POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF EMPLOYEES

AT THE WORKPLACE FOR MUKTI

JULY 16, 2023
MUKTI
Village & P.O.Purba Sridharpur, Raidighi, 24 Parganas (South) West Bengal, India, 743383
POLICY FOR PREVENTION OF SEXUAL HARASSMENT OF EMPLOYEES AT THE WORKPLACE FOR MUKTI (“MUKTI”).

A. OBJECTIVE:

MUKTI has a zero-tolerance policy towards gender-based discrimination and sexual harassment, and is committing to ensuring the safety and protection of Employees at the workplace and shall take all necessary steps and measures to ensure that its Employees are not subject to any form of gender-based discrimination or sexual harassment at the workplace. MUKTI values each and every Employee and wishes to protect their dignity and self-respect, and in doing so, is desirous of promoting a working environment in which persons of all genders complement each other as equals.

This Policy is intended for prevention of gender-based discrimination or sexual harassment against Employees of MUKTI in India, and has been framed and formulated accordingly. This Policy has also been framed and formulated keeping in mind with, and also is in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (the “POSH Act & Rules”). This Policy is in accordance with the POSH Act & Rules and applicable laws of India. MUKTI shall also (i) carry out awareness and orientation for all employees for the policy (ii) ensure formation and capacity and skill-building of Internal Complaints Committee and (iii) publicise names and contact details of the Internal Complaints Committee members.

We believe in the equality of all, and therefore, the benefit under this policy is available for the benefit of Employees of all gender identities.

This policy is binding on every Employee of MUKTI in India, and its affiliates, subsidiaries and associates, in India.

B. APPLICABILITY:

This Policy shall apply to all instances of Sexual Harassment which may take place against every Employee of MUKTI in India:

(a) in the premises of MUKTI at Village & P.O.Purba Sridharpur, Raidighi, 24 Parganas (South) West Bengal, India, 743383, or any other premises where the business/ activities of MUKTI is conducted;
(b) at any place visited by the Employee of MUKTI during the course of her/his/their Employment with MUKTI (including in transportation arranged for/ provided by MUKTI in undertaking such journey); and
(c) during any virtual communications or virtual meetings conducted inter-se between Employees of MUKTI and/or between Employees of MUKTI with third parties;

C. DEFINITIONS:

Capitalized terms and expressions used herein, but not specifically defined herein shall have the meaning ascribed to the term under the POSH Act & Rules:
1. “Aggrieved Person” means a person of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.

2. “Employee” means and includes any person employed at MUKTI for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of MUKTI, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied, directors, volunteers, staff, and consultants of MUKTI, a co-worker, a contract worker, probationer, trainee, intern, apprentice or called by any other name, and the term “Employment” shall be read and construed accordingly.

3. “Member” means a member of the Internal Complaints Committee;

4. “Respondent” means a person against whom the Aggrieved Person has made the complaint.

5. “Senior Management” shall mean Board of Trustee and Extended Board Members.

6. “Sexual Harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

   (i) Physical contact and advances; and/or
   (ii) A demand or request for sexual favors; and/or
   (iii) Making sexually colored remarks; and/or
   (iv) Showing pornography, engaging in sexual pranks, sexual teasing, sexual jokes, sending sexually demeaning or offensive pictures, cartoons or other materials through e-mail, SMS, MMS, etc.; and/or
   (v) Any other acts or behavior, which outrages the modesty of a female employee; and/or
   (vi) Repeatedly requesting a person to socialize after office hours or continued expressions of sexual interest, against a person’s wishes; and/or
   (vii) Gifting of objects which are sexually suggestive; and/or
   (viii) Eve teasing, using sexual innuendos, making sexual taunts or any such acts which intrude upon a person’s privacy; and/or
   (ix) Creating an intimidating or offensive work environment; and/or
   (x) Humiliating treatment likely to affect a person’s health or safety; and/or
   (xi) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature; and/or
   (xii) Any of the following circumstances if they occur or are present in relation to or connected with any act or behavior of a sexual nature:
       (a) Implied or explicit promise of preferential treatment in employment;
       (b) Implied or explicit threat of detrimental treatment in employment;
       (c) Implied or explicit threat about the person’s present or future employment status;
   (xiii) Any of the instances set out in Annexure “A” of this Policy.
Any of the above acts, behaviour or instances may take place in person or virtually.

