

## Chapter - 10

## Harassment Policy

### 10.0. PREAMBLE

#### *“Zero Tolerance Policy”*

“Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment.

### 10.1. POLICY

1. The Organization deplors all forms of harassment and seeks to provide a working environment which is free from harassment and intimidation, and where individuals have the confidence to complain of harassment without fear of ridicule or reprisal.
2. The aim of the Organization is to prevent harassment from occurring and, if it does occur, to prevent its reoccurrence. Harassment may lead to disciplinary action (including dismissal for serious acts) under the Organizations Staff Disciplinary Procedure.
3. All staff have a responsibility to ensure that harassment does not occur.

### 10.2. PURPOSE

The objective of this policy is to create a safe working environment for women, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. It will also enable higher productivity and a better quality of life at work.

### 10.3. INQUIRY COMMITTEE

The inquiry committee constitute following members;

- |                    |                          |        |
|--------------------|--------------------------|--------|
| 1. Ms. Sehar Saeed | Deputy Director Research | Chair  |
| 2. Mr. Asif Sultan | Director Operations      | Member |
| 3. Ms. Anam        | Deputy Manager HR        | Member |

Moreover, inquiry committees will be constituted in regional/district offices in case of any complaint to ensure policy compliance.

In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

#### 10.4. PROCEDURE FOR HOLDING INQUIRY: -

1. The Inquiry Committee, within three days of receipt of a written complaint, shall;
  - a. Communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given.
  - b. require the accused within seven days from the day the charge is communicated to him to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte; and
  - c. enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.
2. Subject to the provisions of this Act and any rules made thereunder the Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for the fixing place and time of its sitting.
3. The following provisions *inter alia* shall be followed by the Committee in relation to inquiry:
  - a. The statements and other evidence acquired in the inquiry process shall be considered as confidential;
  - b. An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
  - c. Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agent representative, a friend or a colleague;
  - d. Adverse action shall not be taken against the complainant or the witnesses;
  - e. The inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize her from freely pursuing her complaint; and
  - f. The Inquiry Committee shall give its findings in writing by recording reasons thereof.
4. The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties:
  - (i) **Minor penalties:**
    - (a) censure;
    - (b) withholding, for a specific period, promotion or increment;
    - (c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
    - (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;
  - (ii) **Major penalties:**
    - (a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
    - (b) compulsory retirement;

- (c) removal from service;
  - (d) dismissal from service; and
  - (e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.
5. The Competent Authority shall impose the penalty recommended by the Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Inquiry Committee
  6. The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations subject to decision, if any of Competent Authority and Appellate Authority have been implemented.
  7. In case the complainant is in trauma the organization will arrange for psycho-social counseling or medical treatment and for additional medical leave.
  8. The organization may also offer compensation to the complainant in case of loss of salary or other damages.

### **10.5.0 CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE**

Whereas it is expedient to make the Code of Conduct at the Workplace etc to provide protection and safety to women against harassment it is hereby provided as under:

(i) The Code provides a guideline for behavior of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;

(ii) “Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment;

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

#### ***Explanation:***

There are three significant manifestations of harassment in the work environment:

**(a) Abuse of authority**

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

**(b) Creating a hostile environment**

Any unwelcome sexual advance, request for sexual favors 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 typical “hostile environment” claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

**(c) Retaliation**

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee’s options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

(iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;

(iv) A *complainant* or a staff member designated by the *complainant* for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;

(v) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;

(vi) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;

(vii) A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;

(viii) The complainant may make formal complaint through her incharge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;

(ix) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;

(x) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;

(xi) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;

(xii) The harassment usually occurs between colleagues when they are alone, therefore usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and

(xiii) The Code lays down the minimum standards of behavior regarding protection of women from harassment at workplace etc but will not affect any better arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.

## **10.6. MONITORING**

Quantitative monitoring will be undertaken, providing information that cannot identify individuals. It will cover:

- Number of cases of harassment in a year
- Nature/type of harassment in each case
- Offices and Departments where harassment has occurred
- How cases were resolved e.g. No action, informal action, formal action or other.