
Policy on Prevention of Sexual Harassment at the Workplace

Effective from 1st April 2024

Introduction

17000 ft Foundation (hereinafter referred to as “Foundation”) is a non-profit organisation that works to improve the lives of people living in remote and isolated regions of India, especially in the areas of education, health, and livelihood.

At the Foundation, we have zero tolerance for sexual harassment and related behaviour. The Foundation recognizes the right of every team member/ employee to be able to attend work and perform their duties without being subjected to any form of sexual harassment. It is equally the obligation and responsibility of every team member to ensure that the workplace, is free from sexual harassment. The Foundation is fully committed to providing a safe workplace.

The Foundation adheres to the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed thereunder (hereinafter referred to as “the POSH Act”). Even though the POSH Act is women-specific, however, through this gender-neutral policy, we at the Foundation are committed to providing a safe, secure and enabling work environment to all individuals irrespective of their gender or hierarchy, emphasizing fairness and inclusivity.

Objectives of the policy

- To protect the right to equality and dignified livelihood;
- To foster a socially, physically and psychologically safe environment that will enable employees to work productively; and
- To strive for gender justice at both institutional and programmatic levels.

The Foundation is aware that workplace sexual harassment is a form of gender discrimination which violates a person’s fundamental right to equality and right to life, guaranteed under Articles 14, 15 and 21 of the Constitution of India.

The policy prohibits sexual harassment at workplace. The policy requires all employees/partners and associates of the Foundation to be sensitive to cultural differences, and cognizant of their behaviour towards others they interact with at the workplace or in a work-related situation. Recognising cultural diversity and varied sensitivities of people, the policy promotes no tolerance for acts and behaviour that would, to a reasonable person, appear to transcend the boundaries of cordiality, decorum and professionalism expected in an official or work set-up.

At the same time, being aware of the serious repercussions involved in accusing any person of sexual harassment, the Foundation takes false complaints or misleading information of sexual



harassment incidents very seriously and treats this as a misuse of the policy requiring appropriate disciplinary action.

Remedial/ redressal mechanisms and procedures are provided to facilitate reporting and redressal of any act of sexual harassment or related retaliation against or by any employee, consultants, partner, or person associated with the Foundation in the course of work or employment. The redressal mechanisms and procedures detailed, follow all applicable regulations regarding sexual harassment at workplace, in their true spirit.

After receiving a complaint of sexual harassment, an appointed committee, will promptly investigate the allegations, and take appropriate action.

Scope of the Policy

This policy extends to all employees, consultants, volunteers, interns and associates of the Foundation.

In addition to the above, as intended under the POSH Act, this policy also extends to women who may or may not be employees of the Foundation but may be affected in the course of any activity related to the work of the Foundation or carried out for the execution of the Foundation's day-to-day operations. Such women could include project beneficiaries, clients visitors, vendors, suppliers, external consultants, parents/guardians of children, training experts, NGO staff, government officials (who are in contact with employees/consultants from the Foundation), teachers, interns, volunteers, candidates participating in job interviews and recruitment process, etc.

Terminology for the Policy

- **“Aggrieved Individual/ Complainant”** shall mean any person of any gender or sexual orientation employed with the Foundation or any woman who may or may not be employed with the Foundation, who alleges to have been subjected to any act of sexual harassment by the Respondent at the Workplace.
- **“Respondent”** shall mean any person against whom a complaint of sexual harassment has been made by the Aggrieved Individual at the Workplace.
- **“Workplace”** shall include, not only all offices, branches, workshops, schools and project locations of the Foundation but also client sites, field visits, travel, accommodation, conferences, meetings, events; any place where an employee travels for Foundation-related work, like implementation of the Foundation's programmes and initiatives, and includes, the travel involved for the Foundation's work.
- **“Employee”** means any person on the staff, whether employed on regular, temporary, ad-hoc or daily wage basis, either directly or through an agency, including a contractor, for remuneration or not, and those working on a voluntary basis, with or without express or implied terms of employment/contracts.



- **“Employer”** refers to the principal employer which means any individual or board or committee of the workplace who is responsible for the management, supervision and control of the Foundation’s work and the workplace, including formulation and administration of policies in this regard.