7. "Workplace" includes the head office/branch office of MUKTI, any other place where the Employee of MUKTI visits in connection with her/his/their work arising out of her/his/their Employment/contract with MUKTI/volunteering with MUKTI, virtual online communications or virtual meetings conducted inter-se between Employees of MUKTI, and/or between Employees of MUKTI with third parties, and any mode of transport provided/arranged by MUKTI in the course of her/his/their Employment with MUKTI.

D. INSTANCES OF ACTS THAT WOULD CONSTITUTE SEXUAL HARASSMENT:

In addition to the instances mentioned in the definition of Sexual Harassment hereinabove, some of the instances of acts/conduct that would constitute “Sexual Harassment” are set out in “Annexure A” hereto. Please note that the same are only examples of some acts/conduct that would constitute Sexual Harassment and are not exclusive in nature. It is important to remember that though the intention of the Respondent may not be to offend or sexually harass the Aggrieved Person, acts or behavior constitutes “Sexual Harassment”, if the Aggrieved Person feels offended or sexually harassed, it constitutes “sexual harassment”.

Sexual Harassment can occur in a variety of circumstances, including but not limited to the following:

(i) The Respondent can be the victim’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, a subordinate or anyone else associated with MUKTI;

(ii) The victim does not have to be the person harassed but could be any other person (Aggrieved Person) affected by the offensive conduct;

(iii) Sexual harassment may occur without economic injury to the victim;

E. COMPLIANCE WITH THE POLICY

All Employees are responsible for ensuring a Workplace free of harassment. MUKTI forbids retaliation against anyone who has reported harassment or participated/been involved in an investigation. Each Employee of MUKTI must recognize that such behaviour not only violates the rules of common courtesy and is a violation of MUKTI’s policy, but also is illegal under law. It is MUKTI’s policy to investigate all reports or complaints of harassment thoroughly and promptly. If an investigation confirms that harassment has occurred, MUKTI will take appropriate corrective action, which may also be termination. In case of Sexual Harassment by a third party (including at any place visited by the Employee of MUKTI during the course of her/his/their Employment with MUKTI (including in transportation arranged for provided by MUKTI in undertaking such journey)), MUKTI will support the Employee in taking all necessary steps as the Employee may deem fit and/or take all necessary and action as it deems necessary, under applicable law.
F. COMPLAINTS AND REDRESSAL OF COMPLAINTS:

1. INTERNAL COMPLAINTS COMMITTEE

(a) To ensure that the complaints of sexual harassment are dealt with appropriately, sensitively and expeditiously in a fair and transparent manner, MUKTI has constituted an Internal Complaints Committee (“ICC”) in accordance with the provisions of the Act.

(b) The current constitution of the ICC is mentioned in Annexure “B” of this Policy.

(c) The members of the ICC shall hold office for a period of 3 (three) years from the date of their appointment; however, the Board of Trustee of MUKTI shall be entitled to add, remove, replace or substitute all or any Member of the ICC, provided however such addition, removal, replacement or substitution is in accordance with the provisions of the POSH Act and Rules.

(d) At all times, the ICC shall comprise of the following:
   (i) The Presiding Officer shall be a woman Employed at a senior level in MUKTI;
   (ii) 2 (two) members shall be Employees committed to the cause of women and/or having legal knowledge;
   (iii) 1 (one) external member shall be from amongst non-government organisations/associations committed to the cause of women or a person familiar to issues relating to sexual harassment.

At all times, one half of the total number of members of the ICC shall be women.

(e) In the event that any Member:
   (i) contravenes the provisions of this Policy; or
   (ii) 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/them; or
   (iii) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her/them; or
   (iv) has abused her/his/their position in office,

   such Member shall be removed from the ICC.

