

# NISARGA - GENDER POLICY & ANTI SEXUAL HARASSMENT POLICY

## GENDER POLICY

This document serves as an over-arching policy document on gender for NISARGA. The policy seeks to ensure greater consistency of gender perspectives, policies, and practices across the organization.

### **Principles:**

The aim of gender equality requires that the pursuit is central to all aspects of NISARGA's identity and work. Towards this, NISARGA must ensure that;

### **External:**

- The empowerment of women and girls is recognized as fundamental to our mission,
- Adequate resources are allocated to mainstreaming gender in all programmes of NISARGA,
- All work is monitored against gender indicators on an ongoing basis.

### **Internal:**

- That every individual in NISARGA understands and demonstrates attitudes and behaviors that promote gender equality and equity,
- That gender neutrality is an important consideration in decision-making relating to the NISARGA community
- And the cross-cutting nature of gender concerns is recognized (gender equality is both everyone's responsibility and an area that warrants specialized attention and resources).

### **Goals**

The gender policy aims to ensure that gender equality and women's empowerment are central both elements of NISARGA programs and organizational culture and behaviors.

### **Strategies-**

- Develop the capacity program staff to carry out gender analysis.
- Develop gender-sensitive approaches and methods of work.
- Monitor and evaluate programs for gender goals, and develop and employ good practice guidelines and indicators.
- Promote the creation of structures and opportunities for women's participation in decision making at all levels.
- Undertake capacity building to strengthen women's organizations, NGEs and FBOs to advocate for women's rights.
- Include a gender and diversity perspective in all campaigns and programmes of NISARGA
- Promote women's access to and control over resources, services, and institutions, including their ability to exercise rights over their own bodies and find protection against violence.

- Develop, promote and use creative ways of engaging men and boys (and not only women and girls) as agents of change in the pursuit of gender equality.

**Organization:**

- Build a common understanding around gender through induction and training
- Recognize knowledge related to gender concerns and gender-related analysis as one of the core areas of capacity for staff and build capabilities throughout the organization.
- Ensure that all training across NISARGA is gender-sensitive.
- Make all HR systems and policies gender-sensitive and responsive.
- Determine the nature, structure, and causes of gender imbalances in the organization and set targets for recruitment.
- Develop strategies for reaching those targets, including:
  - affirmative action and training
  - safe and secure transport for women during late shifts
  - equal pay for work of equal value.
- Make gender sensitivity and analysis central to the development of all marketing, fundraising, and campaigns work.
- All materials and general communications will be formulated to reflect NISARGA's goals and objectives on gender equality and equity, challenging gender stereotypes and recognizing diversity.

**Dr. Shiamala Baby**  
**President**  
**For Nisarga**  
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## Anti Sexual Harassment Policy

### I Policy

#### I.1. Understanding Sexual Harassment in the Workplace

There are two significant manifestations of sexual harassment in the workplace, which are important to describe:

#### I. Abuse of authority:

A demand by a person in authority, for sexual favours in exchange for work-related benefits (e.g. wage increase, a promotion, training opportunity, a transfer, or the job itself).

#### II. Creating a hostile environment

Any unwelcome sexual advance, request for sexual favours 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 intimidating behavior or act of a person in authority who controls conditions of the complainant's employment or from a co-worker, who as a result of intimidation can make the work environment hostile for the complainant.

It is not possible to list all those additional circumstances that may constitute sexual harassment the following however are some example of this behavior.

- Unwelcome sexual advances whether they involve physical touching or not
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip about an individual's sexually activity, deficiencies or prowess.
- Displaying sexually suggestive objects, pictures, cartoons, calendars
- Passing on pornographic material in print or electronic form or passing written offensive messages of a sexual nature (including sharing through all virtual platforms such as emails and text messages)
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Retaliation from a person in authority due to refusal of sexual favours which may include limiting opportunities for the complainant and generating gossip against the employee or other acts that limit access.
- Expressions that suggest the superiority of one gender over another including jokes demeaning one gender, and unwelcome references to one's appearance or body where they cause psychological harassment – such expressions if persistent may constitute sexual harassment.
- Recurring acts which may have a cumulative effect or a single severe incident would be considered enough to establish sexual harassment.

Harassment is viewed from the perspective of the complainant. Therefore, it is important to regard the impact of the action rather than the intention of the accused and that it is unwelcome to the recipient.

## **1.2 The Harassment**

Sexual harassment is related to the display of power and in most cases, the harasser is one who is in a position of higher authority. Most victims are women and in lower positions, though some rare exceptions are cited where the reverse has been stated to be true.

