



# Avaazein Foundation Policy on Prevention and Redressal of Sexual Harassment at the Workplace

AS MANDATED UNDER THE SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE  
(PREVENTION, PROHIBITION & REDRESSAL) ACT, 2013

**Adopted on September 1, 2024**

## 1. STATEMENT OF COMMITMENT

- 1.1. In 2013, the Parliament enacted *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* (“**the PoSH Act**”), which sought to provide protection against sexual harassment of women at workplace. Through this policy, the Avaazein Foundation (“**Avaazein**”) seeks to ensure a safe and protected working environment, free from sexual harassment and discrimination.
- 1.2. Avaazein stands against any and all forms of discrimination based on hierarchies such as gender, caste, religion, disability, sexuality, race, ethnicity and class, amongst others. Avaazein acknowledges that there is a fine line that separates gender discrimination and sexual harassment at the workplace and it pledges to work to prevent any form of discrimination. Avaazein further understands that sexual harassment often operates in an environment of unequal power dynamics, and all endeavours shall be made to create a work environment that is equitable, fair and just for all.
- 1.3. Avaazein acknowledges that sexual harassment results in violation of the fundamental right of a person to equality, their right to live with dignity and the right to practice a profession. As an organisation that holds democratic and constitutional values at its core, Avaazein undertakes to implement all possible measures to prevent sexual harassment in the workplace of women and persons of diverse sexualities and gender identities.

## **2. SCOPE OF THE POLICY**

- 2.1. This policy extends to all employees and consultants of Avaazein, whether they work on a regular, temporary, ad hoc or daily wage basis, whether working for remuneration or on a voluntary basis, and includes a trainee, apprentice, intern, volunteer, fellow, research assistant, whether employed or not.
- 2.2. The policy will apply regardless of whether the concerned person is on duty or not.
- 2.3. For Avaazein, the definition of workplace includes a physical workplace (such as co-working spaces) and virtual places in the line of work. The application of the policy would cover sexual harassment that happens in the line of work in physical as well as in online spaces, travelling for work, in vehicles, third party premises, meetings and public venues.
- 2.4. Staff of Avaazein may also complain of sexual harassment faced from a third party during the course of their work, in which case the provisions with regard to harassment by third parties will be applicable.
- 2.5. A third party facing sexual harassment by staff of Avaazein may also make a complaint of sexual or other forms of harassment to Avaazein.

### **3. GUIDING PRINCIPLES**

- 3.1. Prevention of sexual harassment, harm and abuse is a primary objective.
- 3.2. Access to unbiased and proper information.
- 3.3. Maintaining a safe work environment is the responsibility of all the persons in the workplace, especially that of the Board of Directors, the Executive Director and each person's privacy, autonomy, and dignity shall be upheld at all times.
- 3.4. No person shall be subjected to an arbitrary or unreasonable interference with their privacy, family, home, or correspondence, and a proportional and least intrusive response to risk shall be preferred. Where acts of sexual harassment are alleged to have occurred, partially or wholly, through online modes of communication, the IC shall examine only the relevant communications that occurred during the alleged harassment and not the entire correspondence of the Complainant with the Respondent.
- 3.5. Any investigation or action taken by Avaazein under the ambit of this policy will give due regard to the socio-cultural location of the persons involved, as well as the positions of power they might hold with respect to the organisation and with each other.
- 3.6. Any inquiry undertaken by Avaazein under the ambit of this policy shall be unbiased and uphold the principles of natural justice.

#### **4. SEXUAL HARASSMENT**

- 4.1. For the purposes of this policy, the term 'sexual harassment', is used as defined under the PoSH Act, as any unwelcome acts or behaviours of a sexual nature, whether directly or by implication. This could include acts such as:
- a. any unwelcome physical, verbal, or non-verbal conduct of sexual nature;
  - b. demand or request for sexual favours;
  - c. making sexually coloured remarks;
  - d. physical contact and advances; or
  - e. showing pornography;
  - f. Discriminate or demean someone because of their sexual preference.
- 4.2. Further, if any one of the following circumstances, amongst others, if occurs or is present in relation to or connected with any behaviour, which constitutes sexual harassment, will also be considered sexual harassment:
- a. implied or explicit promise of preferential treatment as quid pro quo for sexual favours;
  - b. implied or explicit threat of detrimental treatment in the conduct of work;
  - c. implied or explicit threat about the present or future employment status of the person concerned;
  - d. creating an intimidating, offensive or hostile environment; or
  - e. humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.
- 4.3. It is clarified that this policy uses gender neutral language and is applicable to women and all persons of diverse sexualities and gender identities as complainants.