In the event that there is complaint filed against any Member (including the Presiding Officer), till the time that the Complaint is disposed of, such Member shall temporarily cease to be a member of the ICC, and a new Member shall be appointed in her/his/their place and stead, on a temporary basis. If, however, such Member is found guilty of Sexual Harassment, then such Member shall be removed from the ICC.

2. FILING OF A COMPLAINT

(a) An Aggrieved Person who feels that he/she is being sexually harassed directly or indirectly may file a complaint of Sexual Harassment in writing to the ICC, within 3 (three) months from the date of such incident, and in case of a series of incidents, within 3 (three) months from the date of the last incident, file a complaint of Sexual Harassment in writing to the ICC.
(b) The ICC may condone any delay in filing of a complaint by the Aggrieved Person within the time period set out in sub-clause (a) above, and extend the time limit by a period not exceeding three months, if the ICC is of the opinion that the circumstances were such that the Aggrieved Person was prevented from filing a complaint within the said period.

(c) The complaint may either be handed over physically by the Aggrieved Person to any of the Members of the ICC or may be sent by way of an e-mail to any of the Members of the ICC, at the email addresses set out in Annexure “B” hereto.

(d) The Aggrieved Person shall, if the complaint is being handover physically, submit six copies of the complaint to the ICC together with supporting documents, if any, and names and addresses of witnesses, if any.

(e) Within 7 (seven) working days of receipt of the complaint from the Aggrieved Person, a copy of the complaint shall be sent by the ICC to the Respondent. The Respondent shall be entitled to file his reply to the complaint within a period of 10 (ten) working days from the receipt of the complaint by her/him/them.

(f) If the Aggrieved Person is unable to file a complaint on account of her/his/their physical incapacity, a complaint may be filed by:
   (i) her/his/their relative or friend; or
   (ii) her/his/their co-worker; or
   (iii) an officer for the National Commission for Women or State Women’s Commission; or
   (iv) a person who has knowledge of the incident, with the written consent of the Aggrieved Person.

(g) If the Aggrieved Person is unable to file a complaint on account of her/his/their mental incapacity, a complaint may be filed by:
   (i) her/his/their relative or friend; or
   (ii) a special educator; or
   (iii) a qualified psychiatrist or psychologist; or
   (iv) an officer for the National Commission for Women or State Women’s Commission; or
   (v) a person who has knowledge of the incident, jointly with her/his/their relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;

(h) Notwithstanding the provisions of sub-paragraphs (f) and (g), if the Aggrieved Person is unable to make a complaint, any other person who has knowledge of the incident may make the complaint, with the written consent of the Aggrieved Person.

3. **CONCILIATION**

   (a) Once the complaint is received by the ICC, at the request of the Aggrieved Person, prior to initiating an inquiry into the complaint, the ICC may take steps to settle the matter between the Aggrieved Person and the Respondent through conciliation.

   (b) Monetary settlement shall not be the basis of conciliation;
In case a settlement is arrived at between the Aggrieved Person and the Respondent:

(i) the ICC shall record the settlement so arrived and forward the same to MUKTI for action to be taken based on the recommendations of the ICC;
(ii) the ICC shall provide copies of the settlement as recorded, to the Aggrieved Person and the Respondent; and
(iii) No further inquiry shall be conducted in respect of the complaint in respect whereof a settlement has been arrived at.

Provided however, if the Aggrieved Person informs the ICC that any term or condition of the settlement has not been complied with by the Respondent, the ICC shall make an inquiry into the same or forward the complaint to the police, as the case may be.

4. INQUIRY AND INTERIM RELIEF

(a) If (i) the Aggrieved Person decides not to request for a settlement, then upon receipt of the complaint, or (ii) if no settlement is arrived at between the Aggrieved Person and the Respondent within 2 (two) weeks from the date of receipt of the complaint, the ICC shall conduct an inquiry in the manner set out below.

(b) The inquiry shall be conducted in accordance with the principles of natural justice, and both the Aggrieved Person and the Respondent shall be given a reasonable opportunity of being heard.

(c) Neither the Aggrieved Person nor the Respondent shall be entitled to any legal representation during the proceedings before the ICC.

