDP and shall be governed by this Policy.

This Policy extends to all employees of APSWDP and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.

II. DEFINITION

Any behavior (physical, verbal, written, graphic, electronic, emotional, psychological, or through gestures that offend) which has been defined as inappropriate by the Policy, whether intentional or not, which offends the dignity of the person towards whom the behavior is directed by the fellow employee(s), supervisor(s), client(s) or supplier(s) will be considered as sexual harassment and shall invite serious disciplinary action.

Sexual harassment would mean and include (whether direct or by implication) any of the following:

- i. unwelcome sexual advances, requests, or demand for sexual favors, either explicitly or implicitly, in return for employment, promotion, examination, or evaluation of a person towards any APSWDP activity;

Prevention Of Sexual Harassment Policy

ii. advances involving verbal, non-verbal, or physical conduct such as sexually coloured remarks, jokes, letters, phone calls, e-mail, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, indecent exposure, physical contact, sounds, display of pictures, intrusive questions about a person's private life or body, signs, insults or taunts based on sex, obscene communication, verbal or non-verbal communication which offends the individual's sensibilities and affect her/his performance;

iii. eve teasing, innuendos and taunts, unwelcome invitations to go out, suggestive comments or jokes, physical confinement against one's will and likely to intrude upon one's privacy;

iv. act or conduct by a person in authority which creates an environment at the workplace hostile or intimidating to a person belonging to the other sex;

v. the conduct of such an act at work place or outside in relation to an employee of APSWDP, or vice-versa during the course of employment;

vi. any unwelcome gesture by an employee having sexual overtones;

vii. physical contact and advances;

viii. a demand or request for sexual favours;

ix. Staring, leering or unwelcome touching;

x. Suggestive comments or jokes;

xi. sexually coloured remarks;

xii. showing pornography;

xiii. any unwelcome sexual activity tied to employment decision or benefits; and

iv. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Prevention Of Sexual Harassment Policy

III. APPLICABILITY

- i. All employees of APSWDP (including employees on a contract, or on 3rd (third)party rolls)
- ii. All clients, suppliers, and contractors of APSWDP.
- iii. All third parties associated with APSWDP at work or involved in work-related activities.
- iv. The complainant as well as the respondent may be a man or a woman
- v. The complainant needn't be of the opposite sex (covering male, female, and transgender)
- vi. The respondent can be anyone including the complainant's supervisor/ an agent/contractor/customer/client /3rd (third) party associated with APSWDP /or any other employee of APSWDP.
- vii . The complainant does not have to be the person harassed but could be anyone affected by the offensive conduct.
- viii. It may occur without economic injury to the complainant.
- ix. It may occur at the workplace or any other place where the employee is engaged in work-related activities.
- x. It may occur with APSWDP employees deputed to client sites.

Prevention Of Sexual Harassment Policy

IV. CONSTITUTION OF COMPLAINTS COMMITTEE

Complaints of sexual harassment made by female employees shall be dealt with by the Internal Complaints Committee ("ICC")

- i. Annexure 1 of the Policy provides for constituent members of the ICC.
- ii. The ICC should comprise a Chairperson (compulsorily woman), and not less than half of its members should be women.
- iii. External member as mandated by law

Complaints of sexual harassment made by male employees shall be dealt with by the Complaints Committee ("CC")

- i. CC shall be constituted and comprised of a Chairperson (preferably a woman), and not less than half of its members should be women
- ii. CC shall be formulated by members of the committee which takes the management, control, and board decisions of APSWDP ("Executive Body").

V. REDRESSAL PROCEDURE AND MECHANISM

i. Where a complaint has to be made against any employee, the complainant shall make the complaint to the Executive Body as formulated by the Governing Body (as provided under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013) (hereinafter referred to as Act).

- ii. For redressal of complaints made by a female/ transgender member of APSWDP:
 - a. Complainant may submit a complaint in writing and inform any committee member of ICC.