## **1.3 Definitions of terminology used**

1. Accused: means an employee or employer of NISARGA against whom an action is being taken under this policy.
2. Policy: refers to this policy Anti Sexual Harassment at the Workplace.
3. Complainant: an aggrieved person who has filed a complaint under this policy
4. Employee or staff: means a person who is hired by NISARGA on a permanent or temporary basis (including short-term and contract workers)
5. Work place: means the place of work or the premises where NISARGA operates or the area where the activities of the organization are carried out. (Both virtually & physically)
6. Committee: refers to a standing committee to investigate grievances regarding sexual harassment.
7. Management: refers to the directorate/panel of leaders assigned (Senior Management team/ Expert Team ) of NISARGA.

## **1.4 Scope of the policy**

This policy is binding on all staff of NISARGA. The directorate is responsible for following this policy in letter and spirit. They will ensure:

- That each complaint is addressed responsibly and impartially facilitating a just and fair inquiry process.
- Constitute and maintain an Enquiry Committee to deal with Sexual Harassment grievances selecting members who are sensitive and competent to deal with the issue.
- That the recommendations received from the Enquiry Committee are implemented within 3days of receipt.
- The policy will be made accessible to all members of the staff.
- Carry out capacity-building interventions for members of the Enquiry Committee and staff focusing on building skills in the identification and handling of grievances.
- Documentation proceedings from the time of receipt of a complaint until its conclusion.
- NISARGA representative will ensure the presence of in Enquiry Committee to investigate such complaints. (NAAWU member will be representing for NISRAGA)

## **1.5 Enquiry Committee**

A standing Enquiry Committee to deal with complaints related to sexual harassment consist of 3 members are prefixed in NISARGA.- One Board member , One Staff representative, One external -Advocate . The committee will consist of 3 persons with the 2 out of three must be women.one of the two women will chair the committee

The specific projects - such as NASS – Core committee will decide the three member committee (one from NISARGA ) and headed by one of the core committee member . Chennaiah will represent nisarga in the committee but cannot be chair of the committee.

The Judgement of Committee will be presented to the board of NISARGA to get approval and to take action. When it comes to NASS, the Core Committee of Project will be approved and is authorized to take any fair decisions which are lawful.

The chair of the committee will take responsibility for getting the committee together, summoning meetings initiating enquiries, and ensuring that the enquiry process is documented through nominated members.

1. All members who sit on the committee will have high credibility, sensitivity, and competency to handle such grievances.
2. The Enquiry Committee is bound to maintain confidentiality of all grievance cases and proceedings and will give written recommendations to the management after the completion of such cases.
3. Any dissenting note among the enquiry committee members should be noted along with the reasons for dissent.
4. Members of the enquiry committee will design measures to deal with grievances based on a case-to-case basis.

## **II. PROCEDURES**

**The following process is suggested for addressing complaints.**

### **2.1 Launching the complaint**

The complainant will present their written grievance about the conduct of the accused to any of the Committee members, Executive Director/ any core committee members (in case of NASS) Support should be given to the complainant in lodging if the person is not able to write. All records should be documented; all incidents note dates, places, descriptions of acts, notification to accused, and names of those linked with the incident. The Committee Members will be informing the Complaint directly to the Convenor-in-charge to organize a Committee Meeting within 3days of receipt.

### **2.2 Creating a conducive environment for inquiry**

1. The director(Chairperson of Committee in NASS ) will authorize a convenor to take necessary precautions to avoid interactions between the complainant and accused for related official purposes during the investigation period. This may include sending the accused on forced leave or suspending the accused during the time period of the investigation based on the accusation.
2. Retaliation from either party should be strictly monitored

3. If the complaint is launched against a member of the Enquiry Committee they may be replaced with a member from committees in local like-minded organizations and the same investigative procedures may be instituted against the accused.

### **2.3. Evidence**

It is acknowledged that sexual harassment usually occurs away from the public eye and it therefore may be difficult to produce evidence. It is strongly recommended that staff should report offensive behavior immediately to the head of the local organization and someone present in the committee they trust, even if they do not wish to launch a formal complaint at the time though failure to report promptly should not affect the merits of the case.

1. Detailed account of the complainant and the accused form a part of the evidence.
2. Witness statements
3. Statements of persons with whom the complainant might have discussed the incident, and statements of persons from whom advice may have informally been sought, should be considered as evidence.
4. Any other documentary, audio, or video records can be submitted. Expert technical advice can be sought for such submissions
5. Evidence submitted by the complainant will be handled with utmost privacy and the Committee shall be responsible for the Right to Privacy.

