



Prevention of Sexual Harassment Policy

Branch office, New Delhi

1. Policy statement

This Prevention of Sexual Harassment Policy (hereinafter referred to as the 'policy') of the New Delhi branch office of International Initiative for Impact Evaluation Inc. (3ie) has the following two sections that provide details supporting this policy statement: sexual harassment (section 2), training (section 3).

3ie does not tolerate discrimination based on sex, gender, sexuality, ethnicity, caste, religion or age. 3ie has a duty to provide a safe environment for all of its employees, free from discrimination and all forms of sexual harassment. All 3ie staff have a responsibility to treat all colleagues with dignity, courtesy, respect and consideration, even when disagreeing on work or other matters. All forms of sexual harassment are contrary to 3ie's values.

3ie will operate with a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and in confidence, and promptly investigate all formal allegations. No one will be victimised for making such a complaint. Any person found to have sexually harassed another will face consequences and actions described in this policy.

This policy shall be applied to all the persons employed or working with 3ie either on regular, contractual or temporary basis for any work, which includes trainees, interns, consultants, staff members, management, commissioners and officers, in relation to any incident of sexual harassment (as defined hereunder) while at the workplace and/ or any place visited by such person(s) arising out of or during the course of employment with 3ie.

This policy shall be governed by the laws of India, specifically The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.¹

1.1 Responsibilities

All staff, board commissioners and contractors have a duty to ensure the health and welfare of themselves and others by cooperating with 3ie's policies and procedures and by acting in accordance with this policy. Specifically, for sexual harassment, all persons associated with 3ie have a bystanders' responsibility to intervene and/or report predatory sexual behaviour.

¹ This policy at 3ie is gender neutral. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is constituted specifically for women and defines an aggrieved individual as a woman. However, through our policy we will consider complaints of sexual harassment from people of all genders

1.1 Staff

All staff have a responsibility for their own behaviour and actions, as well as a responsibility to act when they are party to predatory sexual behaviour on another person. Everyone has a responsibility to support the right of all individuals to dignity at work and to maintain an environment in which no form of sexual harassment is tolerated.

1.2 Senior management

Senior management have a responsibility to ensure that staff are aware of this policy and their responsibilities.

1.3 Senior staff

Senior managers, officers and specialists or other designated staff line managing other staff have a responsibility to treat any discussions with staff about sexual harassment as confidential. When trying to resolve any complaint of sexual harassment, depending on the severity of the issue, managers may inform the presiding officer of the IC and/or consult with them to identify ways of dealing with the issues through non-monetary conciliation or mutual agreement wherever possible, unless the aggrieved employee wishes to undertake the formal complaints mechanism for redressal of his or her complaint. Managers may need to hold individual meetings with those potentially involved but will not bring the complainant and potential harasser together face to face unless agreed by both parties.

1.4 Third-party sexual harassment

3ie commits to take stern actions in case of occurrence of any form of sexual harassment of an employee by someone who does not work directly for them, such as a grantee or other contractee, a board commissioner or someone working for 3ie by invitation, such as an advisory group member. This list is indicative and not exhaustive.

1.5 Named contact persons

Named contact persons are staff with training and experience that enables them to address sexual harassment problems where the aggrieved employee does not wish to initiate the formal complaints mechanism by making a complaint under section 2.3 hereunder. All discussions with named contact persons will be confidential. No further action will be undertaken without the prior consent of the individual concerned. A named contact person can advise the aggrieved employee on the legal course of action or take the matter up on his or her behalf.

For the purpose of this clause, the following shall be the named contact persons:

- Staff representative
- Senior HR Manager
- Any other staff member suitably trained in matters relating to sexual harassment
- Chair of the IC for sexual harassment

2. Sexual harassment

2.1 Definition

Sexual harassment is unwelcome predatory conduct of a sexual nature, which makes a person feel offended, humiliated, and/or intimidated. It includes situations in which a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations that create an environment that is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment and may be physical, verbal or non-verbal. Examples of conduct or behaviours that constitute sexual harassment include, but are not limited to, the types of conduct illustrated below in subsection through subsection **2.1.4**:

2.1.1 Physical conduct

The following list provides indicative but not exhaustive examples of physical sexually harassing conduct:

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. deliberately touching or pinching
- Use of job-related threats or rewards to solicit sexual favours
- Showing pornography directly or in proximity

2.1.2 Verbal or written conduct

The following list provides indicative but not exhaustive examples of verbal or written sexually harassing conduct:

