

VIVEKANANDA LOKSIKSHA NIKETAN

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PREVENTION OF SEXUAL HARASSMENT (POSH) POLICY

1. Introduction

Vivekananda Loksiksha Niketan (VLN), inspired by the humanistic values of Swami Vivekananda, is committed to creating a safe, dignified, inclusive and discrimination-free workplace for all its employees, volunteers, consultants, trainees, students, residential beneficiaries and visitors. VLN recognises that every individual has the right to a work environment that is free from sexual harassment, abuse, humiliation or behaviour that affects their physical, emotional or psychological safety.

Sexual harassment not only violates an individual's fundamental rights to equality and dignity, but also undermines the organizational culture, productivity and morale. Upholding VLN's organizational ethos of respect, trustworthiness, transparency and good behaviour, this policy mandates **zero tolerance** toward any form of sexual harassment within the workplace or during any work-related engagement.

This policy is framed in adherence to the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** and integrates with VLN's HR Policy provisions regarding **misconduct, disciplinary action and workplace behaviour**.

2. Purpose of the Policy

This POSH Policy aims to:

- Prevent all forms of sexual harassment at the workplace.
- Provide a safe, secure and respectful environment for all genders.
- Establish a fair, transparent and timely mechanism for reporting and redressal.
- Encourage a workplace culture built on mutual respect, professionalism and ethical conduct.
- Ensure compliance with the law and strengthen VLN's commitment to protection and welfare.

3. Scope and Applicability

The Policy applies to:

- All employees: permanent, temporary, contractual, probationary, trainees and volunteers.
- Consultants, visiting experts, interns and part-time staff.
- Board/Managing Committee members, field staff, caregivers and residential staff.
- Beneficiaries residing in VLN-managed institutions such as Working Women's Hostel, Shakti Sadan, SAA, Open Shelter, Senior Citizens' Home, Special Schools etc.
- Any person visiting VLN premises for official purposes.

Workplace includes:

- All VLN campuses, offices, hostels, project units and field locations.
- Any place visited during work: meetings, conferences, field visits, training programmes, study tours, camps, transport, guest houses etc.

- Any virtual workplace: phone calls, emails, messaging apps, social media or other digital communication.

4. Definition of Sexual Harassment

1. Behaviour Must Be “Unwelcome”

The key feature is that the behaviour is **not wanted, appreciated or invited** by the recipient.

- Even if the harasser “did not mean to offend,” the impact matters more than the intention.
- Silence or non-reaction does not imply consent.
- The complainant does not have to verbally object for the conduct to be considered unwelcome.

2. The Conduct Must Be Sexual in Nature

Any action, comment, message, gesture or physical act that carries a sexual meaning or implication can fall under this category.

3. The Situation Must Create Harm

Sexual harassment often results in:

- Emotional distress
- Loss of confidence
- Fear, anxiety or discomfort
- Humiliation or embarrassment
- Difficulty in performing work
- A hostile, unsafe or toxic environment

If a person feels their dignity has been violated, **it may be sexual harassment even if the behaviour was not intended to harm.**

How the Internal Committee (IC) Identifies Sexual Harassment

The IC uses a structured, fair and sensitive approach:

Step 1: Review the Complaint

The IC examines what exactly happened:

- What was said or done
- When and where
- How the complainant felt
- Whether the behaviour was repeated or persistent
- Whether power imbalance existed

Step 2: Test of “Reasonableness”

The IC assesses:

- Would a reasonable person in the same situation also feel uncomfortable or threatened?
- Did the conduct violate personal boundaries or professional ethics?

Step 3: Assess Impact, Not Intention

The focus is on:

- How the complainant experienced it
- Whether it affected their work or well-being
- Whether it created a sense of fear, embarrassment or discomfort

Step 4: Evaluate Evidence and Context

The IC considers:

- Statements of both parties

- Messages, emails, call logs, CCTV (if applicable)
- Witness accounts
- Past behaviour patterns
- Power dynamics (e.g., supervisor–employee)

Step 5: Determine the Type of Harassment

The act may fall under:

- **Physical harassment**
- **Verbal harassment**
- **Non-verbal harassment**
- **Quid pro quo harassment**
- **Hostile environment harassment**

Step 6: Conclude and Recommend Action

Based on the findings, the IC may recommend:

- Warning or written apology
- Counselling or sensitisation training
- Reduction in roles/responsibilities
- Withholding promotion or increment
- Suspension
- Termination without notice
(as permitted under VLN HR disciplinary rules)

Clear Interpretation for Staff and Stakeholders

In simple terms, **sexual harassment is any behaviour of sexual nature that makes someone uncomfortable**. It does not matter whether:

- The harasser claims to be joking,
- The act was not intended to harm,
- The victim is young or old, married or unmarried,
- The behaviour happened outside office hours but due to a work-related situation.

