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1. Policy Statement

Digital Empowerment Foundation (DEF) is committed to maintaining a positive climate at work, in which individuals can work together in an environment free of all forms of violence, harassment, and discrimination on the basis of gender. **DEF strongly believes and supports gender equality and opposes any form of gender discrimination and violence at the workplace.**

By the term 'Gender Equality', we mean the work-life balance, protection from any kind of harassment and the right to work with dignity, which is a universally recognized human right.

For the Physical and mental harassment, The Supreme Court judgment of 1997 (Vishakha & others) makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the court and to evolve a specific policy to combat sexual harassment in the workplace. All the organizations are bound by the same directive. Following this, DEF is committed to uphold the constitutional mandate ensuring the above mentioned human rights of all those who fall within its jurisdiction.

In response to this, a 'Gender Committee' has been formed, which will act as a primary body to address the issues against Gender equality and harassment. This policy covers the mandate of Internal Complaints Committee (ICC) at workplaces as well. This Policy note outlines the subject in details and establishes the relevant mechanisms to address any issues. The Organisation is obligated to provide safe work environment which is free from any kind of Gender biasness and harassment.

2. Policy Requirement

The Gender Committee at DEF has been set up with an objective of providing men & women an appropriate complaint mechanism against any inequality issue or unwelcome behavior in any manner. The policy suggests mechanisms that are accessible and will ensure confidentiality. It also serves as a system to ensure the fair, accountable and representative procedures for redressal and resolution.

This Policy also defines the Physical, Psychological and Emotional harassment (in any visual, physical or verbal form) by any gender and the mechanisms of redressal through the Committee by looking at the specific structures, needs and imperatives in DEF.

However, for female members, Sexual harassment is guided by the definition of Sexual Harassment given by the Supreme Court in Vishakha vs. State of Rajasthan. (Refer Annexure 1, Link 4)

3. Definition of Gender equality

1. "Gender equality" means the equal rights, obligations, opportunities and liability of men and women in professional life, upon acquisition of education and participation in other areas of social life;
2. "Equal treatment for men and women" means that there shall be no discrimination whatsoever based on sex, either directly or indirectly;
 - a. *"Direct discrimination based on sex" occurs where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation. Direct discrimination based on sex also means the less favourable treatment of a person in connection with pregnancy and child-birth, parenting, performance of family obligations or other circumstances related to gender, and sexual harassment;*
 - b. *"indirect discrimination based on sex" occurs where an apparently neutral provision, criterion or practice would put persons of one sex at a particular*

disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary;

4. Definition of Harassment

Harassment has been defined under the categories of Psychological, Physical and emotional. The following shall constitute Harassment:

1. When unwelcome acts like any visual, verbal or physical conduct such as loaded comments, remarks or jokes, emails, letters, phone calls, text messages, gestures, physical contact, stalking, display of a derogatory nature or creating an intimidating, hostile or offensive environment.
2. Any unwelcome sexual advances, requests for sexual favors or any conduct of a sexual nature (Verbal or non-verbal conduct)
3. Any action or comment/s (racial, ethnic, religious etc.) which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

5. Jurisdiction

The rules and regulations under this policy will be applicable to all complaints regarding any kind of harassment made:

1. By any Staff member of DEF against any other member of DEF, irrespective of whether harassment is alleged to have taken place within or outside the workplace. It shall be applicable to the regional staff members as well.
2. By any Staff member of DEF against any Intern/Volunteer/outsider of DEF irrespective of whether harassment is alleged to have taken place within or outside the Workplace.

3. By an Outsider¹ against a staff member of DEF or by any member of DEF against the outsider if the harassment is alleged to have taken place within the office premises or outside the office premises²
 - a. *Here Staff member of DEF includes any staffs who are appointed on any post of DEF in the Headquarters and in regional branches of DEF.*
 - b. *Staff does not include the Local partners at various centres and shall be treated as Outsiders*
 - c. *Workplace includes- Office premises (Headquarters and Regional), Property/place owned/hired by Organisation, any venue used for workshops, training and other formal discussions/activities, Any place visited by the employee including Transportaion for office work.*

6. Gender Committee

The committee to review harassment would involve:

1. Chair of the Gender Committee
2. Presiding Officers- 2 members from the DEF Governing Board [One Female and One Male]
3. Internal Officers- 2 Members from Middle Level Management [One Female and One Male]
4. HR Department Head of DEF
5. An independent psychiatrist/psychologist
6. One Third party member/Lawyer (to avoid any undue pressure or senior level influence)

All the involved Committee members should have worked with the organization for at least 2 years. The committee shall be responsible for maintaining the workplace free from harassment.

The Committee will strive to maintain confidentiality to the full extent appropriate, consistent with applicable law and the need to resolve matters effectively and fairly. All persons involved in the proceedings will be advised of the need for discretion and confidentiality.

¹ Outsider refers to all the partners, Vendors or any person who has been or not has been associated with DEF

² In such cases when any outsider is involved, the role of Committee would be to provide necessary support in terms of Counseling and providing advises for Legal resource.