- Any request or demand for sexual favours
- Comments or questions on a person's appearance, age or private life of a sexual or threatening nature
- Comments or stories having some sexual element implicitly or explicitly, which may be humorous, derogatory, condescending, sexist or heterosexist
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the employee
- Sending electronic mail messages, voice mail messages, SMS, WhatsApp or fax; posting on Facebook or sending or posting on other social media; sending any material of a sexual nature downloaded from the internet; or making offensive telephone calls; sending unwanted gifts of any nature
- Innuendo, including sexually provocative remarks, suggestive or derogatory comments about a person's physical appearance, inferences of sexual morality or tales of sexual performance

2.1.3 Non-verbal conduct

The following list provides indicative but not exhaustive examples of non-verbal sexually harassing conduct:

- Display of sexually explicit or suggestive material or material that may cause offence or intimidate, such as screen savers or other computer or mobile displays, wall papers, pictures, calendars, posters, objects or messages left in proximity likely to be noticed

- Display of sexually graphic materials
- Sexually suggestive gestures
- Whistling
- Leering

2.1.4 Conduct on social media platforms, meeting and/or other digital platforms

The following list provides indicative but not exhaustive examples of sexually harassing conduct on social media, meeting or other digital platforms:

- Posting potentially sexual comments or pictures to or about one another
- Non-consensual sharing of intimate images and videos
- Exploitation, coercion, and threats that are sexual in nature including any request or demand for sexual favours through the platforms
- Sexualized bullying, like excluding someone from a group, often systematically, through the use of humiliating or discriminatory sexual content.
- any other action listed in verbal conduct using social media, meeting or other digital platforms

Anyone can be a victim of sexual harassment, regardless of her or his sex or the sex of the harasser. 3ie recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

3ie recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between colleagues or between manager or supervisor and employee. Anyone, including but not limited to full- or part- time 3ie employees, clients, partners, contractors, grantees, members, commissioners or visitors who sexually harasses a 3ie employee or staff member will be subject to the processes and actions outlined in this policy.

2.2 Formal complaints mechanism: Internal Committee

2.2.1 Constitution

3ie shall constitute an Internal Committee (IC) as a forum for addressing and settling sexual harassment grievances reported to it by an aggrieved employee (complainant). The IC will formalise and publicise complaint procedures that are easy, non-threatening and non-discriminatory to an aggrieved employee and respondent, with due assurance of confidentiality.

2.2.2 Membership

The minimum composition of the IC shall be as follows:

- A senior staff person of a reputable non-governmental organisation (NGO) that is recognised for being expert and experienced in reducing inequality of all types and combatting sexual harassment (the said member referred to hereafter as the NGO Member)
- A woman employed at a senior level in the Delhi branch office of 3ie who has suitable training, experience with work-related sexual harassment and independence to be appointed as the chair; and

- No fewer than two employees preferably committed to human rights, the cause of women or who have had experience in social work or have legal knowledge.

The persons appointed as above to the IC are collectively hereinafter referred to as Members, and individually as Member.

The following are other parameters regarding membership:

- Should 3ie appoint an outside lawyer as a Member, the said lawyer will not otherwise represent 3ie as an attorney in any way; and he or she will be an expert in workplace sexual harassment claims with a balance of experience defending employers, complainants and respondents
- The IC shall have no fewer than four members
- At least one-half of the Members shall be women
- The NGO Member shall be entitled to a fee or allowance as mutually agreed for time spent performing as a Member
- All Members are required to act at all times in a non-discriminatory manner to the complainant and the respondent.

Membership term

The Members shall hold office for a period not exceeding three years from the date of their nomination. The 3ie senior management team may set terms of fewer than three years for the Members, at its discretion.

Cessation of membership

If any Member who is in 3ie's employment leaves the employment or is dismissed, discharged, terminated or suspended from his or her services for any reason, he or she will automatically cease to be a Member.

If a Member exhibits discriminatory attitudes, verbal, written, direct or implied, that may adversely affect a full and fair enquiry, any 3ie employee or a Member may lodge a complaint about that Member with the executive director of 3ie or senior management team or with the IC chair (provided they are not the defendants). 3ie management will investigate and may ask that Member to either prove that he or she has been carrying out his or her obligations under this policy in a fair and non-discriminatory manner or he or she may be removed from the IC and replaced. The decision of the 3ie management is final.