- **“Sexual Harassment”** means any unwelcome acts or behaviour (whether directly or indirectly) that amounts to physical contact and advance or a demand for sexual favours or sexually coloured remarks or any other conduct of a sexual nature which makes a person feel offended, humiliated, or intimidated, or where such a reaction is reasonable in the circumstances. Examples of sexual harassment include, but are not limited to:
 - (i) **Verbal (Written or Oral):** Sexually coloured remarks relating to appearance, body or clothes, indecent remarks, questions or comments about your sex life, requests for sexual favours, sexual demands and promises or threats concerning a person's employment conditions in return for sexual favours.

 - (ii) **Non-Verbal:** Looking or staring at a person's body or display of sexually explicit material such as calendars, pin ups, magazines, computer screens or pornography, and sexually coloured gestures, making sexual jokes or sending offensive materials digitally through messages, WhatsApp or through social media.

 - (iii) **Physical:** physically touching, pinching, hugging, caressing, kissing or any form of sexual assault.

Creation of circumstances as a consequence of or connected with any act, omission or behaviour of sexual harassment, such as:

- implied or explicit promise of preferential treatment in their employment;
- implied or explicit threat of detrimental treatment in their employment;
- implied or explicit threat about their present or future employment status;
- interference with their work or creating an intimidating or offensive or hostile work environment for them;
- humiliating treatment likely to affect their physical/mental health or sense of safety/security.



Redressal Mechanism

The Foundation has constituted an **Internal Committee (IC)** to deal with complaints of sexual harassment related to its employees by the procedures mentioned below.

The IC of the Foundation has the following members:

S. No.	Name	Role	Mobile No. & Email
1	Radha Raj	Presiding Officer	9818306168; radha.raj@17000ft.org
2	Fatima Kaneez	Member	9469775857; fatima.kaneez@17000ft.org
3	Palmo Tsering	Member	7051443222; palmo.tsering@17000ft.org
4	Ranveer Phukan	Member	8384080281; ranveer.phukan@17000ft.org
5	Phuntsog Namgyal	Member	9647853156; phuntsog.namgyal@17000ft.org
6	Swati Pant	External Member	9958491069 swati@ahem.org.in

- The Presiding Officer and every member of the Committee shall hold office for a period of three (3) years.
- Any vacancy arising in the IC must be filled without delay and any position falling vacant must be filled within a month. It shall be the responsibility of Presiding Officer to follow this up and inform the Management. In case, the seat of the Presiding Officer is vacant, any sitting member of the IC may take up the responsibility of filing up the vacant position.
- The external member shall be paid an allowance and travel reimbursement, to be decided by the Management, from the Foundation's accounts.
- The Committee may seek the advice of any non-profit or a third party who it feels will be able to provide special assistance to the Committee in dealing with such cases.

I Filing of complaint

- (i) An Aggrieved Individual may make a complaint, in writing, of sexual harassment at workplace, to the Internal Committee (IC) at 17000ft.ic@17000ft.org.
- (ii) The aforesaid complaint shall be made within three (3) months from the date of incident, and in case of a series of incidents, within three (3) months from the date of the last incident. This time period maybe extended up to six (6) months by the IC, where it is



satisfied that circumstances were such that the Aggrieved Individual was unable to file a complaint within the prescribed time period of three months.

- (iii) Where the Aggrieved Individual is prevented from filing a complaint, due to their physical or mental incapacity, the complaint maybe filed by a person who has knowledge of the incident, with the written consent of the Aggrieved Individual.
- (iv) At no time will an anonymous complaint be investigated by the Committee. The complainant's and respondent's identities will be known to the people directly involved in the inquiry, like the IC members and witnesses.
- (v) At the time of filing complaint, the Aggrieved Individual shall submit six (6) copies of the complaint, along with all supporting documents, evidence, and the names and contact details of witnesses, or email the same to the IC.

II Conciliation

- (i) Prior to initiating any inquiry, the IC shall inform the Aggrieved Individual of their right to settle the matter through conciliation.
- (ii) Where the Aggrieved Individual requests to settle the matter through conciliation, the IC shall hold a meeting or a series of meetings to arrive at a settlement between the Aggrieved Individual and the Respondent. The IC shall ensure that no monetary or underhanded settlement is made as a basis of conciliation.
- (iii) The Aggrieved Individual may, at any time prior to a settlement being arrived at, submit in writing, that they would like to withdraw from the settlement proceedings and initiate an inquiry into their complaint.
- (iv) Where a settlement is arrived at, the IC shall record the settlement and forward copies of the same to the Aggrieved Individual, the respondent and the employer to take action on the basis of the same.
- (v) Where a settlement is arrived at between the parties, no further inquiry shall be conducted by the IC, except where the Aggrieved Individual informs the Committee that the terms of the settlement have not been complied with.