## 5. INTERNAL COMPLAINTS COMMITTEE


- 5.1. The Board of Directors of Avaazein shall constitute an Internal Complaints Committee (“IC”) to consider and redress complaints of sexual harassment. As Avaazein presently functions with a small number of employees and consultants, the IC shall comprise of the following members:
  - a. A Presiding Officer, who will be a senior woman<sup>1</sup> employee/consultant with Avaazein; and
  - b. One Internal Member and
  - c. Two External Member who will be from an NGO or individuals, having expertise in women’s rights, gender equality, sexuality, or law.
- 5.2. Since Avaazein has a small team and it is finding it difficult to nominate two internal members, besides the Presiding Officer, Avaazein’s IC will have two external members as a temporary measure. Avaazein shall make all endeavours to constitute the IC in accordance with the PoSH Act in the next few years.
- 5.3. In case of a complaint being filed, all members of the IC are required to be present for the proceedings (either in person or virtually) to be conducted by the Committee.
- 5.4. The person who (a) makes the complaint of sexual harassment; (b) the complaint is made against; and (c) is cited as a witness, will not be a part of the IC for that complaint. In case such a situation arises, the concerned member of the IC may be substituted by another member for the purpose of that particular case, which would be decided by the Presiding Officer. In case the complaint is against the Presiding Officer, the Executive Director/Employer would then remove them and nominate another member as the Presiding Officer.
- 5.5. If the person against whom the complaint is made, holds an office superior to that held by the Presiding Officer of the IC (including Executive Director, Founding or Independent Directors in the Board), one of the two External Members may preside over the Inquiry with respect to such a complaint.
- 5.6. In case the complaint is against the Executive Director or against one of the Board of Directors of Avaazein, then such complaint shall be forwarded to the Local Complaints Committee (‘LC’), which is set up in every district of each State and the Union Territory.
- 5.7. The term of office of the members of the IC shall not exceed a period of three years, and the IC shall accordingly be reconstituted upon the expiry

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<sup>1</sup> Anyone who identifies themselves as a woman

of the term period of each member. This is subject to the completion of the consideration of any active cases, and additionally, to maintain continuity in the operations of the IC.

- 5.8. Members of the IC can be renominated after a gap of one year from the conclusion of their previous term.
- 5.9. In case there is a tie on the votes of the IC members in a particular inquiry, the Presiding Officer shall have the casting vote.



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## **6. CONFIDENTIALITY**

- 6.1. The identity of both parties to the complaint of sexual harassment will be kept confidential as will all matters relating to the inquiry, deliberations of the IC and the recommendations/decisions of the IC shall likewise be kept confidential.
- 6.2. Additionally, all those who are involved in the inquiry proceedings (including the parties, witnesses, members of the IC, or any other staff member) are prohibited from discussing the details of the case outside of IC meetings or case proceedings, unless required as part of the inquiry process. If the Complainant so wishes, they can waive the requirement of confidentiality, in order to share their ordeal with a friend/colleague.
- 6.3. All the reports and documents will remain confidential with the IC, except where disclosure is required as part of the inquiry. No person, unless authorised by the Board of Directors and the Presiding Officer of the IC, will have access to these reports or documents.
- 6.4. The IC will ensure that all evidence related to these case (video and audio records, written communications, etc.) will be accessible only to the IC members by adopting suitable technology and physical measures.
- 6.5. Any person who breaches confidentiality will be subject to disciplinary action. External witnesses, if any, shall be sworn to confidentiality by the IC prior to recording their evidence.
- 6.6. All matters related to confidentiality will be done in writing, signed by the concerned persons.



