

CIDC Policy for the Prevention, Prohibition and Punishment of Sexual Harassment of Women with effect from 2013

Preamble:

The Supreme Court of India in its 1977 judgment in Vishakha & others vs. State of Rajasthan & 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. Educational institutions are bound by the same directive.

In compliance with the mandate of the aforementioned Supreme Court judgment, CIDC adopts this policy to prevent, prohibit and punish sexual harassment of women at the workplace.

- The right of women of protection from sexual harassment, and the right to work with dignity, are recognised as universal human rights by international instruments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been ratified by India.
- The Supreme Court in the Vishakha judgment has held that each incident of sexual harassment results in the violation of the fundamental rights of Gender Equality and the Right to Life and Liberty. Sexual harassment is a clear violation of a woman's right to gender equality as guaranteed under Articles 14 and 15, her right to live with dignity under Article 21 and her right to work with dignity in a safe environment under Article 19(1) (g) of the Constitution of India.

Based on the above covenants, CIDC herewith commits to provide, for all women who fall within its jurisdiction, including its staff and students at place of work and training, free from sexual harassment, intimidation and exploitation.

As a direct outcome of the aforesaid policy, every woman shall have a Right to be free from Sexual Harassment and the Right to Work in an environment free from any form of Sexual Harassment at CIDC.

This policy shall be respected by and will be binding upon all members of CIDC including management, academic staff, non-academic staff, administrative staff, technical staff, support staff, students, consultants, visitors, service providers, holding permanent, temporary, honorary, ad hoc, voluntary or short term positions in CIDC. It will also be binding on members of centres/institutes associated with CIDC to the extent that they are engaged in CIDC related activities.

Anyone violating this policy will be subject to disciplinary action as detailed in the CIDC Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2008. At CIDC sanctions for sexual harassment may include the full range of disciplinary actions up to and including removal from the Organization.

Sexual Harassment will amount to misconduct in employment under the relevant Conduct and Service Rules and Regulations. The said Rules/Regulations shall stand amended accordingly.

CIDC shall take all necessary and reasonable steps to prevent and ensure that no woman within its jurisdiction is subject to sexual harassment by any Third Party. Where any such Sexual Harassment occurs, the CIDC shall take all necessary and reasonable steps to assist the aggrieved woman to redress the act of Sexual harassment.

It will be unlawful to retaliate against an employee, student or staff member for filing a complaint of sexual harassment or for cooperating in an enquiry of sexual harassment.

Definition of Sexual Harassment:

For purposes of this Policy the following shall constitute sexual harassment of women.

When submission to unwelcome sexually determined behaviour such as sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature, are explicitly or implicitly made as a term or condition of teaching/guidance, education, employment, participation or evaluation of a woman's engagement in any CIDC activity.

When unwelcome sexually determined behaviour, including but not limited to, sexual advances, physical and /or verbal or non-verbal or conduct, such as loaded comments, remarks or jokes, letters, phone calls, sms or emails, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature, have the purpose and/or effect of interfering with a woman's work or academic performance or of creating an intimidating, hostile or offensive employment, educational or living environment.

When a man uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to a woman without her consent or against her will, such conduct will amount to sexual assault.

Explanation (a): It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in connection with her education or employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working, educational or living environment.

(b) "Hostile Environment" is said to be created when any act of Sexual Harassment has the purpose or effect of interfering with an individuals work performance or creating an intimidating, hostile or offensive employment, educational or living environment.

Objectives of the Policy:

- To uphold Women's Right to Protection against Sexual Harassment and the Right to Livelihood and towards that end for the prevention and redressal of Sexual Harassment of Women.
- To evolve a permanent mechanism for the prevention, prohibition and redress of sexual harassment of women within the jurisdiction of CIDC.
- To actively promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women.
- To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Committees for purposes of gender sensitization and to conduct enquiries into complaints of sexual harassment.
- To uphold the commitment of CIDC to provide an environment free of discrimination and violence against women.
- To generate public opinion against sexual harassment of women at the workplace.
- To fulfil the directive of the Supreme Court of India enjoining all employers to develop and implement a policy against sexual harassment of women at the work place.