



PREVENTION OF SEXUAL HARASSMENT (POSH)

SAFETY SKILL DEVELOPEMENT FOUNDATION

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1. INTRODUCTION

- (a) Safety Skill Development Foundation (SSDF) fosters equal opportunity to all employees and is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.
- (b) The SSDF also believes that all employees of the SSDF have the right to be treated with equality, honour and dignity.
- (c) Sexual harassment at the work place or other than work place involving employees is a grave offence as well as serious misconduct and is, therefore, punishable.

2. OBJECTIVE

SSDF will promptly investigate all complaints and take appropriate action, up to and including termination of employment.

3. ACRONYMS

Abbreviation	Long Form
AAs	Assessment Agencies
SSDF	Safety Skill Development Foundation
NSDC	National Skill Development Corporation
NOS	National Occupational Standards
NSQF	National Skill Qualification Framework
Non – PMKVY	Schemes not covered under PMKVY
PMKVY	Pradhan Mantri Kaushal Vikas Yojana
PIAs	Project Implementation Agencies
MC	Micro credentials
QPs	Qualification Packs
RPL	Recognition Prior Learning
SIP	Skill India Portal
STT	Short Term Training
SSCs	Sector Skill Councils



TPs	Affiliated Training Partners
TC	Training Center
TOT	Training of Trainers
TOA	Training Of Assessors

4. IMPORTANT DEFINITIONS

- (a) “Aggrieved Individual” means in relation to a workplace, a person, of any age, whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent and includes contractual, temporary employees and visitors.
- (b) “Complainant” is any aggrieved individual (including a representative as more fully described under Rule 6 of the said Rules, if the aggrieved individual is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise) who makes a complaint alleging Sexual Harassment under this Policy.
- (c) “Employee” as defined under the Act and means a person employed with the Company for any work on permanent, temporary, part-time, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, who with or without the knowledge of the Principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- (d) “Employer” mean persons who are responsible for management, supervision and control of the workplace including appointment/removal/termination of employees and will include ‘Director and General Manager’, ‘Chief People Officer (CPO)’ and ‘Chief Operating Officer (COO)’ Chief Executive Officer (CEO)’.
- (e) “Internal Committee” means and include an Internal Complaints Committee (hereinafter referred to as the “ICC”).
- (f) “Member” means a member of the ICC.
- (g) “Presiding officer” means the presiding officer of the ICC and shall be a woman employed at a senior level at the workplace amongst the employees.
- (h) “Respondent” means a person against whom a complaint of alleging sexual harassment has been made under this policy.
- (i) “Parties” means collectively the complainant and the respondent.
- (j) Sexual harassment” includes one or more of the following unwelcoming acts or Behaviour (whether directly or by implication):
- (k) Any unwelcome sexually determined behaviour or pattern of conduct that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely -
 - a. Physical contacts or advances; or
 - b. A demand or request for sexual favours; or
 - c. making sexually coloured remarks or remarks of sexual nature about a person’s clothing or body;
 - d. Showing pornography; or
 - e. Any other unwelcome physical, visual, verbal or non-verbal conduct of sexual nature including but not limited to cat-call, wolf/finger whistle, vulgar/indecent jokes, letters, phone calls, text messages, e-mails, gestures etc.



- f. Sexual harassment can involve a series of incidents or it can be a one-off occurrence.
- (l) The following circumstances, among other circumstances, if it occurs or is present in relation to Implied or explicit promise of preferential treatment in her employment; or connected with any act or behaviour of sexual harassment may amount to sexual harassment:-
- Implied or explicit threat of detrimental treatment in her employment; or
 - Implied or explicit promise of preferential treatment in employment; or
 - Implied or explicit threat about the present or future employment status; or
 - Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
 - Humiliating treatment likely to affect her health or safety
- (m) "Workplace" means establishments, enterprises, institutions, offices, branches, premises, locations or units established, owned, controlled by the SSDF or places visited by the employees out of or during the course of employment including accommodation, transportation provided by the employer for undertaking such journey.