The following additional conditions may also result in removal from membership:

- If a Member is one of the parties to an active case
- Contravene the provisions section 2.3.1 below covering requirements for confidentiality
- Be under investigation/ inquiry, for or convicted of an offence under any law for the time being in force
- Be found guilty in any 3ie disciplinary proceedings or a disciplinary proceeding is pending against him or her
- Abused his or her position as to render his/her continuance in office prejudicial to public interest

Filling vacancies

The 3ie executive director, at the recommendation of the IC, shall fill any vacancies within 30 days from the date of cessation of his or her membership.

2.2.3 Powers

For the purpose of making an inquiry into a formal complaint filed by an aggrieved employee, the IC shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters:

- Summon and enforce the attendance of any person and examine him or her under oath
- Require the discovery and production of documents
- Undertake any other matters authorised by law relevant and reasonable to adjudicate the complaint fully and fairly

2.2.4 Meetings

In the absence of any active complaint, the IC shall hold at least one meeting per year. The meeting shall be to review the current policy, reflect on lessons learned and make any recommendations to the SMT about changes to it. In the event any sexual harassment complaint is lodged, the IC will immediately hold a meeting, and will proceed further as a complaint warrants and in accordance with processes described hereunder.

The quorum for holding any IC meeting shall not be fewer than three Members, of which two will mandatorily be the IC chair and the NGO Member. The majority of Members present will be female. One Member present should have legal expertise, should the agenda require it. In case the complainant is a man or a trans person, the male member of the IC needs to be present.

2.2.5 Reporting

The IC chair, on behalf of IC, shall submit an annual report to the 3ie's executive director, as well as the district officer as prescribed under the Act, no later than 31 January of the subsequent year. An anonymised summary of the number of cases taken up, resolved or ongoing will be reported by IC to the 3ie's Board of Commissioners

2.3 Formal Complaints mechanism: IC procedures for dealing with complaints

If an aggrieved employee who believes that they have been or who has been subjected to sexual harassment within the scope of this Policy, wants to make a formal complaint, the mechanism described below should be used to resolve the matter.

2.3.1 Confidentiality

Strict confidentiality of the complaint, identity and addresses of the aggrieved man or woman complainant, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of IC and the actions taken by 3ie shall be maintained and none of these shall be published, communicated or made known to public, press or media in any manner. However, the 3ie executive director may decide that information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved employee and witnesses.

The IC shall have the power to redact names of the complainant, respondent and witnesses in the complaint or supporting documents or tapes that are necessary to protect their identity.

2.3.2 Filing a complaint

The IC shall not consider any anonymous complaints. The complaint by the aggrieved employee should contain all material and relevant details concerning the alleged sexual harassment, such as, but not limited to, the name of the accused (respondent), the nature of the harassment, the dates and details of the incidents.

A handwritten or printed complaint in a sealed envelope may be sent to any IC Member, along with supporting documents, including the names and contact information of any witnesses being provided by the complainant. A complaint may be submitted by registered or confidential mail, electronically or delivered by hand. At the request of the IC chair, electronic copies of the complaint may be made available to the other Members, provided absolute security and confidentiality can be ensured.

Where the act of sexual harassment amounts to an offence under Indian Penal Code 1860 or any other Indian law in force, the complainant shall be informed by the IC of his or her right to initiate action under the applicable provisions of Indian Penal Code 1860, if the complainant so desires.

Time period for filing a complaint

Any aggrieved employee who believes that they have been or who has been subjected to sexual harassment by a manager, supervisor, colleague, customer, client, consultant, volunteer, trainee, intern or any other person who is connected with 3ie, shall file a complaint in writing to the IC at the earliest point of time or within three months of the alleged incident. In the case of a series of incidents, the filing must be within a period of three months from the date of the last incident. The time period may be extended by IC for a period not exceeding a further three months, for reasons to be recorded in writing that justify the extension.

Exceptions for filing in writing or in person

Where such complaint cannot be made in writing, the IC shall render all reasonable assistance to the complainant for making the complaint in writing or recording it. The IC may also convene a meeting wherein the statement of the aggrieved person shall be recorded in the first instance.

Where the aggrieved employee cannot make a complaint on account of (a) physical incapacity, his or her legal heirs or relative or friend or co-worker or an officer of the National Commission for Women or State Women's Commission or any person who has knowledge of such incident, with the written consent of the aggrieved employee, may make a complaint; (b) mental incapacity, his or her legal heirs or relative or friend or a special educator or a qualified psychiatrist or psychologist or the guardian or authority under whose case he or she is getting treatment or care or any person who has knowledge of such incident jointly with any of the above may make a complaint; (c) death, his or her legal heirs or any person who has knowledge of such incident, with the consent of his or her legal heir; or (d) otherwise for any other reason, his or her legal heirs or any person who has knowledge of such incident, with his or her consent.