Prevention Of Sexual Harassment Policy

b. Complaints must be made by the complainant to any of the Committee Members of the Internal Complaint Committee (ICC) or directly to the Executive Body or to the email id apswdp@gmail.com within 3 (three) months from the date of the incident.

c. The ICC may be reasons to be recorded in writing, extend the time period for making a complaint to a further period of 3 (three) months;

d. All the complaints made by a female member shall be forwarded to the ICC.

e. The complaint can be made by the female complainant or any other person on behalf of the complainant (as set out in the following manner):

- In case of physical incapacity of the aggrieved woman, the complaint may be made by her relative, friend, co-worker, or any person who has knowledge of the incident, with the written consent of the aggrieved woman/complainant.
- In case of mental incapacity of the aggrieved woman, a complaint may be made be filed by the relative/friend, special educator, psychologist, guardian, or authority under whose care she is receiving treatment or care or any person who has knowledge of the incident.

f. Complaints can be made in person/via email/letter, to the Chairperson or any of the committee members. Any oral communication should be followed up with written communication.

g. If the employee is working outside the APSWDP office i.e. in the client's place, she may also lodge a complaint with the committee members and she will report that to the committee member.

h. If the complaint has been made to the superior, she must immediately communicate the details to the committee members and also apprise the committee of any action taken, failing which the superior will be liable for penalty action.

i. In case it is found that any employee has lodged a false complaint, after the inquiry, the ICC shall recommend to the Executive Body APSWDP to take action.

j. Every employee who threatens or intimidates any person who has made a complaint under this policy or any witness thereof shall be liable for disciplinary actions as per the rules of the APSWDP.

Prevention Of Sexual Harassment Policy

For sexual harassment complaints made by male members:

- i. The male member must make a complaint to the Executive Body or by email to apswdp@gmail.com within 3 (three) months from the date of the incident of sexual harassment.
- ii. The Executive Body shall forward the complaints to CC immediately citing incidents of sexual harassment.
- iii. Due procedure of redressal will be followed uniformly irrespective of the position held by the person in APSWDP.

VI. CONCILIATION AND INFORMAL COMPLAINT REDRESSAL PROCEDURE

For female/ transgender members:

- The ICC shall meet within 2 (two) days of filing the complaint, to examine the complaint made by the female member.
- At the start of initiating the inquiry, and at the request of the complainant, ICC shall settle the matter between the complainant and the respondent/accused through conciliation.
- Such conciliation should in no case include any monetary settlement.
- The ICC shall, in case of settlement, record and forward the same to the Executive Body APSWDP.
- The Executive Body shall implement the such recommendation and send a report of such recommendation within 15 (fifteen) days to the ICC.
- Copies of such settlement shall be provided to the complainant and the respondent.
- On conciliatory settlement being attained, no further inquiry shall be conducted by the ICC.

For male members:

- The CC shall meet within 2 (two) days of the filing of the complaint to examine the complaint made by the male member.
- At the start of initiating the inquiry, and at the request of the complainant, CC shall settle the matter between the complainant and the respondent/accused through conciliation.

Prevention Of Sexual Harassment Policy

- Such conciliation should in no case include any monetary settlement.
- The CC shall, in case of settlement, record and forward the same to the Executive Body to take action as specified in the recommendation.
- A copy of the settlement shall also be provided to the complainant and the respondent.

VII. RELIEF TO COMPLAINANT DURING THE PENDENCY OF INQUIRY:

During the pendency of inquiry of the female/ transgender complainant, and upon request being made by the complainant, the ICC to proceed with any of the following:

- i. Grant leave to the complainant for a period of 3 (three) months, which shall be over and above the official leave.
- ii. Restraining respondent/accused from reporting on the work performance of the aggrieved woman/complainant or writing her confidential report, and assigning the same to another officer.
- iii. Restrain the respondent/accused from supervising any activity of the complainant.

The Executive Body shall decide upon the same within 7 (seven) days of the recommendation being received from the ICC.

During the pendency of the inquiry of the male complainant:

- i. The CC may make its recommendations regarding interim reliefs to the Executive Body.
- ii. The Executive Body shall make a final decision on these recommendations and convey the same to CC, the complainant, and the respondent.

VIII. FORMAL COMPLAINT REDRESSAL PROCEDURE AND MANNER OF INQUIRY:

For female employees:

- Where a complaint is received by the ICC and the aggrieved woman/complainant opts for a formal recourse, the ICC members shall within 2 (two) working days of receiving the complaint, interview both the parties and record findings of the incident (in case no settlement has been reached between the complainant and the respondent).
- While conducting the inquiry, a minimum of 3 (three) members of the ICC including the Chairperson and External member shall be present.

