



9.1 Prevention of Sexual Harassment at Workplace (PoSH) Policy

Policy Number: YP01

(1) Purpose

YUVA is committed to providing a safe workplace to every employee which is free of sexual harassment and offers to address concerns and complaints about it if it occurs. This Prevention of Sexual Harassment Policy has been implemented by YUVA according to The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”).

Having said this, YUVA’s prevention of sexual harassment policy is gender-neutral. This means that the procedures outlined in this policy will apply to women, men and the third gender without any bias or prejudice. All statutory reporting will be as per The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 will be applicable only in case of a complaint from a women employee.

(2) Applicability

Specifically, for this policy, “employee” means a person employed at YUVA for any work on a regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, whether for remuneration or not, or working voluntarily or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

This policy applies irrespective of seniority, and will also apply to future employees from the date of commencement of their employment.

(3) Principles of YUVA

This Policy covers sexual harassment which occurs both in the workplace (including communities) and in settings outside the workplace, such as official trips, events or social functions organised for or on behalf of YUVA. Such trips, events or social functions may be held either on or off YUVA’s premises. The Policy also extends to any place visited by the employee arising out of or during the course of employment including transportation provided by YUVA for undertaking such journey.

All employees of YUVA are expected to comply with this Policy. Failure to comply with this Policy may result in disciplinary action being taken against such an employee. A serious breach of this Policy would also result in direct dismissal of the person found to violate it under the disciplinary procedures at YUVA.

We, at YUVA, have zero tolerance for any form of harassment of one employee by another employee irrespective of seniority.



(4) Defining Sexual Harassment

Sexual harassment may take place in several forms. In the most facile terms, harassment may be said to be any unwanted physical, verbal or non-verbal conduct that has the potential to violate or violates the dignity of the person against whom it is done. Such behaviour humiliates and degrades the person, besides intimidating them and violating their dignity.

Employees of YUVA must refrain from making any joke which is likely to humiliate or degrade another person as words spoken in jest may also harass an individual. The employee should maintain professional decorum when communicating with a colleague, irrespective of gender, sexual orientation, marital status, race, nationality, colour, religion, caste, age or disability.

Sexual harassment doesn't need to be a series of incidents. Even a single incident of unwanted or offensive behavior to one individual can amount to sexual harassment. Creating an offensive environment using words or actions that have a sexual undertone around a person may also be considered to be sexual harassment.

Individual employees may in some cases be legally liable for sexual harassment of colleagues or third parties (including clients and vendors) and may be ordered to pay compensation by a court or employment tribunal. However, YUVA will not be made liable for any compensation or action for individual liabilities of such an employee.

Examples of sexual harassment include:

- unwanted physical conduct and advances including but not limited to touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical assault.
- making sexually coloured remarks, unwelcome physical, verbal or non-verbal conduct of sexual nature including but not limited to inappropriate behaviour, offensive or intimidating comments or gestures or insensitive jokes or pranks.
- demand or request for sexual favours.
- the sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including but not limited to electronic modes of communication that include emails, text messages, video clips and photographs taken or sent using mobile phones or via the internet) which may invite penalties under criminal law including but not limited to the Indian Penal Code, 1860 and the Information Technology Act, 2000.

Important legal terms used in this policy:

- **AGGRIEVED WOMEN/EMPLOYEE/PERSON** - Who alleges to have been subjected to any act of sexual harassment
- **CLAIMANT** - A person who files a written complaint about the incident
- **RESPONDENT** - A person against whom the aggrieved person has made a



complaint

Behaviour resulting in Breach of the Policy

An aggrieved person who has been subject to sexual harassment is entitled to raise a formal written complaint at any time and under such circumstances approach any of the Internal Committee member(s) to file a complaint.

On receipt of a complaint, it will be investigated and if found valid, prompt action will be taken which shall be designed to stop the sexual harassment immediately and prevent its recurrence.

If the respondent is an employee, the matter will be dealt with in accordance with the Act and YUVA's code of conduct policy. If the respondent is a third party, you should notify your immediate senior or HR on hr@yuvaindia.org. YUVA will then look into what appropriate action can be taken and may advise the person on legal options available under the framework of applicable law.

In any case of sexual harassment, the same shall be dealt with in the manner set out under paragraph (8) of this Policy.

Whilst the aims of this Policy are clearly stated and are to be upheld, any employee who raises a sexual harassment complaint which upon investigation is proven to be deliberately vexatious or false, then such employees shall be subject to disciplinary action as mentioned in YUVA's code of conduct policy and, in serious cases, dismissal.

(5) Maintaining Confidentiality

It must be noted that in case of any complaints related to sexual harassment, strict confidentiality about the complaint and any related matter about the complaint must be maintained at all times by all concerned parties. This includes not only by the aggrieved employee, respondent and witness(es) but also by any employee who may learn about the matter whether formally or casually.