Failure to pursue a complaint

The IC may terminate the inquiry proceedings or may give an ex parte decision on the complaint if the complainant or the respondent fails, without sufficient cause, to present himself or herself for three consecutive hearings (to be held within a maximum of one month).

However, before passing such an order, the IC shall give 15 days' advance written notice to the party concerned.

2.3.3 Proceeding with conciliation

Meeting of IC

The IC shall meet to discuss any complaint received by it alleging sexual harassment at the earliest point of time and follow the course of action as stated hereunder in this policy.

Notification to the respondent

On receipt of complaint, the IC shall forward a copy of the same to the respondent within seven working days. The respondent shall file their reply to the complaint, along with any documents and a list of witnesses at the earliest, and in any case, not later than 10 working days from the date of receipt of the copy of complaint from IC.

Conciliation

If requested by the complainant, the IC, before initiating an inquiry into the complaint, may take steps to settle the matter between the complainant and the respondent through conciliation. No monetary compensation shall be made as the basis of conciliation.

If a mutually agreeable, non-monetary settlement results from conciliation, the IC will record the settlement so arrived and provide copies of the agreed actions, as per the settlement, to the complainant, the respondent and 3ie. No further IC investigation or inquiry shall be conducted where a settlement has been agreed and formalised.

Failure to conciliate or to comply with settlement provisions

Where no settlement has been arrived at, or where a settlement was arrived at, however the complainant informs the IC that the respondent has not complied satisfactorily with any term or condition of the settlement, the IC shall proceed with the inquiry in terms of the provisions of this policy read with the Act. Both the parties will also be required to submit the evidence in support of their statements. The IC shall give both the parties (complainant and respondent) an opportunity of being heard. A copy of the findings from the hearings shall be made available to both the parties.

2.3.4 Proceeding with a formal inquiry

An inquiry may only proceed in the IC when there is a quorum present.

(a) Representation

The complainant and the respondent may have someone to accompany them during the inquiry following the IC's approval, such as a staff representative or other 3ie colleague or a family member. However, neither the complainant nor the respondent shall not be allowed to bring any legal practitioner to represent them at any stage in the proceedings before the IC.

(b) Inquiry and hearing witnesses

The IC shall be free to adopt its own procedures for carrying out the inquiry on the basis of natural justice, equity and fair play so that no prejudice is caused to either party.

While conducting the inquiry, the IC shall hear the witnesses listed by either party through interviews. The IC may determine there are other individuals with direct or indirect information regarding the complaint. The IC shall also obtain information from such other individuals. The IC is free to make enquiries as it thinks fit, within the strict requirements of confidentiality.

At least one meeting during the inquiry will include a full opportunity for the complainant and the respondent to rebut and cross-examine each other in a safe and respectful environment.

(c) Interim remedial measures

While an inquiry is pending, on a written request made by the complainant, the IC may recommend, immediate remedial measures to be taken to distance the complainant from the respondent to prevent further sexual harassment at the workplace. These measures may include, but are not limited to, the following actions:

- Transferring the complainant or the respondent to another department or otherwise from being line managed or having to work directly with the respondent
- Granting paid emergency leave² to the complainant of up to three months or when the complaint is settled, whichever is earlier
- Restraining the respondent from reporting on the work performance of the complainant or writing any confidential reports about the complainant
- Taking other responsive actions that mitigate the chance for sexual harassment

(d) Timeliness

Keeping in mind the sensitive nature of proceedings, the same shall be conducted expeditiously and without any unreasonable delay. The inquiry shall be completed within a period of 90 days from the date commencement of inquiry.

(e) Reporting

The entire record of the inquiry proceedings, including statements of the witnesses, cross-examinations and arguments made during the inquiry shall be included into a written record. All parties present at the inquiry shall sign the record and be given a copy thereof for their records.

(f) Inquiry report

On the completion of the inquiry, the IC shall provide a written report of its findings and conclusions to the executive director of 3ie within a period of 10 days from the date of completion of the inquiry. A copy of the report shall be given to the complainant and respondent.

(g) Complaint not proved

Where the IC concludes that the allegation against the respondent has not been proved, it shall recommend to the 3ie executive director that no action be required to be taken against the respondent.

² This leave would be additional to any emergency leave to which the employee is entitled in a given year.

The mere inability to substantiate a complaint or provide adequate proof shall not be grounds for determining a false complaint against the complainant. The malicious intent on part of the complainant shall be established after an inquiry by the IC.