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- ICC members shall discuss the complaint and the report shall be submitted to the Chairperson for her to scrutinize the findings in support of the complainant's contentions.
- The ICC shall give them an opportunity of being heard and of making representations before the ICC to the respondent.
- Copy of findings shall be made available to both the employees (complainant and respondent), enabling them to make representations against the findings to the Executive Body.
- The ICC shall make an inquiry into the complaint in accordance with the principles of natural justice.
- Committee to document all investigations and findings in writing.

The ICC shall have the following powers:

- i. Summon and enforce the attendance of any person and examining him/her on oath
 - ii. Require discovery and production of documents; and
 - iii. Any other matter which may be prescribed
- At the time of filing the complaint, the complainant shall submit 6 (six) copies of the complaints along with supporting documents and addresses of witnesses.
 - ICC shall send a copy of the complaint received from the aggrieved woman to the respondent within 7 (seven) days of receiving such complaint
 - The respondent shall file a reply to the complaint and supporting documents within 10 (ten) days of receiving the documents.
 - The ICC may terminate the inquiry proceedings if the complainant or the respondent fails to present herself/himself before the chairperson of the ICC for 3 (three) consecutive hearings.

Provided, a 15 (fifteen) days notice shall be given for such termination/cancellation. For sexual harassment complaints by male members.

- In case no settlement is arrived at, the CC may summon and enforce the attendance of any person and examine him / her and require discovery and production of documents

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The CC shall give an opportunity to the complainant and respondent of being heard and make representations before the CC.

The CC shall prepare its report and submit it to the Executive Body within 90 (ninety) days.

IX. INQUIRY REPORT

- The ICC shall provide a report of its findings to the Executive Body within 10 (ten) days from the date of completion of the inquiry.
- Where the ICC finds that no action is required to be taken, then it shall communicate the same to the Executive Body.
- Where the ICC concludes that the allegation made by the complainant is true, it shall recommend to the Executive Body:
 - i. To take action for sexual harassment as per the service rules or
 - ii. To deduct from the salary of the employee as it may consider appropriate to be paid to the aggrieved woman.
- Executive Body shall act within 60 (sixty) days of receipt of the recommendation from the ICC.

X. DISCIPLINARY ACTIONS AND COMPENSATION:

For sexual harassment complaints made by a female member

- Where the ICC arrives at a conclusion that the allegations against the respondent have not been proven it shall recommend to the Executive Body that no action is required to be taken against the respondent.
- The nature and severity of the action against the accused will be in direct proportion to the seriousness of the offense. The ICC, in case, if it finds the allegations against the respondent to be true, shall recommend to the Executive Body to take actions against the respondent for the misconduct as it deems fit.
- To deduct from the salary/wages of the respondent such compensation as determined by it to be paid to the female member/complainant or her legal heir or direct the respondent to pay the amount.
- The compensation shall be determined by the ICC keeping in mind the following:
 - i. Mental trauma, pain, suffering and emotional distress caused to the female member

Prevention Of Sexual Harassment Policy

- ii. Loss of career opportunity due to the incident of sexual harassment
- iii. Medical expenses incurred by the female member for physical or psychiatric treatment
- iv. Income and financial status of the respondent
- v. Feasibility of such payment in a lump sum or in installments
 - Such disciplinary action shall include, but not be limited to the following:
 - i. A letter of warning that will be placed in the personal file
 - ii. Written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increments, undergoing counseling session, carrying out community services
 - iii. Immediate transfer/suspension with or without pay
 - iv. Dismissal/termination from the services of APSWDP (wherein the respondent shall not be paid any compensation for the notice period) or
 - v. Any other action that the Executive Body may deem fit
 - The Executive Body shall act upon the recommendations made by the ICC within 60 (sixty) days of receipt.
 - In case the Executive Body is unable to make a such deduction from the respondent's salary/wages due to his being absent from duty or cessation of employment it may direct the respondent to pay such compensation to the female member.
 - In case the respondent fails to make the payment as directed by the Executive Body then the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned district officer.
 - For complaints, that the ICC considers falling outside its jurisdiction, for e.g. offenses of a criminal nature, the applicable laws of India shall apply.

For sexual harassment complaints made by a male member

- Where the CC arrives at a conclusion that the allegations against the respondent have not been proven it shall recommend to the Executive Body that no action is required to be taken against the respondent.