(d) The ICC shall notify in writing to the Aggrieved Person, the time and dates on which the Aggrieved Person and the Respondent must be present before the ICC, and give the Aggrieved Person and the Respondent sufficient notice in this regard.

(e) The ICC shall be entitled during the pendency of an inquiry, at the request of the Aggrieved Person by way of interim relief, to recommend the following to be adopted by MUKTI in respect of the Aggrieved Person:

(i) Grant paid leave to the Aggrieved Person upto a period of 3 (three) months;
(ii) Transfer the Aggrieved Person to any other team, department or workplace of MUKTI;
(iii) Restrain the Respondent from reporting on the performance of the Aggrieved Person;
(iv) Grant such other relief to the Aggrieved Person as may be prescribed under applicable law.

(f) If during the course of the inquiry, the Respondent or the Aggrieved Person fails without sufficient cause to present herself/himself/themselves for three consecutive hearings of the ICC, then the ICC shall be entitled to terminate the inquiry proceedings or give an ex parte decision on the complaint.

(g) The findings of the ICC shall be shared with Aggrieved Person and the Respondent, and thereafter the Aggrieved Person and the Respondent shall also be allowed to make their
representations pursuant to the findings of the ICC. The ICC is bound to take into consideration the representations made by the Aggrieved Person and the Respondent before the ICC. If no representation is received from either the Aggrieved Person or the Respondent within a period of 30 days from the date of ICC sharing its findings with the Aggrieved Person or the Respondent, then it shall be presumed that neither the Aggrieved Person or the Respondent have any representations and the inquiry shall be completed by the ICC. If a representation is received from either the Aggrieved Person or the Respondent, then the ICC shall be entitled to call the Aggrieved Person and the Respondent for hearing in this regard. The ICC shall be entitled to amend its findings based on such representation/ hearing.

(h) The ICC shall be vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in the following matters:

a. Summoning and enforcing the attendance of any person and examining him on oath;
b. Requiring the discovery and production of documents;
c. Any other matter which may be prescribed.

(i) The inquiry shall be completed within a period of 90 (ninety) days from the date of the receipt of the Complaint.

5. RECOMMENDATIONS OF THE ICC

(a) Within 10 (ten) days of the completion of the inquiry, the ICC will formally record the result of the inquiry and forward its recommendation to the Senior Management of MUKTI for appropriate action. The result of the inquiry shall also be shared by the ICC with the Aggrieved Person and the Respondent.

(b) If the ICC finds that the allegations against the Respondent have not been proved, the ICC shall submit its findings in this regard to the Senior Management of MUKTI, and make a recommendation to MUKTI that no action is required to be taken in the matter.

(c) If the ICC finds that the allegations against the Respondent have been proved, the ICC shall submit its findings in this regard to the Senior Management of MUKTI, and make a recommendation to the Senior Management of MUKTI to take necessary action for sexual harassment in accordance with applicable law and/or such measures as it deems fit (including but not limited to any/all of the following measures):

(i) Requiring the Respondent submit a written apology; and/or
(ii) Issuance of a written warning, reprimand or censure to the Respondent by MUKTI; and/or
(iii) Withholding of the promotion of the Respondent by MUKTI; and/or
(iv) Withholding of the pay rise/ increments/ bonuses of the Respondent by MUKTI; and/or
(v) Requiring the Respondent to undergo counseling; and/or
(vi) Requiring the Respondent to carry out community service; and/or
(vii) Suspension of the services/ Employment of the Respondent; and/or
(viii) Termination of the services/ Employment of the Respondent; and/or
(ix) Deduction of such sums from the salary/ wages of the Respondent, as the ICC may consider appropriate to be paid to the Aggrieved Person; and/or
(x) Such other action as the ICC may deem fit

(d) For the purpose of determining the sums to be paid to the Aggrieved Person, the ICC shall have regard to:
   (i) the mental trauma, pain, suffering and emotional distress caused to the Aggrieved Person;
   (ii) the loss of career opportunity due to incident of sexual harassment;
   (iii) medical expenses incurred by the victim for physical or psychiatric treatment;
   (iv) the income and financial status of the Respondent; and
   (v) feasibility of such payment in lump sum or in installments.