5. SCOPE & EFFECTIVE DATE

- This Policy extends to all classes of employees of the SSDF and is deemed to be incorporated in the service conditions of all employees and comes into effect w.e.f. 01st June 2021.
- This Policy will be applicable to all allegations of Sexual Harassment by an Employee against another Employee, irrespective of whether Sexual Harassment is alleged to have taken place within or outside SSDF premises.
- In case, Complainant/Aggrieved Employee is a woman, the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act") shall be applicable.

6. Constitution Of Internal Complaints Committee

- An Internal Complaints Committee ("ICC") has been constituted by the Management at Gurgaon location to take cognizance and redress/inquire complaints of Sexual Harassment. The composition of the Committee is as follows:

Committee	Name	e-mail Id/Mobile
Presiding Officer	J K Anand (Chairman)	9925108909 jkanand@ssdfndia.org
Member	Col Anand Kumar Singh (CEO)	8505955506 aksingh@ssdfndia.org
Member	Vishakha Gogar	9227695228
Member	Mahesh Lanjekar (Operation Head)	9227695202

- CEO, SSDF is authorized to name the replacements in the ICC.



- (c) A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least two members; one of them shall be a lady.
- (d) Every member of the ICC shall have maximum term of 1 year from the date of their nomination.

7. Power Of Internal Complaints Committee

The ICC shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) Any other matter which may be prescribed.

8. Removal Of Internal Complaints Committee

Presiding Officer / Member of Internal Complaints Committee shall be removed in case he / she;

- (a) Contravenes the provision of section 16 of the Act; (Extract of Section 16 is given in Annexure)
- (b) Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- (c) Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- (d) Has so abused his/her position as to render his continuance in office prejudicial to the public interest;
- (e) Where ever a member has been removed from the ICC, a fresh nomination shall be made in accordance with provision of section to fill up the vacancy.

9. Redressal Process

- (a) Any Aggrieved Employee may make, in writing, a complaint of sexual harassment at workplace to the ICC, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. Where such complaint cannot be made in writing, the Presiding Officer or the member shall render all reasonable assistance to the Aggrieved Employee for making the complaint in writing. The ICC may, for the reasons recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within such period.
- (b) Where the Aggrieved Employee is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir or such other person as may be prescribed may make a complaint under this provision.
- (c) The Committee upon receipt of Complaint shall try to settle the issue / case between complainant and respondent through conciliation before the enquiry of the case provided no monetary settlement shall be made as basis of conciliation. In case, the Aggrieved Employee is a woman, such conciliation will be in accordance with the provisions of Section 10 of the Act.
- (d) In case the settlement is arrived between the complainant and the respondent, the ICC shall record the settlement so arrived and forward the same to CEO of the Council, to take action as specified in the recommendation.
- (e) The ICC shall provide the copies of the settlement recorded to the complainant and respondent. Where a settlement is arrived, no further inquiry shall be conducted by the ICC.



10. Inquiry Process

- (a) In case the settlement is not arrived by conciliation as mentioned above, ICC shall immediately proceed with the Inquiry and communicate the same to the Complainant and respondent.
- (b) The ICC shall prepare and hand over the Statement of Allegation to the respondent and give him / her opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.
- (c) The Complainant shall be provided with a copy of the written explanation submitted by the respondent.
- (d) If the Complainant or the respondent desires any witness/es to be examined, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
- (e) If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the respondent desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.
- (f) The ICC shall call upon all witnesses mentioned by both the parties.
- (g) The ICC shall provide every reasonable opportunity to the Complainant and respondent, for putting forward and defending their respective case.
- (h) The ICC shall complete the "Inquiry" within a period of 60 days and communicate its findings and its recommendations for action to the CEO, without any prejudice or biased within 10 days from completion of inquiry.
- (i) The report of the ICC shall be treated as an inquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.