## 7. COMPLAINTS

- 7.1. Any person who wants to make a complaint of sexual harassment (“**the Complainant**”) must submit a written complaint to the IC. They may choose to make their complaint in a language of their choice, in an audio or video format. It is the responsibility of the IC to ensure that it is transcribed in writing. If the person needs assistance in making the complaint in writing, the Presiding Officer will render all reasonable assistance to the person.
- 7.2. The complaint must be made within three months from the date of the incident, and in case of a series of incidents, within a period of three months from the date of the last incident. The IC may, for the reasons to be recorded in writing, extend the period for making a complaint for an additional three months, if it is satisfied that the circumstances were such, which prevented the person from filing a complaint within the said period. Complaints made after six months of the incident or series of incidents will be taken up on a case-to-case basis and the IC will be entitled to seek legal advice on the process to be followed.
- 7.3. A friend, relative, colleague, or any other associate of the person may file the complaint in situations where a person is unable to make a complaint on account of physical or mental incapacity or death.

## 8. CONCILIATION

- 8.1. Upon the receipt of the complaint, and before initiating the inquiry, the IC may, only on the express written request of the Complainant, explore the possibility of conciliation between the Complainant and the person against whom the Complaint has been made (**Respondent**). In no situation, the IC should encourage the Complainant to settle or conciliate, it is only to inform the Complainant about the option of conciliation, if the latter wishes to choose it.
- 8.2. Monetary settlement or exchange cannot be the basis of any settlement between the parties.
- 8.3. If the Complainant wishes to settle, the IC will then record the settlement and forward the same to the Board of Directors of Avaazein for the recommended action. A copy of the settlement so recorded will also be given to the Complainant and the Respondent.
- 8.4. If a settlement is arrived at between the parties, then no further inquiry is required on the complaint and the complaint shall be closed.

## **9. INQUIRY PROCEDURE**

- 9.1. The IC will notify the Respondent within seven (7) days of receiving the complaint, and will provide the Respondent with a copy of the Complaint and the opportunity to submit a written explanation in relation to the complaint within ten (10) days of receipt of the copy of the complaint. The complainant can be accompanied by a person of their choice (except lawyers) during the proceedings.
- 9.2. Upon receipt of the copy of the complaint, the Respondent may file their reply along with the list of documents, and names and addresses of witnesses, if any. They may choose to make their response in a language of their choice, in an audio or video format. It is the IC's responsibility to ensure that it is transcribed in writing. The IC will provide the Complainant with a copy of the written explanation provided by the Respondent.
- 9.3. The IC shall notify the Respondent and the Complainant (as well as the witnesses, if any) of the time and venue of the hearing. Face-to-face meetings between the Complainant and the Respondent shall only be permitted with the express and written consent of the Complainant.
- 9.4. Both parties will be heard and have the opportunity to present their case. The inquiry may consist of personal interviews with the Complainant, witnesses, Respondent and others who may have knowledge of the facts and circumstances of the case. These interviews could be face to face or online.
- 9.5. The IC will call upon all witnesses mentioned by both the Complainant and the Respondent. The IC may at its sole discretion, summon necessary and relevant documents/witness, if it is of the opinion that it shall be in the interest of justice.
- 9.6. Both parties will be entitled to put questions to the witnesses by submitting the questions in writing to the IC, who will in turn put them to the witnesses. The IC shall retain the right to disallow any questions on the ground that they are misogynistic, irrelevant, mischievous, slanderous, and derogatory. No evidence will be permitted regarding the Complainant's character, personal life, and conduct, including personal and sexual history. Any behaviour, verbal or otherwise, on the part of the Respondent, or their witness, which has the effect of intimidating or subjecting the Complainant or their witness to mental and physical trauma, shall entitle the IC to recommend disciplinary action against the Respondent.

- 9.7. The IC shall have the right to summon, as many times as required, the Respondent and the witnesses for the purpose of supplementary testimony and/or clarifications. However, the Complainant may be summoned a maximum of three times by the IC, to prevent unnecessary trauma and harassment. The persons summoned in such a manner may be heard through videoconferencing if it is not practical to secure their physical presence and might delay the inquiry in an undue manner.
- 9.8. The IC shall have the right to terminate the proceedings and to give an '*ex-parte*' decision on the complaint, should the Respondent fail to appear for three consecutive hearings convened by the IC. However, such an *ex-parte* order may not be passed, without giving notice in writing to the Respondent, ten days in advance.
- 9.9. The IC shall investigate the complaint and complete the inquiry as soon as possible, and preferably within ninety days from the date on which the inquiry has commenced and provide its report expeditiously. Any reasons for delay in completion of the same within the mandated period must be recorded in writing.