III Inquiry

- (i) In the event of no settlement being arrived at or any term or condition of the settlement not been complied with, or upon receipt of a complaint, the IC shall initiate an inquiry into the complaint, only after determining that the complaint made, is of 'sexual harassment' and falls within its jurisprudence.
- (ii) The IC shall send a copy via email and/ or registered post of the complaint to the Respondent within seven (7) working days.
- (iii) The Respondent shall file a written reply to the IC, along with supporting documents and names and contact details of witnesses, within ten (10) days and not later than 15 days, from the date of receipt of the complaint from the Committee.
- (iv) The IC shall hold an inquiry, on the basis of the complaint of the Aggrieved Individual and the written reply of the Respondent.
- (v) The IC shall have the following powers, while conducting an inquiry:
 - a. Summoning and enforcing the attendance of any person and examining them on oath.
 - b. Requiring the discovery and production of any document.



- (vi) In conducting the inquiry, a minimum of three (3) members of the IC, including the Presiding Officer, shall be present.
- (vii) In conducting the inquiry, both the parties shall be given an opportunity of hearing. However, they shall not be allowed to be represented by an advocate during any stage of the inquiry.
- (viii) Where the parties fail to present themselves for three consecutive hearings of the IC, without any sufficient cause, the IC may close the inquiry proceedings or pass an ex-parte order on the complaint. Such order shall not be passed without giving a fifteen-day notice to the absentee party.
- (ix) The inquiry shall be completed within a period of ninety (90) days.
- (x) The conclusions of the IC will then be informed to the parties in writing following the investigation. These conclusions will recommend action(s) to be carried out by the Board of 17000 ft Foundation.

IV Interim Order

- (i) During the pendency of the inquiry, the IC may, on a written request by the Aggrieved Individual, recommend to the employer to pass any interim order for the safety and wellbeing of the Aggrieved Individual, if they consider it prudent under the circumstances.
- (ii) The employer shall implement the recommendation of the IC and send a report of such implementation to the Committee.

V Inquiry Report

- (i) On completion of the inquiry, the IC shall record its findings in writing.
- (ii) Where the IC finds that the allegation against the Respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- (iii) Where the IC finds that the allegation against the Respondent has been proven, it shall recommend to the employer to take any one or more of the following actions:
 - a) In case of a first-time offender and where the offence is of lesser gravity, issue a warning and direct that a written apology shall be submitted by the Respondent to the Aggrieved Individual.
 - b) In case of a repeat offender or offence of a grave nature, the Committee may recommend issue of censure to the Respondent, withholding of promotion or of any increments which the Respondent is entitled to, suspend the services (without salary) of the Respondent for such period as it may deem fit, and/or terminate their employment with the Foundation.
 - c) In addition to the aforesaid recommendations, the IC may recommend payment of a proportionate compensation to the Aggrieved Individual by the Respondent. In determining the proportion of the compensation amount, the Internal Committee shall have regard to the:
 - The mental trauma suffered by the Aggrieved Individual.
 - The loss in career opportunity due to the incident of sexual harassment.
 - Medical expenses incurred for physical or psychiatric treatment.
 - Income and financial status of the Respondent.



- Payment to be made in lump sum or in instalments.
- (iv) The IC shall submit a report of its findings and recommendation to the employer and the concerned parties within ten (10) working days of the completion of the inquiry.
- (v) The employer shall act upon the recommendations within sixty (60) working days of receipt of the report of the IC.

VI Duties of 17000 ft Foundation Internal Committee

- (i) To collate and review statistical details received by the Foundation Internal Committee.
- (ii) To organize and carry out programmes for workplace safety sensitization of employees, members of IC through workshops, seminars, posters, etc. atleast once in a calendar year.
- (iii) To draft, review or amend this policy from time to time in order to comply with any laws / rules / regulations/ amendments that come into effect from time to time, related to Sexual Harassment.
- (iv) The Foundation shall also display at conspicuous places in the workplace, the penal consequences of sexual harassment and the contact details of the IC members.
- (v) When the Respondent is found guilty of sexual harassment under the findings of IC inquiry, the IC may assist the Aggrieved Individual, if they wish to file a complaint/FIR to Police.
- (vi) The IC shall in each calendar year prepare an annual report, as prescribed by law, and submit the same to the Employer and the District Officer.

