



Prevention of Sexual Harassment at Workplace Policy

Branch office, Delhi

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1. Policy statement

The International Initiative for Impact Evaluation (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 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.

This Prevention of Sexual Harassment Policy (hereinafter referred to as the 'policy') of 3ie's New Delhi branch office has three sections that provide details supporting this policy statement: responsibilities (section 1), sexual harassment (section 2), training (section 3).

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 victimized 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 a 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.

2. Responsibilities

All staff, board members 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, regarding sexual harassment, all persons associated with 3ie have a bystanders' responsibility to intervene and/or report predatory sexual behavior.

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, as stated in our policy, we will consider complaints of sexual harassment from people of all genders.

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2.1 Staff

All people employed by 3ie have a responsibility for their own behavior and actions, as well as a responsibility to act when they are witness to predatory sexual behavior with 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.

2.2 Senior management

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

2.3 Senior staff

Senior managers, managers, specialists or other designated staff line managing other staff have a responsibility to treat any discussions with staff about sexual harassment as confidential. When a team member complains of sexual harassment, line managers must promptly inform the Presiding officer, or any member of the Internal Committee (see Section 2.2.2). They may discuss the matter with the aggrieved employee to inform them regarding ways of dealing with the issue, i.e., whether they wish to undertake the formal complaints mechanism for redressal of their complaint. However, managers must not attempt to influence the decision of the aggrieved employee, nor try to investigate, mediate, settle or suppress the issue/complaint. Managers must also document the actions they took when made aware of a complaint of sexual harassment by a staff member.

2.4 Third-party sexual harassment

3ie commits to taking or enabling necessary and appropriate 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 contract holder, a board member or someone working for 3ie by invitation, such as an advisory group member. The list of third parties mentioned previously is indicative and not exhaustive.

3. Sexual harassment

3.1 Definition

Sexual harassment is unwelcome 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 or provide sexual favors 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.

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Sexual harassment can involve one or more incidents and actions and may be physical, verbal or non-verbal, direct or indirect. Examples of conduct or behaviors that constitute sexual harassment include, but are not limited to, the types of conduct illustrated below through subsection 3.1.4:

3.1.1 Physical conduct

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

- Unwelcome contact, including touching, patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- Sexual assault;
- Use of job-related threats or rewards to solicit or seek sexual favors.

3.1.2 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 favors
- Comments or questions of a sexual nature on a person's appearance, age or private life
- 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 or derogatory remarks or comments based on an individual's sex or gender
- Electronic mail messages, voice mail messages, SMS, WhatsApp, or faxes with content of an unwelcome and sexual nature (subtle or overt)
- 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.

3.1.3 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, wallpapers, pictures, calendars, posters, objects, or messages left in proximity likely to be noticed
- Display of sexually graphic materials
- Sexually suggestive gestures
- Whistling
- Leering

- Showing pornography or other sexually explicit or graphic images or videos or written material directly or within viewing them in proximity to colleagues

3.1.4 Conduct on social media platforms, meetings and/or other digital platforms

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

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

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

3.2 Formal complaints mechanism: Internal Committee

3.2.1 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).

3.2.2 Membership

Composition

The minimum composition of the IC shall be as follows:

- 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 Chairperson / Presiding Officer

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- 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 as internal members, and
- One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with issues relating to sexual harassment, as the External Member.

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

Criteria

The following are other parameters regarding membership:

- If 3ie appoints a lawyer as an external member, the lawyer will not otherwise represent 3ie in any way; and she or he 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 half of the Members shall be women
- The 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

Members shall hold office for a period not exceeding three years from the date of their nomination. Members may be reappointed for additional terms (not exceeding three years), should they continue to be qualified.

Cessation of membership

If any Member, who has been working for 3ie, leaves employment or is dismissed, discharged, terminated, or suspended from his or her services for any reason, he or she will automatically cease to be an IC Member.

If an IC member exhibits discriminatory attitudes, verbal, written, direct or implied, that may adversely affect a full and fair inquiry, any 3ie employee or another IC member may lodge a complaint with the executive director of 3ie or senior management team or with the IC chairperson (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.

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

- If a member is one of the parties to an active case
- Contravenes the provisions of section 2.3.1 below covering requirements for confidentiality
- Comes under investigation/inquiry for or convicted of an offense under any law for the time being in force
- Is found guilty in any 3ie disciplinary proceedings or a disciplinary proceeding is pending against him or her
- Abuses his or her position as to render his/her/their continuance in office prejudicial to the 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 a Member's membership.