## **10. INTERIM MEASURES**

- 10.1. During the pendency of the inquiry, on a written request made by the Complainant, the IC may recommend to the Executive Director of Awaazain any of the following measures:
  - a. Transfer the Complainant or the Respondent to another team or project to minimize the risks involved in contact or interaction.
  - b. Grant leave to the Complainant with full protection of status and benefits for a period of up to three months, in addition to the leave they would be otherwise entitled to;
  - c. Ensure that the Respondent is not reporting on or evaluating the work or performance of the Complainant;
  - d. Implement specific measures to provide a conducive environment of safety and protection to the Complainant against retaliation and victimisation as a consequence of making a complaint.
  - e. The IC will ensure that while recommending interim measures, it takes care to avoid any measure, which directly or indirectly punishes the Complainant, such as benching them without work during the process.

## 11. FINDINGS AND CONCLUSIONS OF THE INQUIRY

- 11.1. If the IC concludes, after a detailed inquiry, that the allegation against the Respondent has not been proved, then it shall recommend to the Executive Director that no action is required. In such a case, Avaazein will support both the Complainant and Respondent in their healing processes.
- 11.2. If the IC concludes that the allegation against the Respondent has been proved, then it shall make necessary recommendations to the Executive Director, who shall take appropriate action against the Respondent. The IC may recommend the following actions:
  - a. Censure/warning to the Respondent, and a copy of which shall be placed in their personnel file;
  - b. Written apology to the Complainant;
  - c. Undergoing counselling session or community service;
  - d. Immediate transfer to another team or project;
  - e. Stoppage of increment with or without cumulative effect;
  - f. Reduction in position;
  - g. Withholding of promotion;
  - h. Seeking resignation of the Respondent;
  - i. Termination/dismissal of the respondent from employment; or
  - j. Any other action that the Executive Director may deem fit and proper.
- 11.3. The Complainant is further entitled to compensation under the PoSH Act. The IC may recommend to the Executive Director the payment of compensation to the Complainant, which shall be recovered from the Respondent. The compensation payable shall be determined on the basis of:
  - a. Mental trauma, pain, suffering and distress caused to the Complainant;
  - b. The loss of career opportunity due to such harassment;
  - c. The medical expenses incurred by the Complainant for physical and mental health treatment;
  - d. The income and status of the Respondent and the Complainant;
  - e. The feasibility of such payment in lump sum or in instalments.
- 11.4. In case the conduct of sexual harassment amounts to a specific offence under the *Indian Penal Code*, 1860, or the *Bharatiya Nyay Sanhita*, 2023 or under any other law, it is the right of the Complainant to decide whether to initiate such action and if initiated, such action or proceedings shall be in addition to proceedings under this Policy. Further, nothing in this Policy shall prevent the Complainant from pursuing other legal remedies.
- 11.5. If the Complainant chooses to initiate criminal proceedings, Avaazein will provide administrative/logistical support in making the complaint and if required, share the findings of the IC with the police.

- 11.6. Where appropriate, keeping in mind the socio-cultural location of the Respondent, and the extent and gravity of the complaint, the IC may decide to support them too. This could be in ways that would help the Respondent understand the structural issues related to sexual harassment at the workplace, and the painful, lasting impact it has on the person who has been harmed by it. The IC would decide the kind of support that Avaazein could offer the Respondent, on a case-by-case basis.



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to prevent sexual harassment in the workplace  
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## **12. NON-RETALIATION**

- 12.1. Retaliation against a staff member for filing a sexual harassment complaint or participating in an inquiry of such a complaint is prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Any retaliatory measure would attract disciplinary action, up to and including suspension and termination.
- 12.2. Avaazein acknowledges that the PoSH Act provides for punishment of a woman for a false or malicious complaint of sexual harassment, as a matter of policy, however, the Organisation will not initiate any action against a person who was not able to establish their complaint of sexual harassment before the IC. Merely because a complaint was not established, it will not be considered malicious or false.