All employees are expected to behave sensitively and not engage in any loose talk about matters related to sexual harassment.

Disciplinary proceedings may be initiated, as per employee policies of YUVA in case it is found that confidentiality is being breached about matters related to sexual harassment or if employees are found to be engaging in any loose talk about a matter related to sexual harassment.

(6) Supporting those affected by Sexual Harassment

YUVA recognizes the rights of an employee affected by sexual harassment and complain against it. All complaints made in good faith, and participation in good faith in any



investigation to ascertain breach of the Policy should not be reasons for victimisation of any such employee.

Any person found to have either victimised or retaliated against an employee for assisting in good faith with investigations seeking to ascertain breach of this Policy, or against any person complaining about a possible breach will result in disciplinary action as mentioned in YUVA's code of conduct.

YUVA believes that those who have been affected or those accused of sexual harassment may require counselling and recommends counselling sessions of a confidential nature for such employees.

If you believe you have suffered any form of victimisation or retaliation, you are advised to inform HR at hr@yuvaindia.org.

(7) Fighting Sexual Harassment

Internal Committee

Internal Committee ("Committee") will be responsible to handle complaints related to sexual harassment.

In accordance with statutory laws prevalent in India, YUVA has set up an Internal Committee ("**Committee**") which has been entrusted with the duty of addressing any grievance of an aggrieved employee, or a person who has a feeling of being subject to some form of sexual harassment and provide adequate redressal to such employees. The Committee will consist of four members, of which at least 50% shall be women, and will be comprised of the following:

- a presiding officer being a woman employee occupying a senior position in YUVA
- 2 (two) members from amongst the employees of YUVA who are preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and
- 1 (one) external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

Names of the aforesaid committee members are set out under Appendix 1 and these names may be changed by YUVA from time to time in accordance with applicable Indian law.

For the purpose of this Policy and in accordance with the statutory laws of India, the Committee shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.



The Presiding officer or any member of the Internal Committee may be removed from the Committee in case the member:

- (a) contravene the provisions of section 16 mentioned in THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013; or
- (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; or
- (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- (d) has been found to have abused his/her position as a Committee Member

The vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the prevailing law.

Conciliation

The Committee may, before initiating an inquiry, and only upon the request of the aggrieved person take steps to settle the matter between the aggrieved person and the respondent through conciliation.

It should be noted that no monetary settlements are permitted under the law during the process of conciliation.

Procedure for filing complaints

YUVA is sensitive to any employee facing any kind of sexual harassment, and those who suffer sexual harassment within YUVA's premises should give a written complaint to any Committee member(s) at the earliest. Please note that such a complaint must be made within 3 (three) months from the date of occurrence of the alleged incident, and if the harassment is of an ongoing nature, such complaint must be made within 3 (three) months of the date of the last incident.

In cases where the aggrieved employee is unable to submit such a complaint in writing, the members of the Committee may render an aggrieved employee reasonable assistance to enable making such a complaint.

Sexual harassment is a serious offence and YUVA takes such allegations seriously. In case an aggrieved employee is unable to make a complaint on account of physical incapacity, a complaint in this regard may be filed by (a) a relative of the employee; a co-worker; an officer of the National or State Commission for women; or (d) any person who has knowledge of the incident. However, such a complaint may only be made with the written consent of the aggrieved employee.

In instances where the aggrieved employee is unable to make a complaint on account of mental incapacity, a complaint may be filed by (a) a relative or friend; (b) a special



educator; (c) a qualified psychiatrist or psychologist; (d) the guardian; or (e) any person who has knowledge of the incident jointly with any of the persons mentioned above.

If the aggrieved employee is unable to make a complaint on account of any reason other than physical or mental incapacity, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved employee.

If the aggrieved employee is deceased, a complaint may be filed by any person who has the knowledge of the incident, with the written consent of the aggrieved employee's legal heir.

A written complaint should contain descriptive details such as date or dates of occurrence or occurrences, type or types of the act of sexual harassment, place or places where the incident or series of incidences of sexual harassment, name of the person who has caused the sexual harassment, working relationship with the person who has caused the sexual harassment, names and details of any witness or witnesses and list/pieces of evidence or documents, if they are available and any other information which the aggrieved employee feels can support such a case.

Proceedings

A quorum of 3 (three) Committee members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least two other Committee members; one of them shall be a woman.

The Committee will before be initiating an inquiry and at the request of the aggrieved employee take steps to settle the matter between the aggrieved employee and the person accused of committing the act or behavior of sexual harassment. However, it is expressly clarified that monetary settlement shall not be the basis of the conciliation. The Committee would provide copies of the settlement as recorded during the course of the settlement to the management of YUVA, the aggrieved employee and the respondent and no further inquiry shall be conducted by the Committee.