If it is sexual and unwelcome, it is harassment. If it affects someone's sense of safety or dignity, it is harassment. If it is done by someone misusing their power or influence, it is harassment. VLN's strong stance ensures that no employee or beneficiary should ever feel unsafe, threatened or silenced. The HR Policy also classifies sexual harassment as a serious act of misconduct warranting disciplinary action, including termination without notice.

5. Principles Governing the Policy

VLN adopts the following guiding principles:

a) Zero Tolerance: No act of sexual harassment will be excused or ignored, irrespective of the offender's role, position or tenure.

b) Safety & Dignity First: The survivor's rights, confidentiality and safety will be protected at all stages.

c) Gender-Neutral Approach: The policy equally protects women, men and transgender persons.

d) Non-Retaliation: No complainant, witness or supporter will face retaliation, victimisation or discrimination.

e) Sensitivity & Confidentiality: Cases will be handled with empathy, privacy and procedural fairness.

f) Accountability & Transparency: VLN will ensure a clear, fair and timely response to all complaints.

6. Internal Committee (IC): As mandated by law, VLN will constitute an **Internal Committee (IC)** at the Head Office level to address complaints of sexual harassment.

Composition of IC:

- **Presiding Officer:** A senior woman employee of VLN.
- **Two Employee Members:** Preferably with experience in social work, legal matters, HR or welfare issues.
- **External Member:** From an NGO or association committed to women's issues, gender justice or legal expertise.
- **At least 50% of members will be women.**

Tenure: 3 years.

The IC operates independently, without interference from management and has full authority to conduct investigations and recommend action.

7. Roles and Responsibilities

A. Internal Committee

- Receive and acknowledge complaints.
- Conduct unbiased inquiry within statutory timelines.
- Maintain strict confidentiality of all documents and proceedings.
- Recommend interim relief (leave, transfer, change of shift, temporary relocation, etc.).
- Submit findings and recommendations to management.
- Maintain annual records and reports as per the Act.

B. Management (VLN Governing Body & General Secretary)

- Ensure constitution and functioning of IC.
- Provide necessary support, facilities and resources for inquiry.
- Implement IC recommendations (disciplinary action, compensation etc.).
- Promote awareness, training and preventive measures.
- Uphold a culture of respect and safety in all VLN units.

C. Employees and Stakeholders

- Follow professional conduct and show respect to all colleagues and beneficiaries.
- Report incidents promptly.
- Cooperate with investigations.
- Maintain confidentiality of proceedings.

8. Complaint and Reporting Mechanism

A. Who Can File a Complaint?

- Any aggrieved person who has faced sexual harassment.
- In case the individual is unable to complain (physical/mental incapacity), a relative, friend, co-worker, guardian or any person having knowledge may file the complaint.

B. How to File a Complaint?

A written complaint should be submitted to the Internal Committee within **3 months** of the incident.

It must include:

- Description of the incident(s).

- Date(s), time(s), place(s).
- Details of respondent.
- Names of witnesses (if any).
- Supporting evidence (messages, screenshots, photos, audio, emails, etc.).

C. Confidentiality

All complaints will be kept strictly confidential. Disclosure of identity or details is prohibited.

D. Interim Relief Measures

The IC may recommend:

- Change of reporting officer or department.
- Leave up to 3 months (not deducted from leave balance).
- Transfer of either party.
- Restricting contact between complainant and respondent.

9. Inquiry Process

The IC will:

1. Notify the respondent within 7 days.
2. Conduct inquiry within 90 days.
3. Hear both parties separately in a safe, neutral environment.
4. Allow submission of written statements, evidence and witness accounts.
5. Maintain clear documentation of proceedings.
6. Submit a written report with findings to management within 10 days of completion.

Both parties will have equal opportunity to present their case.