- * As per law, any medium organization shall have a Committee of at-least 5 members.
- * Inappropriate breaches of confidentiality may result in disciplinary action.
- * Director/CEO is required to be present in the first meeting during the Enquiry Proceedings.

7. Role of the Committee

The Committee's role will include of following-

1. To play a preventive role by making efforts towards sensitization of the staff on gender issues by conducting periodic programs and in-house workshops/gatherings.
2. To take cognizance of complaints about Harrasment, conduct proper enquiries, provide assistance and redressal to the victims, recommend penalties and action against harasser, if required.
3. In case of any Sexual harassment complaint, to facilitate the complainant for filing a case to the Indian Penal Code (IPC), if required.
4. Ensure Safety and equality at all levels at the workplace.
5. To recommend arrangements for appropriate emotional, psychological and physical support (in form of counseling and other assistance), if desired by the victim.

*Committee holds the right to appoint a '**Fact finding Committee**' if there is any complaint/issue received from any branch offices located elsewhere.

* '**Fact finding committee**' should consist of 2 members from different departments to collect the facts about the issue reported.

* Fact finding Committee members are expected to hold all the information confidential during and after the case enquiry, otherwise Gender Committee can take action on them for any leakage of information about the case.

8. Procedures of registering complaints

1. By the **Individuals**, noticed or has been victim of any unwelcome attitude from others
2. By **HR department**, as a part of their responsibility, noticing any unwelcome attitude from any DEF staff member

The complaint about harassment can be send to the Committee via-

- 1) Electronic/Direct Communication:** If there is any issue regarding inequality at any level or harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop.

The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo. The Committee shall maintain the complete confidentiality of the entire proceedings.

- 2) Contact with Supervisory Personnel:** At the same time direct communication is undertaken, or in the event if employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor.

Initiate Action by Committee: To start the enquiry on the registered complaint, the Committee shall ask the complainant to submit a handwritten copy of complaint to the committee. (to avoid questions on validity & reliability on Digital sources of complaint and so to maintain the Confidentiality)

- 1. If the harasser is the immediate supervisor; the problem should be reported to the next level of supervision.*
- 2. Complaint of any physical, psychological, emotional harassment incident shall be filed to the Gender committee within the 3 months period of time only.*
- 3. Anonymous Complaints will be valid & shall be addressed by Gender Committee. If there is no concrete results, the contents of these complaints may be used for further sensitization purpose, if seems relevant.*

9. Case Scenarios

Complainant (Employee of the organization)	Respondent (Employee of the organization)	Work place	Responsibility of Gender Committee
YES	YES	YES	YES
YES	YES	NO	<p>NO (Any issue in the workplace shall be addressed primarily until unless it is an exceptionally serious case happen outside Workplace)</p> <ul style="list-style-type: none"> Gender committee holds the right to accept/reject the cases to be addressed through committee if happens outside the Workplace.
YES	NO	YES	YES
NO	YES	YES	YES
NO	NO	YES	YES (To take the action accordingly of escalating issue to appropriate authority, cancelling partnerships, contracts etc. with the Complainant/Respondent organization)
YES	NO	NO	NO (Committee can facilitate the Complainant to register the complaint to IPC or appropriate authority)
NO	YES	NO	No (committee shall instruct any responsible employee to cooperate in enquiries though, to ensure an honest and safe workplace)

10. Enquiry Procedure

After the receiving of the complaint, the Committee is bound to initiate the action on it. After the enquiry meetings and findings **Committee is responsible to submit their report within one month**. The Report of the Committee should be presented to the CEO/Director of the organization for the further action. **Director shall initiate the action on the submitted report within 10 days of the receipt of the report.**

During the Enquiry of the Complaints, the Committee-

1. Is bound to maintain the confidentiality of all the meetings and relevant proofs and information regarding the complaint. *(Other members mutually should take a call on the penalty against the Committee member, who founds guilty to breach the confidentiality at any level of the enquiry)*
2. Should have the representation from both the Genders and at least 80% members should be present during the meeting.
3. Shall inform the accused in writing about the charges made against him/her and should be given a period of 15 days to respond to the charges after the receipt of complaint.
4. During the enquiry procedure, the victim and accused shall be called separately to discuss the complaint and charges so as to give the full freedom of expression.
5. If found the complaint irrelevant and comes out with no proofs, then they shall recommend the Director that no action is required in this matter (however, the complainant should be given a memo/warning letter if the complaint has no serious proofs and implications.
6. Shall ensure that filing of any complaint/grievance shall not adversely effect the complainant's status/Job, Salary/Appraisal in any case.
7. Is not expected to share any information or action taken during these proceedings and so shall not pass any commitment to publish, communicate or made known to the public, press or media in any manner.
8. The employees/stakeholders of the organization have the right to understand and ask the information regarding the number of such complaints and how many of them have been addressed satisfactorily.