VII False and/or Malicious complaints

Where the IC arrives at a conclusion that the allegation against the Respondent is malicious or the Aggrieved Individual or any other person has made the complaint knowing it to be false or the Aggrieved Individual or any other person/witness has produced forged or misleading document, it may recommend the employer to take against them, any of the disciplinary actions that can be taken against a person found guilty of sexual harassment.

VIII Appeal

Under the POSH Act, any women aggrieved by the order of the IC, or due to non-implementation of the recommendations of the IC, may file an appeal to the appropriate appellate authority, within ninety (90) days from the date of receipt of the recommendations or final report.

IX Privacy and Confidentiality

- (i) All persons participating in the inquiry proceedings conducted by the IC, shall observe secrecy and confidentiality of the proceedings.
- (ii) Disclosure of the contents of the complaint; identity and addresses of the complainant, respondent, witnesses; any information relating to conciliation and inquiry proceedings; recommendations of the IC and the action taken, is strictly prohibited and liable to punishment.



- (iii) Dissemination of information pertaining to the justice that has been secured to an Aggrieved Individual, pursuant to an inquiry, without disclosing the name, address, identity or any other particulars which could result in the identification of such person or witnesses.
- (iv) Under no circumstances, the content of the complaint made by the Aggrieved Individual, the identity and address of the Aggrieved Individual, Respondent and witnesses, any information related to conciliation and inquiry proceedings, recommendations of the IC and action taken by the employer shall be made known to the other members of the organization, public, press or media.
- (v) Where any member of the IC contravenes the aforesaid provision, they shall be liable to pay a fine of Rs. 5000/- as penalty to the employer.
- (vi) Any violation of confidentiality of these proceedings by any party can result in a penalty being imposed by the IC, which it may consider appropriate.

X Protection Against Retaliation

The Foundation shall ensure that no Aggrieved Individual / Complainant, Respondent, witness or any other person involved in the complaint process shall be subject to any retaliation, victimization, discrimination or prejudice by the employer, the IC or any other person, for making a complaint, participating in the inquiry, supporting a complainant, or opposing sexual harassment.

Any person who indulges in any such retaliation, victimization, discrimination or prejudice shall be liable for disciplinary action by the employer or the IC, as the case may be.

XI Policy Implementation

- (i) The policy will be implemented and reviewed by the Board of Directors of 17000 ft Foundation.
- (ii) The Foundation reserves the right to amend, abrogate, modify, rescind / reinstate the entire policy or any part of it at any time.

XII Duties of Employees and Consultants

- (i) All employees and consultants must understand that an allegation of sexual harassment or gender discrimination is a grave violation that will be taken seriously and not tolerated.
- (ii) In addition to the code of conduct applicable to all employees, the following good practices must guide their actions and behaviour at all times, in work-related settings:

XIII Good Practices

- Know well, the Foundation's "Prevention of Sexual Harassment at Workplace" Policy.
- Familiarise yourself with the provisions of various laws for protection of women and other rights and responsibilities under the civil and criminal laws applicable to all citizens.
- Be alert and ready to help if a person is seeking help.



- Be aware of one's own behaviour, particularly what may be perceived as inappropriate to a reasonable mind and avoid the same.
- Be aware of cultural sensitivities.
- Learn and internalise that it is wrong to assume that some people, particularly some women like being 'teased' and their "silence" or "no" means a "yes".
- Say "NO" if asked to go to places, do things or participate in situations that make you uncomfortable.
- Trust your instincts. Walk away from uncomfortable situations.
- Say "NO" to offensive behaviour as soon as it occurs.
- Learn to report and encourage reporting as a norm.
- Understand that the way a woman or a person of the third gender dresses up does not make them deserving of sexual harassment.
- Understand that harassing women or third gender persons is not a proof of masculinity and make the same known to your colleagues, friends and family.
- Remember that an unwanted and abusive display of power can undermine the self-confidence of a person and make them feel angry and resentful.
- Maintain confidentiality regarding any aspect of an inquiry to which they or a co-worker may be party to.
- Refrain from trivialising harassment as a light-hearted joke or teasing.
- Refrain from making false complaints or misusing the policy.

For **17000 ft Foundation**

17000 ft Foundation

(Sandeep Sahu) *Director*