10. Disciplinary Actions

If the IC finds the respondent guilty, VLN may impose one or more of the following penalties, aligned with HR Policy disciplinary procedures :

- Written apology.
- Warning letter or censure.
- Withholding promotion or increment.
- Suspension.
- Transfer to another location or department.
- Mandatory counselling or gender-sensitisation training.
- Deduction from salary as compensation to the complainant.
- Termination/dismissal from service.

In case the complaint is found malicious, the IC may recommend action against the complainant **only when malicious intent is proven**, not if the complaint was made in good faith.

11. False or Malicious Complaints

- A false complaint is one made with deliberate intent to deceive.
- Disagreement with IC findings does not constitute a false complaint.
- Action for malicious complaints will follow HR disciplinary rules.

12. Record Keeping and Reporting

For the Prevention of Sexual Harassment (POSH) mechanism to function effectively and transparently, proper documentation is essential. The Internal Committee (IC) at VLN is

responsible for maintaining all records related to complaints, inquiries, decisions and annual reporting in a systematic and confidential manner. These records not only ensure accountability but also help the organization demonstrate compliance with legal requirements.

The IC will maintain a **Complaint Register**, where every complaint received whether written, oral (converted to writing) or submitted through authorized representatives is recorded with a unique reference number. This register will capture essential details such as the date of complaint, names of parties (kept confidential), the nature of the allegation and the status of the case. This ensures that no complaint is overlooked and that all cases are traceable for follow-up.

In addition, the IC will prepare and preserve **Inquiry Reports** for each case it investigates. These reports include statements from the complainant, respondent and witnesses, documentary evidence, the sequence of inquiry proceedings, findings based on facts and reasoning and final recommendations. These reports serve as the official record of the committee's actions and may be referred to for organizational learning or when necessary for judicial or administrative review.

The IC will also maintain **Minutes of Meetings**, documenting discussions, decisions taken, schedules and the attendance of members during each inquiry or review meeting. These minutes provide transparency into the committee's functioning and ensure that decisions are taken collectively, responsibly and in alignment with established procedures.

At the end of each year, the IC will prepare an **Annual POSH Summary**, which reports the total number of complaints received, cases resolved, cases pending and the nature of actions taken. Importantly, this summary will not contain the names or personal details of any complainant, respondent or witness, protecting confidentiality while still sharing general information required by law.

Furthermore, VLN will submit an **Annual POSH Compliance Report** to the District Officer or Local Complaints Committee, as mandated under the POSH Act. This report confirms that the organization has constituted an Internal Committee, conducted awareness programs, handled complaints as per legal guidelines and has complied with all statutory duties.

Through strict and responsible record keeping, VLN ensures that every case is addressed fairly, every action is transparent and the organization remains fully compliant with the law while upholding the dignity and safety of all stakeholders.

13. Awareness, Training & Orientation

VLN will conduct regular:

- POSH awareness programmes for staff, volunteers and residential units.
- Induction programs for new employees.
- Trainings on gender sensitivity, respectful communication and ethical behaviour.
- Display of POSH posters at all offices and institutional units under VLN.

VLN's commitment to **child protection, women empowerment and safe working environments**, reflected across multiple organizational programmes in the Annual Report, is the foundation for ongoing sensitisation efforts .

14. Protection of Vulnerable Groups

Given VLN's large number of beneficiaries including children, women in crisis, girls in residential care and persons with disabilities special care will be taken to:

- Prevent sexual abuse in residential institutions.

- Train staff in appropriate behaviour, similar to the Child Protection Code of Conduct (no inappropriate touch, gestures, language etc.)
- Ensure gender-appropriate supervision.
- Establish reporting mechanisms for residents.

This aligns with VLN's ongoing work in SAA, Shakti Sadan, Open Shelter, Bodhodaya Home, Senior Citizen Home (Female) and Special Schools (VI&MR).

15. Policy Review

This policy will be reviewed **once every three years** or earlier if required by legal amendments or organizational needs. The Managing Committee may update provisions to ensure stronger protection, transparency and compliance.

Conclusion

VLN remains firmly committed to:

- Building a workplace founded on respect, dignity and equality;
- Ensuring the highest ethical standards;
- Protecting staff, beneficiaries and all individuals associated with VLN;
- Responding swiftly and fairly to all complaints.

Through this POSH Policy, VLN reaffirms its dedication to creating a safe and empowering environment for all.

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