

Anti-Sexual Harassment Policy of
Trinamul Unnayan Sangstha

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Trinamul Unnayan Sangstha
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A handwritten signature in black ink, appearing to be "A. K. M. S.", is written over a horizontal line.

General Secretary
Trinamul Unnayan Sangstha

A handwritten signature in black ink, appearing to be "S. Venkma", is written over a horizontal line.

Chairperson
Trinamul Unnayan Sangstha

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1. Introduction

Trinamul Unnayan Sangstha (TUS) is a non-governmental organisation, working for community development with a vision and mission. In accordance with vision and mission, TUS is committed to ensure a supportive and gender sensitive working environment for all staff, interns, volunteers, consultants, contractors, vendors, members and other relevant stakeholders with whom TUS engages professionally are treated with dignity and respect and free from discrimination, harassment and abuse of any kind on the grounds of gender. TUS practices zero tolerance against violence against women in all its manifestation from both organizational and programmatic perspective. TUS has vigorous provisions in its Gender Policy, Code of Conduct, Human Resource Manual and Sexual Harassment Policy that aim to ensure an enabling environment where all staff, interns, volunteers, consultants, contractors, vendors, members and relevant stakeholders of the organization shall work and interact with each other utmost respect, decency and sensitivity. Although anyone could be subject to sexual harassment, irrespective of age, sex marital status, education or profession, TUS recognizes that women are usually more vulnerable to such victimization. That is why TUS takes necessary steps to put in place preventive and remedial measures and address enabling work place free from sexual harassment and discrimination. Thus, TUS has formulated this policy so that anybody can file complaints and seek redress in the event of any unfortunate incidence of this nature in a work related situation. This policy is mandatory to all staff, interns, volunteers, consultants, contractors, vendors, members and other relevant stakeholders to abide by the policy. This policy shall be called as the Anti-Sexual Harassment Policy of Trinamul Unnayan Sangstha.

2. Scope of the Policy

Any staff, intern, volunteer, consultant, contractor, vendor, member and other relevant stakeholders of TUS can invoke this policy against another (or more than one) staff or relevant stakeholder(s) in the event the latter commits an act of sexual harassment in or outside of the office premises during or in the course of employment/involvement with TUS. The complainant and the accused person can be of any gender. TUS encourages a spirit of openness in the work place so that staffs, interns, volunteers, consultants, contractors, vendors, members and other relevant stakeholders feel confident in challenging unacceptable conduct and lodge complaints in the due process. This policy is not intended to impair or limit the right of any staff, intern, volunteer, consultant, contractor, vendor, member and other relevant stakeholder for seeking a remedy available under the law. Proceedings under this policy shall continue notwithstanding any proceeding initiated by a complainant against an alleged perpetrator under any law in force at the time.

3. Sexual Harassment defined

The policy draws on the definition provided in the High Court Division Guidelines to signify Sexual Harassment. However it is important to note that the acts described in the checklist below are not exhaustive. TUS Sexual Harassment Complaint Committee shall



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have the authority to accept, investigate and analyze any complaint based on any case beyond this check list in order to arrive at an informed decision.

For the purpose of this policy, sexual harassment means and includes-

- a) Unwelcome sexually determined behavior (whether direct or by implication) as physical contact and /or advances;
- b) Attempts or efforts to establish physical relations having sexual implications;
- c) Sexual colored verbal representations;
- d) Demand or request for sexual favors;
- e) Showing pornography;
- f) Sexually colored remarks and gestures;
- g) Indecent gesture use of abusive language, stalking, joking having sexual implications;
- h) Insult/harassment through any medium, including social media, letters, telephone/cell phone calls, SMS, notices, cartoons, writing of any kind of sexual implication on any fixtures and furniture of any office, conference room, meeting room, classroom, wash room, or any other facility in office premises;
- i) Taking pictures of video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity;
- j) Preventing participation in sports, cultural, recreational, organizational, professional and activities on the ground of sex and /or the purpose of sexual harassment;
- k) Making any inappropriate /unwelcomed love proposal and exerting pressure or posing threats in case refusal of the said proposal;
- l) Attempts to establish sexual relations by intimidation, deception or any false assurance;
- m) Stalking;
- n) Any other act or behavior that TUS's Sexual Harassment Complaint and Redress Committee may consider tantamount to sexual harassment.

4. Code of conduct of sexual harassment

TUS staffs interns, volunteers, consultants, contractors, vendors, members and other relevant stakeholders will not do such types of conduct of sexual harassment in work places below:

A. Visual Conduct:

- Leering
- Making sexual gestures
- Displaying sexually suggestive or explicit objects, pictures (still or moving) cartoons, graffiti or posters in any manner, including as part of e-mail transmissions.

B. Verbal Conduct:

- Whistling and catcalls
- Foul or obscene language
- Making or using derogatory comments which are sexual in nature
- Explicit discussion about sexual activities/behaviors



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- Comments about a women's physical attributes
- Spreading rumors about another person's sexual activities/conduct and or partners
- Jokes which contain offensive, obscener or lascivious contain
- Sexual advances/Sexual propositions.