(e) It is clarified that if the ICC has arrived at a finding the allegation against the Respondent is malicious or the Aggrieved Person has made the complaint knowing it to be false or has produced any forged or misleading document in the course of leading evidence, then the ICC shall be entitled to take appropriate action as it deems fit in this regard.

   It is clarified however that a mere inability to substantiate a complaint and to provide adequate proof need not attract action against the Complainant.

(f) The Senior Management of shall act in accordance with the recommendations of the ICC within a period of 30 (thirty) days from the receipt of recommendations in this regard, and communicate the same to the ICC.

COMPLAINTS AND REDRESSAL OF COMPLAINTS UNDER MUKTI'S POSH POLICY:

INTERNAL COMPLAINTS COMMITTEE
- MUKTI has constituted an Internal Complaints Committee (ICC) to deal with complaints of sexual harassment.
- The ICC is a three-member committee, comprising of:
  - A woman employee who is at a senior level in MUKTI.
  - Two employees who are committed to the cause of women and/or have legal knowledge.
  - One external member from a non-government organization or association committed to the cause of women or a person familiar to issues relating to sexual harassment.
- At all times, one half of the total number of members of the ICC shall be women.
- A member of the ICC can be removed from the committee if they:
  - Contravene the provisions of this policy.
  - Have been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against them.
  - Have been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against them.
  - Have abused their position in office.
- If there is a complaint filed against any member of the ICC, they will temporarily cease to be a member of the committee until the complaint is disposed of. A new member will be appointed in their place on a temporary basis. If the member is found guilty of sexual harassment, they will be removed from the ICC.

FILING OF A COMPLAINT
- An aggrieved person can file a complaint with the ICC within 3 months of the incident.
- The complaint can be filed in writing or by email.
- The complaint must be accompanied by supporting documents and names and addresses of witnesses.
- A copy of the complaint will be sent to the respondent within 7 days.
- The respondent has 10 days to file a reply to the complaint.
• If the aggrieved person is unable to file a complaint, someone else can do it on their behalf, with their written consent.

CONCILIATION
• The ICC can try to settle the complaint through conciliation.
• Monetary settlement is not allowed.
• If the complaint is settled, the ICC will record the settlement and send it to the management team of MUKTI.
• The ICC will also send copies of the settlement to the aggrieved person and the respondent.
• No further inquiry will be conducted if the complaint is settled.
• If the aggrieved person informs the ICC that the respondent has not complied with the settlement, the ICC will investigate or forward the complaint to the police.

INQUIRY AND INTERIM RELIEF
• If the complaint is not settled, the ICC will conduct an inquiry.
• The inquiry will be conducted in accordance with the principles of natural justice.
• Both the aggrieved person and the respondent will be given a reasonable opportunity of being heard.
• Neither the aggrieved person nor the respondent will be entitled to any legal representation during the proceedings.
• The ICC can recommend interim relief to the aggrieved person, such as paid leave or transfer to a different department.
• If the respondent or the aggrieved person fails to appear for three consecutive hearings, the ICC can terminate the inquiry or give an ex parte decision.
• The findings of the ICC will be shared with the aggrieved person and the respondent.
• The aggrieved person and the respondent can make representations to the ICC within 30 days of receiving the findings.
• The ICC can amend its findings based on the representations.
• The ICC has the same powers as a civil court under the Code of Civil Procedure, 1908.
• The inquiry must be completed within 90 days of the receipt of the complaint.
• The ICC will share the findings with the aggrieved person and the respondent within 10 days of completing the inquiry.
• If the ICC finds that the allegations against the respondent have not been proved, MUKTI will take no action.
• If the ICC finds that the allegations against the respondent have been proved, MUKTI will take appropriate action, such as:
  o Requiring the respondent to submit a written apology
  o Issuing a written warning, reprimand, or censure to the respondent
  o Withholding the promotion of the respondent
  o Withholding the pay rise/increments/bonuses of the respondent
  o Requiring the respondent to undergo counseling
  o Requiring the respondent to carry out community service
  o Suspending the services/employment of the respondent
  o Terminating the services/employment of the respondent
  o Withholding the promotion of the respondent
  o Requiring the respondent to undergo counseling
  o Suspending the services/employment of the respondent
  o Terminating the services/employment of the respondent
  o Withholding the pay rise/increments/bonuses of the respondent
• The ICC will consider the following factors when determining the sums to be paid to the aggrieved person:
  o The mental trauma, pain, suffering, and emotional distress caused to the aggrieved person
  o The loss of career opportunity due to the incident of sexual harassment
  o Medical expenses incurred by the victim for physical or psychiatric treatment
  o The income and financial status of the respondent
  o The feasibility of such payment in lump sum or in installments
• If the ICC finds that the allegation against the respondent is malicious or the aggrieved person has made the complaint knowing it to be false, the ICC may take appropriate action.
• MUKTI will act on the recommendations of the ICC within 30 days of receiving them.