## **13. APPEAL**

Any person aggrieved by the recommendations made by the IC, irrespective of whether the Respondent has been found to be guilty of sexual harassment or not, or non-implementation of such recommendations, may make an appeal to the court or tribunal of competent jurisdiction, under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.



#### **14. SEXUAL HARASSMENT BY A THIRD PARTY**

- 14.1. If any sexual harassment is committed by a third party, i.e., not an employee of Avaazein, or the staff of Avaazein, the Complainant may file a complaint with the IC. The procedure of the IC with regard to the inquiry into such a case would be suitably modified, and in case the Respondent does not appear before the IC, it may treat it as if it is an *ex parte* proceeding (as the third party is not subject to the disciplinary control of Avaazein).
- 14.2. If the IC determines that an act of sexual harassment has taken place, it may recommend to the Executive Director, who shall take action in this regard, any of the following:
  - a. Avaazein ceases to have any professional contact with the said third party;
  - b. Request the employer of the third party to initiate proceedings under the PoSH Act before their IC;
  - c. Request the employer of the third party to depute another person to liaise with Avaazein and its staff;
  - d. Cease to invite the said third party to any organisational events, trainings, workshops, meetings, either as a speaker or participant;
  - e. Blacklist the person and/or their employer for a specific period of time, or in perpetuity; or
  - f. Terminate or refuse to renew any contractual relationship, collaboration or vendor agreement with the third party and/or their employer.
  - g. Hold back any payments due to the third party and/or employer of the third party.
- 14.3. If any staff of Avaazein Foundation is implicated as a Respondent in a complaint of sexual harassment at a third party organisation, then the Complainant has the option of filing a complaint before AF IC or before the third party IC, if it exists. In this regard, if a complaint is made before AF IC, then the procedure laid down in this policy shall be followed. A copy of the policy will be provided to the Complainant and their organisation.

## **15. INSTITUTIONAL RESPONSIBILITY**

- 15.1. Avaazein will, in all of its offline and online workspaces, ensure the public display of the key elements of this policy against sexual harassment in simple, easy to understand language. Translations will also be made available in Hindi. This will also include the details of the members of the IC. Each employee and consultant will be provided with a copy of the policy upon joining /starting work for/with Avaazein.
- 15.2. Avaazein will organise trainings once a year for sensitising its staff on issues pertaining to sexual harassment, and will make concerted attempts to create a safe and inclusive working environment for all.
- 15.3. Avaazein will also organise regular orientation or training programmes for IC members to deal with sexual and other forms of harassment, steer the process of conciliation, if any, with sensitivity.
- 15.4. Avaazein will act decisively against sexual harassment and in doing so, follow the present policy in its true letter and spirit.
- 15.5. Avaazein will provide all assistance to the IC for dealing with complaints of sexual harassment and conducting inquiries, including securing attendance of the Respondent and witnesses before the IC, providing adequate and safe spaces to conduct the proceedings, providing all relevant information or official communication to the IC necessary for the inquiry, and supporting the Complainant if she chooses to file a criminal complaint to the police.
- 15.6. Avaazein views its staff as partners in ensuring the prevention of sexual harassment and will support them to speak against harassment, including of others. It will encourage a culture of mutual support of a person who has faced harassment and ensure that there is no retaliation, either of the Complainant or of those supporting them.

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discrimination based on hierarchies such as  
gender, caste, religion, disability, sexuality,  
race, ethnicity and class, amongst others.

**Addendum**

**Avaazein Foundation  
Internal Complaints Committee  
September 1, 2024 - August 31, 2026**

The IC is comprised of the following members:

<b>S. No.</b>	<b>Name</b>	<b>Designation</b>	<b>Member</b>
1.	Nisha Singh	Director, Grants & Resources	Presiding Officer
2.	Sandeep Kumar	Finance Consultant	Internal Member
3.	Chayanika Shah	Queer feminist activist	External Member
4.	Prabhleen Tuteja	YP Foundation	External Member