C. Written Conduct:

- Suggestive, obscene or pro positioning letters, notes, greeting cards or invitations including but not limited via e-mail.
- Displaying pictures (still or moving), cartoons, graffiti or poster in writing, including but not limited to e-mail.

D. Physical Conduct:

- Unwelcome and touching
- Sexual assault
- Kissing/Hugging/Grabbing
- Coercing another person to participate in sexual intercourse or other sexual behaviors
- Impending or blocking movements
- Any physical interference with normal work or movement
- Sexual gesture.

5. Sexual Harassment Complaint Committee

Pursuant to the judicial directives of the High Court Division and in order to strengthen the gender dimension of its institutional framework, TUS has constituted a 'Sexual Harassment Complaint Committee' to safeguard against sexual abuse and harassment of women and girls (hereinafter referred to as "Committee"). The purpose of the committee is to hear and settle complaints of sexual harassment and protect them from all forms of sexual misconduct.

5.1 Composition

The committee shall form consist of 5 (five) members of whom 3 (three) from Senior Management Team (SMT) members and 2 (two) from external experts in related field. All external experts shall be women. It is noted that the convener and member secretary will be selected as decision of SMT, TUS. The SMT, TUS shall determine the composition of both external and internal members of the committee. The SMT shall also review the same to ensure full independence and objectively in its functions free from conflict of interest. In the event of an allegation against any of the above-mentioned internal members, the SMT will nominate another staff to replace him/her to deal with this matter.

The composition of the committee will therefore be as bellow:

- a) Convener (SMT, TUS),
- b) Member Secretary (SMT, TUS),
- c) Member(SMT, TUS,
- d) Member (Civic engagement),
- e) Member (Civic engagement).



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The committee may, in consultation with SMT, TUS co-opt any other staff from TUS if necessary and as appropriate.

5.2 Powers and functions

- i. The committee shall receive harassment complaints, conduct investigations thereon and recommend actions as appropriate in accord with the relevant provisions of TUS's Gender Policy, Code of Conduct and the Human Resource Manual High Court Directives in the form of Guidelines mentioned above.
- ii. In receiving complaints and acting thereon, the committee shall follow prescribed procedures developed for this purpose. The Committee shall have the liberty to call for any document or witness in due process for the ends of justice.
- iii. The committee will ensure natural, fair and objective investigations, in consideration of the arguments brought forward by both parties with intend of arriving at an informed decision and recommending appropriate measures.
- iv. The committee will be directly reportable to the Executive Director of TUS. If any incident occur or the allegation implicates or lies against the Executive Director, the committee will report to the general secretary of executive committee of TUS.
- v. The committee will document its findings based on which it will form its decision. Based on the views of the majority of the members, the committee will finalize the report and submit it to the Executive Director.
- vi. Confidentiality, impartiality and independence are the cordial principles, which will guide the work of the committee. Facts and information concerning any incident and identities of the parties shall not be disclosed by the committee or by TUS's management without the complaint's permission unless required under any law for the time being in force or under the order of any court or if the parties waive their right to confidentiality. The committee shall do everything in its power to ensure due process and neutrality while investigating a complaint, for which it will function independently of TUS's organizational structure, if necessary.
- vii. All complaints of sexual abuse and harassment in all workplaces under the jurisdiction of the organisation, namely its head office and branch offices, in all events and, or activities organized as part of TUS's organizational and programmatic jurisdiction shall be within the responsibility of the committee.
- viii. The committee shall meet and when necessary in response to complaints received and, or as convened by the SMT or TUS management, if required. In addition, the committee shall arrange meeting in every three months for review.

5.3 Tenure of the committee

The tenure of the committee members shall be for a period of two (2) years from the date of its constitution after which the committee shall be reconstituted. Internal member can be re-selected for a maximum of two consecutive terms after a gap the internal members shall be eligible for another 2 (two) terms. Members of the committee may be discontinued before the end of the prescribed term upon resignation by member(s) or by a decision taken by the SMT, TUS.



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5.4 Quorum

At least 3 (three) members of which at least 1 (one) must be external, shall constitute a quorum for a meeting of the committee at any given time.

6. Complain Mechanism

All complaints shall be lodged directly with the committee. A complaint may be made by the aggrieved person or by his/her friend, colleague or member of the family on behalf of him/her. A complaint will be filed directly to the convener of the committee in writing [email, letter] or orally [in person or over phone] for necessary action.

No anonymous complaint shall be accepted.

The complainant must file the complaint within 30 (thirty) working days from the date of the alleged incident.

On receiving a complaint, the committee shall follow the investigation procedures as prescribed in Section 5.2.

If the complainant is not satisfied with the decision/action taken by the committee s/he may appeal to TUS's **ombudsperson**.

6.1 Content of the complaint:

- Factual description of the incident(s) with date(s), time(s) and location(s) as accurately as possible;
- The name(s) of the accused;
- The name(s) of witnesses; if any, and any physical and/or documentary proof, which corroborate the allegation (e.g. e-mails, text or voice messages, photos, letters, etc.).