9. For all the branch offices, there shall be one Presiding officer appointed as a part of the Committee however the headquarter committee shall operate the policy and ensure the implementation of the policy well.
10. In any and every case, Chairperson shall remain the same for Gender committee in an organisation (including Branch/regional offices also)
11. Anyone who apparently makes biased, frivolous complaints to settle personal grudges, shall be dealt with appropriately by the Committee, including suspension, imposition of fines, expulsion from employment, etc, so as not to let the policy be misused. However the complaint has to be filed via victim.

** Any Committee member, being the target of inquiry (harasser/victim), he/she shall not be allowed to attend the proceedings, unless directed to do so to appear.*

** Any Committee member charged with any kind of harassment in a written complaint must step down as a member from the Committee during the enquiry procedure. If proved to be true, the member shall not be accepted back as a Committee member and shall be replaced by a new appointed member.*

** Any committee member, in relation with, either accused or Victim shall step down from any decision making participation and should sign 'Conflict of Interest' during the Enquiry Proceedings. However, He/she shall be present during all the meetings and shall maintain the confidentiality of the matter.*

11. Disciplinary Action

The Disciplinary action recommended by the committee will be commensurate with the nature of violation and may include the following-

1. If the report findings are true for any inequality issues, Gender committee is expected to take immediate & necessary actions to address the same within a time limit of 15 working days.
2. For the DEF staff members, the disciplinary action shall be in the form of written warning, written apology, Debarring from the duties/post, Denial of membership in any kind of partnership with DEF, Denial of re-employment within the organization, Cancel any future appraisals/promotions and may lead to even demotion, suspension, Dismissal.
3. For outsiders, DEF authorities shall initiate the action by making a complaint with the appropriate authority. (Committee holds no right to overpower the outside associates of the organization (ie. Partners, clients, vendors etc.), however Committee shall talk directly to the authority of the respective organization of the vendor, client, partner)
4. Any Verbal warning, apology shall not be the accepted modes of redressal.
5. If the Case reported is very serious, Gender committee shall pass the case immediately to IPC wherein Gender Committee can support the Complainant but it is not a mandate for Committee.
6. Enquiry report submitted by the Gender committee is legally valid from all the process & perspective along with the recommendations from the Gender Committee members.

**The Victim of Sexual harassment as per Supreme court judgment will have the option to seek transfer of the accused or their own where applicable.*

12. Reporting

1. All the reported cases shall have a separate file along with all the evidences as annexures attached to the report and should be maintained separately.
2. As per the law, all the members of the Gender Committee are expected to submit a Annual report to the CEO of the Organization with all the filed complaints, redressal, solved cases, Improvement reports along with a report on organized workshops on the awareness of new advancements in the area of Gender equality for the employees.
3. Annual report should be submitted to the CEO of the organization between January to March of every year.

13. Exception

1. After the decisions from the Committee, any accused has the opportunity to appeal against the decision by the Gender Committee. In this case request/appeal shall be made to the Director/CEO and Director shall take the appropriate action on the same within 15 days.
2. This will include creating an ad-hoc committee chosen by the Director, from the organization, to review the Committee's decision and to provide their recommendations to satisfy the appeal with proper enquiry and proofs.

14. Gender Committee

S.No.	Name	Designation	Role in Committee
1.	Ms. Ravi Kanta	Head- Admin & Operations, digital Empowerment Foundation	Chair
2.	Ms. Shalini Kala	Independent Consultant	Presiding Officer
3..	Mr. Rajen Varada	Founder, Technology for the People	Presiding Officer
4.	Mr. Shahid Ahmad	Director- Projects, digital Empowerment Foundation	Internal Officer
5.	Mr. Sanjay Kapoor	Head- HR, digital Empowerment foundation	Supporting Officer
6.	Anonymous (Outsider/lawyer)*		

15. Annexure 1

Important Links-

- 1) <http://wcd.nic.in/wcdact/womenactsex.pdf>
- 2) [http://en.wikipedia.org/wiki/Criminal_Law_\(Amendment\)_Act,_2013](http://en.wikipedia.org/wiki/Criminal_Law_(Amendment)_Act,_2013)
- 3) <http://www.lawyerscollective.org/wp-content/uploads/2013/12/Sexual-Harassment-at-Workplace-Rules.pdf>
- 4) <http://www.iitb.ac.in/WomensCell/data/Vishaka-Guidelines.pdf>
- 5) <http://pib.nic.in/newsite/erelease.aspx?relid=95069>
- 6) <http://www.moneylife.in/article/sexual-harassment-of-women-at-workplace/35680.html>

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About

DEF believes access to the Internet together with digital literacy can empower people to use information and knowledge to improve their lives on their own in various ways using different digital tools. DEF has adopted a multi-stakeholder approach and a seven-fold path to enable communities, governments, schools, civil society organisations and micro-enterprises avail the benefits of the Information Age. It promotes more extensive use of ICTs for development and has created platforms for discovering and honouring ICTD innovators and practitioners so as to create a knowledge hub and database and an ecosystem that can enable digital innovators to share knowledge, forge partnerships and scale up. It is also engaged in advocacy and research on all digital areas and such issues as Internet rights and right to information.



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