The employees cannot be permitted to abuse the law and this policy for personal gains, settling scores or revengeful tactics. Making a sexual harassment complaint is an extremely serious matter. It affects the life, career and reputation of the parties involved, hence 3ie takes such issues with utmost seriousness and sincerity.

Where the IC concludes that the allegation against the respondent is malicious because the complaint and/or any supporting documents or testimony were knowingly false, it may recommend action against the complainant. The IC may recommend any of these actions:

- A written apology to the respondent
- A written reprimand or censure placed permanently in the employee's file
- Withhold promotion
- Withhold a pay rise or increments
- Repayment of remuneration paid during the period of any extra leave granted during the inquiry
- Undergo counselling sessions
- Termination from service

(h) Complaint is proved: sanctions and disciplinary measures

Where the IC finds the allegation to be proved, it shall recommend the punishment for the misconduct of sexual harassment, which may include one or more of the following actions:

- The respondent be reprimanded or censured in writing and the letter placed permanently in the employee's file
- Promotion of respondent be withheld
- Pay rise or increment of respondent be stopped
- Suspension for a specified period of time without pay
- Respondent be dismissed from service; which must be the recommendation if physical or other serious forms of violence or abuse are proved
- Respondent to undergo counselling sessions
- Respondent to give a written apology to the complainant, clearly undertaking that such behaviour will not be repeated and that no retaliatory steps will be taken directly or by intermediaries on their behalf

(i) Responsibility to act by the employer

The 3ie executive director shall issue a written response to both parties and the IC within 15 days of receipt of the inquiry report from the IC, detailing all actions the employer shall take within 60 days from the receipt of the IC's inquiry report. The recommendations of IC and commitments to act by the employer must be fully implemented within 60 days. In the case of physical or other abuse or violence having been proved, dismissal of the respondent shall be immediate upon receipt of the IC's report.

2.3.5 Appeal

Where any person aggrieved from the recommendations made under para 2.4.4 (g) or 2.4.4 (h) or under para 2.4.1 because of a breach of confidentiality or because of non-implementation of the IC's recommendations may prefer an appeal to the appellate authority as notified under Section 2(a) of the Industrial Employment (Standing Orders) Act, 1946.

The aforesaid appeal should be declared by the aggrieved person within a period of 90 days from receipt of the recommendations.

An appeal is not equivalent with the right to reopen the investigation or to reappraise the evidence.

A successful appeal by the respondent would include compensation for any financial losses due to the enforcement of financial sanctions.

The finding of the appellate authority shall be final and binding.

2.3.6 Duties of the employer

3ie and its management shall be responsible for these duties in support of the effective implementation of this policy:

1. Provide a safe working environment at the workplace, which shall include safety of the complainant from the respondent coming into contact at the workplace
2. Display at any conspicuous place in the workplace the penal consequences of sexual harassment, along with an order constituting the IC
3. Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of this policy and the Act
4. Offer orientation programmes for the Members in the manner prescribed in the Act;
5. Provide the necessary facilities and reasonable resources to the IC for responding to the complaint and for conducting an inquiry confidentially
6. Assist in securing the attendance of the respondent and witnesses before the IC;
7. Make available such information to the IC as it may require in regard to the complaint made under the terms of this policy
8. Provide reasonable assistance to a complainant who chooses to file a complaint in relation to the offence and has standing under the Indian Penal Code or any other Indian law for the time being in force
9. Cause to initiate action, under the Indian Penal Code or any other Indian law in force, against the respondent, or if the complainant so desires, where the respondent is not an employee, in the workplace at which the incident of sexual harassment took place
10. 3ie considers sexual harassment to be serious misconduct, and fully supports the swift and effective implementation of this policy to prevent and redress sexual harassment.
11. Monitor the timely submission of reports by IC

3. Training

3ie is committed to providing adequate initial and any ongoing training that might be necessary for all employees to understand their responsibilities, the definitions and expectations for how to act. They will receive specific training on this policy. Named persons (see Section 5) will receive all necessary training to execute their designated roles competently, fairly and effectively for all parties.

Composition of 3ie's Internal Committee of the Prevention of Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act 2013

Last updated: 31 March 2023

The Internal Committee of the International Initiative of Impact Evaluation (3ie) as of 31 March 2023 is as follows:

- Tanvi Lal, Presiding Officer
- Mithlesh Joshi, Member
- Durgadas Menon, Member
- Shreya Banerjee, Member
- Shruti Vidyasagar, External Member

In case of any complaints, concerns or queries, please write to icc@3ieimpact.org.

Note: Any changes to the membership of this committee will be updated made available on 3ie's website.