6.2 Investigation procedures:

- 6.2.1 On receipt of the complaint, the committee shall hear both parties and witnesses, gather evidence and examine their veracity. In addition to oral and documentary evidence, and evidence adduced by witnesses, if any, the committee will also consider other circumstantial evidence in accordance with the applicable law.
- 6.2.2 The committee will be discreet its approach while recording the testimony of the complainant in order to put her/him at ease. The committee will refrain from indulging in a line of questioning that might be construed as insensitive, embarrassing, harassing or offensive.
- 6.2.3 The committee will record the complainant's testimony, a transcript of which shall be signed by the complainant with a copy to be provided to her/him.
- 6.2.4 The committee shall complete the investigation and prepare its report within 30 (thirty) working days of receiving the complaint. If considered necessary, the committee may extend the investigation period up to 60 (sixty) working days. The report will comprise of a) finding, b) assessment and analysis of findings, and c) recommended course of action.
- 6.2.5 The committee will take decision based on the views expressed by the majority of its members. The committee shall prepare the report and recommendation and submit it to the Executive Director, except where the complaint concerns the Executive



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Director, in which case it shall submit the report directly to the General Secretary or Chairperson, Executive Committee(EC), TUS.

- 6.2.6 Based on recommendations by the committee, the Executive Director will communicate the outcome and decision to the complaint(s) and the accused through Program Manager or Head, Human Resource Unit or Section. Where the complaint is against the ED, the EC will directly communicate the outcome and decision to the complainant and the accused.
- 6.2.7 The Human Resource section or Program Manager will inform the accused of any disciplinary action and, or, remedies within a week after receipt of the committee's recommendation as communicated to it by the Executive Director (or by the EC where applicable). The Head of Human Resource section or assigned person will also inform the complainant regarding the disciplinary actions taken against the accused.
- 6.2.8 A complaint lodged by any aggrieved person against any TUS staff or relevant stakeholder with reference to an incident that had occurred in the latter's earlier workplace, shall be investigated by the committee provided that the complainant provided the committee with sufficient evidence of his/her guilt proven in the alleged matter in the due process.
- 6.2.9 Interim Measures: TUS will provide medical support, counseling, and/or facilitate referral to legal aid if the complainant so requires in the recovering from the consequences of harassment, especially in case of serious offences. Depending on the seriousness of the alleged act, steps will be taken to keep the complainant away from the organisation and suspend the accused person immediately until the investigation is complete.
- 6.2.10 False Complaints: if the complainant is proved to have filed a false complaint with malicious intent, the committee will recommend appropriate disciplinary action against her/him. Disciplinary action shall also be initiated against those who have given false testimony in support of the complaint.
Failure on the part of the complainant to prove sexual harassment shall not amount to a false complaint, unless her/his mala fide intentions are proved beyond reasonable doubt.
- 6.2.11 Withdrawal of Complaint: if the complainant wishes to withdraw the complaint or stop the investigation at any stage, s/he must furnish the committee with a written request along with grounds for such decision. If the committee is not convinced of the grounds cited, it will consult with the complainant to ensure that s/he has taken the decision to withdraw the complaint of her/his own free will.
If any case, once an investigation has commenced, it shall continue notwithstanding that the complainant wishes to withdraw the complaint so long there is sufficient evidence in support of the complaint.
- 6.2.12 Co-opting Experts and Outsourcing of investigation by Committee: In appropriate case, the committee shall have the discretion to-
- a) Co-opt any other individual with desired or relevant knowledge and expertise to assist in the investigation;
 - b) Outsource the investigation to an independent third party.



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7. Disciplinary Measures

7.1 If the committee finds staffs, interns and volunteers guilty of sexual harassment, s/he will face the following disciplinary actions depending on the degree and gravity of the offence and duly categorized as major and minor;

- Letter of warning (minor)
- Deduction of salary (minor)
- Termination (major)
- Dismissal (major).

7.2 In case of consultants, contractors and vendors their contract will be cancelled if proven guilty. Depending on the gravity of the offence, the will also be blacklisted.

7.3 In case of members of TUS and relevant stakeholders their membership and involvement with TUS will be cancelled if proven guilty.

8. Documentation and Training

Human Resource section will-

8.1 preserve the complaint and the result or reports of the investigation in the personnel files of both the complainant and the accused person.

8.2 ensure if any staff, volunteer, intern or individual who separated or terminated or discharged from TUS services due to sexual harassment shall never be re-employed or re-hired/re-contracted ever again.

8.3 maintain a database of the number of sexual harassment complaints filed each year, the decisions reached and executed.

8.4 ensure that a copy of this policy is made available at all TUS offices including online version.

8.5 provide orientation to all staffs, interns, volunteers, consultants, contractors, vendors, members of TUS and other relevant stakeholders on the policy. All newly recruited staffs shall receive a similar orientation regarding on the policy.

9. Policy Review and update

If TUS faces any contradiction or challenges and need to review the policy for specific reason the concern authority of TUS or SMT of TUS can be reviewed any time to accommodate emerging challenges.