CONFIDENTIALITY
• The ICC will keep all information about complaints of sexual harassment confidential.
• This includes the identities of the aggrieved person, respondent, and witnesses.
• It may not be published or shared with the public, press, or media.
• The information may only be shared internally at MUKTI on an anonymous basis for creating awareness.

G. OVERALL CONFIDENTIALITY

The members of the ICC understand the sensitive nature of the information being disclosed to them in their capacity as members of the ICC and shall ensure that the information is treated with sensitivity, confidentiality and care.

Any complaints or incidents reported under this Policy shall be treated with all possible care, sensitivity and discretion, and any information pertaining to the Complaint, its contents, the Aggrieved Person, Respondent, and the witnesses, their identities and addresses, the conciliation proceedings, if any, inquiry proceedings, and findings/recommendations of the ICC shall be kept confidential. Such information shall not be published, communicated or made known in any manner to the public, press or media. MUKTI may, for creating awareness within MUKTI, disseminate information internally on an anonymous basis, after ensuring that the identities of the Aggrieved Person and the witnesses are confidential.

H. APPEAL

Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the POSH Act or Rules in accordance with applicable law.

I. WORKSHOPS / TRAINING ETC.

MUKTI shall, at regular intervals, hold workshops to generate awareness regarding sexual harassment, this Policy, and the POSH Act. Additionally, MUKTI shall also hold gender sensitization programmes at regular intervals to sensitize Employees on gender-based discrimination and sexual harassment at the workplace and related issues.

J. AMENDMENTS/ VARIATIONS

MUKTI shall be entitled to, from time to time, to amend, vary and/or supplement the terms of this Policy, and all such amendments, variations and/or additions shall be in writing.

The provisions of this Policy are in addition to, and not in derogation of, the provisions of any law for the time being in force. Nothing in this Policy shall preclude/ deem to preclude the Employee, the ICC and/or MUKTI in taking such action/ filing such proceedings/ complaints, as it deems fit in accordance with applicable law before various regulatory authorities/ tribunals/ courts.
ANNEXURE A