### **2.4. Process of Enquiry**

1. Upon receiving a formal complaint, the Committee shall ask the complainant to prepare a detailed statement of incidents if the written complaint is sketchy. A statement of allegations will be drawn up by the committee and sent to the accused.
2. The accused will be asked to prepare a response to the statement of allegations and submit it to the committee within the given time.
3. The statements and other evidence acquired in the inquiry process will be considered confidential materials.
4. The complainant and the accused will have the right to be represented or accompanied by a member of the staff committee, a friend, or a colleague.
5. The committee will organize verbal hearings with the complainant and the accused.
6. Statement of the Complainant will be recorded first in the presence of the accused. The accused may cross-question the complainant if there is a need to do so in the presence of some members of the committee.
7. The committee will take testimonies of other relevant persons and review the evidence whenever necessary. Care should be taken to avoid any retaliation against the witnesses by giving the necessary protection.
8. The committee will take the decision after carefully reviewing the circumstances, evidence, and relevant statements in all fairness
9. if the accused, being provided a fair opportunity to participate in the inquiry and defend him/ herself fails to participate in the inquiry, the committee will conduct the inquiry expert.
10. The committee will ensure confidentiality during the inquiry process.

### **2.5 Period of Inquiry**

The investigation procedure should be completed as soon as possible and should not take more than One week.

## **2.6 Decision of the Committee**

After a decision is reached regarding the complaint, the Committee will recommend disciplinary action if the accused is found guilty. This action can vary from suspension to demotion and dismissal from services. A range of creative punitive measures may be identified by the committee based on the seriousness of the case. In serious cases and repeat cases, the accused should be dismissed and reported to the enforcement as per the decision of the complainant. In Case of NASS, the issue will be communicated to the responsible person of the respective organization and the decision will be communicated for the final approval

## **Informal way of Dealing with Sexual Harassment at the workplace**

1. An informal approach to resolve a complaint of sexual harassment can be through m counseling on a strictly confidential basis only at the specific request of the complainant even if the option for making the complaint will be always open. The procedures though less stringent than formal procedures will be conducted in the full spirit of this policy document.
2. A staff member can report an incident of sexual harassment informally to his / her supervisor, or a member of the Enquiry Committee. The request may be made orally or in writing.
3. The case will be taken up for investigation at an informal level by the same member of the Enquiry Committee in a confidential manner by informing the convenor or Executive Director without revealing any personal details. The Committee will incorporate the necessary actions to prevent these situations and make avail of socio-legal support for all the
4. If the incident or the case reported does constitute sexual harassment of a higher degree the member will suggest taking it up the practiced disciplinary action or with the agreement of the complainant, the case can be taken as a formal complaint.

## **Guidelines for reviewing facts of cases.**

1. Sexual harassment can include and is not limited to: verbal harassment or abuse, subtle pressure for sexual acts, sexual advances in the pretext of narrating sexual incidents, exhibiting pornographic material, touching, patting or pinching, leering at a person's body, demanding sexual favours accompanied by subtle or every threat concerning employment or advancement, and physical assault including rape.
2. To constitute sexual harassment, the conduct must be "un welcome". Exploration of the case must consider whether the person indicated advances were unwelcome initially, even if there was subsequent acquiescence (or vice versa) . Individuals are best able to decide what behaviour is acceptable to them and what is offensive or unwelcome as perceptions differ between individuals. Behaviour that may not be offensive to one individual may be so to another.
3. Abuse of authority cases are complex because of power imbalance between complainant and accused, and may require severe disciplinary actions. Such cases

could be linked with hiring and firing of employee, promotion, work duties, relocation, leave, training and other aspects affecting employment

4. Cases which create a 'hostile work environment' could range from patterns of offensive behaviour or single severe incidents of harassment.
5. The above-mentioned forms of harassment are not always distinct from each other and can occur simultaneously. Additionally, harassment can happen to men and women at all levels of job hierarchy and between all relationships of equal and unequal power.
6. The harassment can occur outside working hours and workplace. It is the access that a perpetrator has to the person being harassed by virtue of a job situation or relation that is relevant here.
7. Supervisory employees and co-workers should be asked about their knowledge of alleged harassment. When witnesses are not identified, testimony may be obtained from persons who observed change in demeanor of the charging party after alleged incident. Other persons who the charging party discussed incident with should be interviewed.
8. In appropriate cases, sexual harassment determination may be based solely on credibility of complainant's allegation if the account is sufficiently detailed and internally consistent.
9. Lack of corroborative evidence where such evidence should exist would undermine allegation. By the same token, a general denial by the accused will carry little weight when contradicted by other evidence.
10. When dealing with sexual harassment through a series of incidents the investigator should not consider the series of incidents as specific but should consider the impact of separate incidents as an accumulative case and the work environment may exceed the sum of individual episodes.

**Dr. Shiamala Baby**  
**President**  
**For Nisarga**