3.2.3 Powers

To make 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 applicable law 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 authorized by law relevant and reasonable to adjudicate the complaint fully and fairly

3.2.4 Meetings

In the absence of any active complaint, the IC shall hold at least one meeting per year. The meeting shall review the current policy, reflect on lessons learned, and make any recommendations to 3ie's senior management team (SMT) about changes to it. In the event any sexual harassment complaint is lodged, the IC will immediately hold a meeting and proceed further as a complaint warrants and in accordance with the 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 chairperson and the External Member. The majority of Members present will be female, especially where the aggrieved individual is a woman.

In case the complainant is a man or a trans person, the male member of the IC needs to be present.

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3.2.5 Reporting

The IC chairperson, on behalf of the 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 anonymized summary of the number of cases taken up, resolved or ongoing will be reported by the IC to 3ie's Board

3.3 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.

3.3.1 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.

3.3.2 Filing a complaint

The IC shall not consider any anonymous or oral 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, and 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 chairperson, electronic copies of the complaint may be made available to the other Members under the condition that absolute security and confidentiality can be ensured.

Where the act of sexual harassment amounts to an offense under applicable criminal law in force in India 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 applicable criminal law, Indian Penal Code 1860, if the complainant so desires.

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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 a 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.

3.3.3 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.

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Notification to the respondent

On receipt of the 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 the 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 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 upon and formalized.

Failure to conciliate or to comply with settlement provisions

Where no settlement has been reached, 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.

3.3.4 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, provided that such an individual:

1. Will be present as an observer only and shall not be allowed to participate or intervene in inquiry proceedings.
2. Signs appropriate confidentiality/non-disclosure agreements before being allowed into inquiry proceedings.
3. Is not a 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 adapt its 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

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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. Statements and information so obtained shall be shared with the complainant and respondent for their rebuttal or clarification.

Cross-examination need not be conducted in person or face to face, and can be conducted in writing also. In either case, the parties will provide the IC with cross-examination questions in advance, and any irrelevant/inappropriate/mischievous/malicious question will be disallowed. Statements provided during cross-examination shall be recorded and shared with both the complainant and respondent.

(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 leave 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 of commencement of the inquiry.

(e) Documentation

The entire record of the inquiry proceedings, including statements of the witnesses, cross-examinations, and arguments made during the inquiry, shall be included in written. The findings of the committee should be shared and 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

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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 against the respondent.

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

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 noted below or other actions appropriate in the circumstances:

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

(h) Complaint is proved: sanctions and disciplinary measures

Where the IC finds the allegation to be proven, it shall recommend the punishment for the respondent, which may include one or more of the following actions or other actions the IC deems appropriate in the circumstances:

- A written reprimand or censure placed permanently in the employee's file
- Withholding of promotion
- Withholding of a pay raise or increment
- Suspension for a specified period of time without pay
- Dismissal from service
- Counselling sessions
- A written apology from the respondent to the complainant, clearly undertaking that such behavior 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

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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.

3.3.5 Appeal

Where any person aggrieved from the recommendations made under para 2.3.4 (g) or 2.3.4 (h) or under para 2.3.1 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.

3.3.6 Duties of the employer

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

- Provide a safe working environment at the workplace, which shall include the safety of the complainant from the respondent coming into contact at the workplace
- Display at any conspicuous place in the workplace the penal consequences of sexual harassment, along with an order constituting the IC
- Organize workshops and awareness programs at regular intervals for sensitizing the employees to the provisions of this policy and the Act
- Offer orientation programs for the Members in the manner prescribed in the Act;
- Provide the necessary facilities and reasonable resources to the IC for responding to the complaint and for conducting an inquiry confidentially
- Assist in securing the attendance of the respondent and witnesses before the IC;
- Make available such information to the IC as it may require in regard to the complaint made under the terms of this policy
- 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
- 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
- 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.
- Monitor the timely submission of reports by IC

4. Training

3ie is committed to providing adequate initial and any ongoing refresher training specific to this policy, that might be necessary for all employees to understand their responsibilities, the definitions and expectations for how to act.

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Appendix 1: Composition of 3ie's Internal Committee of the Prevention of Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act 2013

Last updated: 12 December 2024

The Internal Committee of the International Initiative of Impact Evaluation (3ie) as of 12 December 2024 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 and made available on 3ie's website.

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