11. Decisions Of Icc

- (a) In case ICC arrives at the finding that allegations are not proved, it shall recommend to the Chairman & CEO of the SSDF that no action is required to be taken in the matter.
- (b) In case ICC arrives at the finding that allegation against the respondent has been proved it shall recommend to and CEO of the SSDF for Suitable action as deemed fit for the matter leading to termination of the service of the employee.
- (c) ICC may also propose to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the Aggrieved Employee (if such employee is a woman) or to her legal heirs, as it may determine, in accordance with the provisions of Section 15 of the Act. However, in case the SSDF is unable to make such deduction from the salary of the respondent due to his/her being absent from duty or cessation of employment, it may direct to the respondent to pay such sum to the aggrieved. Further, in case the respondent fails to pay the sum referred in the foregoing clause, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

12. False Allegation / Evidences

- (a) Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the or any other person making the complaint has made the complaint knowing it to be false or the Aggrieved Employee or any other person making the complaint has produced any forged or misleading document,
- (b) ICC may recommend to Director and CEO of the SSDF to take action against the complainant leading to termination of services.



- (c) However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Further, the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

13. Other Points To Be Considered

- (a) During the pendency of an inquiry, on a written request made by the Aggrieved Employee, in case such aggrieved employee is a woman (aggrieved woman may be restored) the ICC may recommend the CEO to-
 - (b) Transfer the aggrieved woman or the respondent to any other workplace; or
 - (c) Grant leave to the aggrieved woman up to a period of three months; or
 - (d) Grant such other relief to the aggrieved woman as may be prescribed.
- (e) The leave granted to the aggrieved woman under the foregoing provision shall be in addition to the leave she would be otherwise entitled.
- (f) The ICC may recommend to the CEO, action which may include transfer or any of the other appropriate disciplinary action leading to termination of services also.
- (g) The management shall provide all necessary assistance for the purpose of ensuring absolute, effective and speedy implementation of this policy.
- (h) Where sexual harassment occurs as a result of an act or omission by any third party or outsider, TPC (Third party consultant) shall take all steps necessary and reasonable to assist the affected person.
- (i) The ICC will analyse and put up report on all complaints of this nature at the end of the year for submission to Managing Director & CEO.
- (j) In case the ICC finds the degree of offence coverable under the Indian Penal Code, then this fact will be mentioned in its report and appropriate action will be initiated by the Management, for making a Police Complaint.

14. Prohibition On Disclosure Of Information

This policy and the law prohibits any person including ICC Members from publishing, communicating or making known to the public, press and media in any manner, contents of the complaint, the identity and addresses of the aggrieved person, respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the ICC during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action as outlined in service rules. Further CEO shall impose monetary sanctions as per provisions of the Act and Rules.

15. Protection To Complainant

- (a) The SSDF is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action. The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.
- (b) However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue and/or produces any forged or misleading document) will be subject to applicable disciplinary action.



16. Appeal

Any person aggrieved by the recommendation of ICC may prefer an appeal under the relevant provisions of the Act and Rules.

17. Exception

Any exception to the policy guidelines has to be approved by Steering Committee.

18. Review

Human Resources would be responsible to review the effectiveness of the policy once in a year.

19. Company's Absolute Right To Alter Or Abolish The Policy:

SSDF reserves the right in its absolute discretion to abolish the policy at any time or alter the terms & conditions.

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Annexure

Sections of the Indian Penal Code (IPC) – Sexual Harassment and Punishment for Sexual Harassment

Under the Indian Penal Code, the newly introduced Section (Section 354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

1. A man committing any of the following acts:
 - (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
 - (ii) A demand or request for sexual favours; or
 - (iii) Showing pornography against the will of a woman; or
 - (iv) Making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

- (2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) above, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
- (3) Any man who commits the offence specified in clause (iv) above shall be punished with imprisonment of either description (i.e. either simple or rigorous) for a term which may extend to one year, or with fine, or with both.
- (4) In addition to Section 354A set out above, acts of Sexual Harassment may also constitute other offenses under IPC including Section 354 (assault or criminal force to woman with intent to outrage her modesty), Section 354C (Voyeurism), Section 354D (Stalking), Section 375 and 376 (Rape) and Section 509 (word, gesture or act intended to insult the modesty of a woman) of the IPC.

Website reference of POSH Act,2013: <http://legislative.gov.in/sites/default/files/A2013-14.pdf>



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