Prevention Of Sexual Harassment Policy

- In case the CC comes to a finding that the allegation was false or malicious or the complainant has produced forged documents as evidence it shall conduct an inquiry against the complainant/witness and may recommend to the Executive Body the action to be taken against the complainant/witness.
- The Executive Body shall take a final decision on the recommendation made by the CC and shall implement it within 15 (fifteen) working days.
- In case the CC comes to a finding that the allegation against the respondent has been proven, it shall send its recommendation to the Executive Body.
- Appropriate action against the Respondent for such misconduct would include reprimand, written apology, and/or termination of services without notice. The respondent will not be entitled to any compensation for the notice period.
- The Executive Body shall take a final decision on the recommendation and implement it within 30 (thirty) days of receipt of the recommendation from the CC.

XI. MANNER OF TAKING ACTION AGAINST THE COMPLAINANT

- If the ICC or CC (as the case may be) believes that the complainant has knowingly made a false/malicious complaint, then it may recommend to the Executive Body to take action against the complainant.

XII. APPEAL

- Any female person aggrieved by the decision of the ICC and implementation by the Executive Body may prefer an appeal before the appellate authority as notified under Clause 2(a) of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).
- The decision of the CC and the Executive Body shall be final and binding for the male member and shall not be appealable.

XIII. CONFIDENTIALITY

- Individuals involved in the complaints process/system should refrain from divulging the details of the complaint/any information gathered by them in the course of the inquiry and the identities of the persons involved in the case should not be disclosed. Any breach of confidentiality will be taken seriously and the implications of which shall be disciplinary actions as per the rules of the APSWDP.
- Involved parties breaching the confidentiality provisions shall, in addition to the above be liable to the penalty.

Prevention Of Sexual Harassment Policy

XIV. TRAINING AND WORKSHOPS

- Members of the ICC and CC shall compulsorily undergo the training program formulated against sexual harassment in the workplace.
- The training program and workshops conducted shall include, but not be limited to the following layout:
 - i. Understanding the paradigms of the Act and scope of the definition of sexual harassment
 - ii. Gender sensitization
 - iii. Examples and case studies
 - iv. Procedural intricacies
 - v. Orientation programs and seminars
 - vi. Capacity building and skills building
 - vii. Declare names and contact details of all members of the ICC
 - viii. Complaint mechanism
 - ix. ICC/CC/ CC
 - Manner to organise workshops:
 - i. Formulate and widely disseminate an internal policy;
 - i. Carry out orientation programs;
 - ii. Carry out employee awareness programs;
 - iii. Conduct capacity building;
 - iv. Declare names and details of members of the ICC;
 - vi. Use modules developed by the State Governments to conduct workshops

XV. DUTIES OF THE EMPLOYER

- To provide a safe working environment to all persons at the workplace;

Prevention Of Sexual Harassment Policy

- Display at any place in the workplace, penal consequences of sexual harassment;
- Organize workshops and training programs at regular levels;
- Provide necessary facilities to ICC/ CC for dealing with complaints and conducting inquiries;
- Assist in securing the attendance of respondents and witnesses before the ICC/ CC;
- Provide assistance to a woman if she chooses to file a complaint under the Indian Penal Code or any other applicable law;
- Monitor timely submission of reports by the ICC;
- And any other assistance required by the ICC/ CC for conducting inquiries into complaints made against sexual harassment.

XVI. PREPARATION OF REPORT

- The ICC shall prepare an annual report and submit the same to the district officer (a summary of which shall be submitted to the State Government) which should inculcate the following details:
 - i. Number of cases of sexual harassment received in a year;
 - ii. Number of complaints disposed off in a year;
 - iii. Number of cases pending for more than 90 (ninety) days;
 - iv. Number of workshops of awareness programs carried out against sexual harassment; and
 - v. Nature of action being taken by the Executive Body or the employer

Prevention Of Sexual Harassment Policy

ANNEXURE 1

Constituent members of the ICC/CC:

Sr. No.	Position	Name
1	Chairperson (Women)	Ms. Rekha Trivedi
2	Member	Ms. <u>Poornima</u> Bhardwaj
3	Member	Dr. Priyanka Khanna
4	Member	Mr. Gautam Bhardwaj
5	External Member(s)	Ms. Monica Bhardwaj

An Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013



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