INSTANCES OF ACTS/CONDUCT THAT WOULD CONSTITUTE SEXUAL HARASSMENT

- Implied or explicit promise of preferential treatment in her/his/their employment.
- Implied or explicit threat of detrimental treatment in her/his/their employment.
- Implied or explicit threat about her/his/their present or future employment status.
- Interference with her/his/their work or creating an intimidation or offensive or hostile work environment for her/him/them.
- Humiliating treatment likely to affect her/his/their health or safety.
- Unwanted sexual advances or propositions to an Employee.
- Any demand or request for sexual favors by an Employee from an Employee.
- Offering employment benefits to an Employee in exchange for sexual favors.
- Leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters to an Employee or in the presence of another Employee either in person or virtually;
- Communications of a sexual nature to an Employee whether in physical copy or through electronic means such as email, telephone, online chats, messaging (WhatsApp/Zoom calls or otherwise), on video call, (including suggestive, lewd or obscene letters, notes, invitations, messages, chats or comments).
- Physical conduct such as unwanted touching, physical contact, assault, impeding or blocking movements of an Employee.
- Retaliating or threatening retaliation against an Employee after a negative response to sexual advances, or for reporting or threatening to report sexual harassment by such Employee.
- Eve-teasing.
- Unsavory remarks, whistling, staring, sexually slanted and obscene jokes, jokes causing or likely to cause awkwardness or embarrassment to an Employee.
- Subtle innuendoes or open taunting regarding the physical appearance of an Employee or the Employee’s body parts or shape.
- Gender based insults and/or sexist remarks.
- Making verbal sexual remarks or making sexual gestures or advances or indulging in exhibitionism in the presence of an Employee.
- Unwelcome sexual overtones to an Employee in any manner such as over telephone (obnoxious telephone call), virtual communication, and the like.
- Sexually explicit and derogatory statements or sexually colored remarks in the presence of or about an Employee, either in person or virtually.
- Making distasteful remarks of a sexual nature that disparages the character of an Employee.
● Joking and sniggering by one or more Employees that carry sexual undertones with a view to humiliate or embarrass an Employee;
● Doing any act, verbal, physical or otherwise with the intention of offending, humiliating an Employee.
● Molesting or intimidating an Employee, that a reasonable person would have known constituted an act of Sexual Harassment;
● Sending and/or displaying pornographic messages or content to or in the presence of a woman Employee, whether in physical, electronic or other form.
● Compromising invitation or forcible calling for a meeting/ date of an Employee.
● Any act or conduct by a person in authority which denies or would deny equal opportunity in pursuit of career development or otherwise making the environment at the work place hostile or intimidating to an Employee, only on the ground of sex.

A broad definition of sexual harassment consists of any unwelcome physical, verbal or nonverbal conduct of unnecessary, improper or unwelcome sexual nature and may include one or more of the following acts or behavior (whether directly or by implication): I) Unwelcome sexual advances, demands or requests for sexual favors, display of sexual visuals, sexual audios, pornographic or obscene material and any other verbal or physical conduct of a sexual nature; or II) Transmitting any message, by mail, telephone, electronic media including social networking websites etc. which is obscene, lewd, suggestive or blatantly sexual in nature; or III) Any explicit or implicit communication wherein a sexual favour or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment; or IV) Sexually charged jokes or remarks and behavior which have sexually oriented innuendoes; or V) Consistent pattern of unnecessary physical contact and advances, staring or targeting unreasonable attention at an individual in day to day dealings; or VI) Any pervasive pattern of behavior which makes a person uncomfortable, insecure or feel humiliated or disadvantaged on the basis of gender differentiation; or VII) Stalking or making repeated unnecessary/unwelcome visits to the place of residence; or VIII) Actual sexual assault. The above is only an indicative list and there can be other acts which can be construed as sexual harassment.

For the sake of abundant caution, it is clarified that any of the above instances may take place in person or virtually.
Annexure B

COMPOSITION OF INTERNAL COMPLAINTS COMMITTEE

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<thead>
<tr>
<th>S. No.</th>
<th>Name</th>
<th>Designation</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Alokanda Ghosh</td>
<td>Presiding Officer</td>
<td><a href="mailto:Alokanda.ghosh@gmail.com">Alokanda.ghosh@gmail.com</a></td>
</tr>
<tr>
<td>2.</td>
<td>Sohini Mehta</td>
<td>Member</td>
<td><a href="mailto:Sohini.Mehta@gmail.com">Sohini.Mehta@gmail.com</a></td>
</tr>
<tr>
<td>3.</td>
<td>Nandita Jayraman</td>
<td>Member</td>
<td><a href="mailto:nandita.jayraman@muktiweb.org">nandita.jayraman@muktiweb.org</a></td>
</tr>
<tr>
<td>4.</td>
<td>Sonamon Basu</td>
<td>Member</td>
<td><a href="mailto:sonamon.basu@muktiweb.org">sonamon.basu@muktiweb.org</a></td>
</tr>
<tr>
<td>5.</td>
<td>Partha Dey</td>
<td>External Member</td>
<td><a href="mailto:Deypartha74@gmail.com">Deypartha74@gmail.com</a></td>
</tr>
</tbody>
</table>