Inquiry of complaint

If conciliation is not an option, the Committee shall proceed to make an inquiry into the complaint by the aggrieved employee. The complaint should contain all the material and relevant details concerning the alleged harassment including supporting documents and the names and addresses of witnesses (if any). The Committee shall accept a complaint and extend the time limit for a period exceeding further 3 (three) months if the Committee is satisfied that the circumstances were such that it prevented the employee from filing a complaint within the same period.

On receipt of the complaint, the Committee will send 1 (one) copy of the complaint received from the aggrieved employee to the respondent within 7 (seven) working days.



The respondent will have to file a reply to the complaint along with a list of documents, names and addresses of witnesses within 10 (ten) working days from the date of receipt of such complaint. Failure to appear, by the respondent, for 3 (three) consecutive hearings convened by the presiding officer of the Committee without a sufficient cause and subject to provision of 15 (fifteen) days' notice would entitle the Committee to give an ex-parte decision on the complaint.

The Committee will inquire into the matter on receiving a response from the respondent or hold a hearing or formal proceeding, if necessary. Failure to appear, by the complainant, for 3 (three) consecutive hearings convened by the presiding officer of the Internal Committee without a sufficient cause and subject to provision of 15 (fifteen) days' notice would entitle the Internal Committee to terminate the inquiry proceedings.

The Committee would be entitled to obtain and receive all forms of evidence in this regard and the concerned parties will have to cooperate. The Committee will endeavour to complete the entire process within 90 (ninety) days from the commencement of an inquiry.

Both parties will be given an opportunity to present their views to the Committee. However, the complainant and the respondent will not be allowed to bring legal practitioners during the proceedings.

Action during the pendency of inquiry of complaint

During the pendency of an inquiry or upon a written request made by the aggrieved employee, the Committee may recommend to YUVA to provide interim relief.

- transfer the aggrieved employee or the respondent to any other workplace.
- grant leave to the aggrieved employee up to a period of 3 (three) months; or
- restrain the respondent from reporting on the work performance of the aggrieved employee or writing such employee's confidential report and assign the same to another officer.

It is clarified that the 3 (three) months leave granted to an aggrieved employee will be over and above the leave, the employee is otherwise entitled to as an employee of YUVA.

Though the right to request for interim relief lies with the complainant, depending on the case, the Committee may provide such an interim relief even to the respondent.

Inquiry report

The report of the Committee's finding would be provided to YUVA within a period of 10 (ten) days from the date of completion of the inquiry, and such a report would be made available to the aggrieved employee and the respondent.



If, after the end of the inquiry, the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to YUVA that no action is required to be taken in the matter.

If the Committee arrives at the conclusion that the allegation against the person accused of sexual harassment has been proven, it shall recommend to YUVA, either, any or all of the following:

- to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the person accused, i.e. YUVA's internal policies as mentioned in the code of conduct policy.
- subject to prescribed conditions under the applicable law, to deduct, notwithstanding anything in the service rules applicable to the person accused, from the salary or wages of the person accused such sum as it may consider appropriate to be paid to the aggrieved employee or to the legal heir, as it may determine, in accordance with the provisions set out in paragraph 7.7; and/ or
- to take any action including a withholding of pay rise or increments or terminating the services of the employee accused of sexual harassment from the employment of YUVA.

The Internal Committee at its sole discretion may make any other reasonable recommendations in the report as it deems fit.

For the purpose of determining the sums to be paid to the aggrieved employee under the preceding paragraph, the Committee shall have regard to:

- the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee.
- the loss of the career opportunity due to the incident of sexual harassment.
- medical expenses incurred by the victim for physical or psychiatric treatment.
- the income and financial status of the person accused of sexual harassment; and
- feasibility of such payment in lump sum or in instalments.

YUVA will act upon the recommendation of the Committee within 60 (sixty) days of receipt of the said recommendation.

Liability for false or malicious complaints and providing false evidence

If the Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved employee 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, the Committee shall recommend to YUVA to take any of the actions as per relevant service rules or as it deems fit against the said employee or any other person who made the false complaint.

However, mere inability to substantiate a complaint or provide adequate proof will not be considered to be a false or malicious complaint.



It is also clarified that malicious intent on part of the complainant shall only be established after an inquiry by the Committee.

Appeal

Any person aggrieved from the recommendations made under paragraph 7.7 or aggrieved from recommendations made in the Inquiry Report or by the non-implementation of the said recommendations may prefer an appeal within 90 (ninety) days from the date of the recommendation to the court/ tribunal.

Duties of the Committee

It shall be the duty of the Committee to prepare an annual report in accordance with the Act and to submit it to the District Officer under it on or before January 15th for the year gone by. This report would have to be prepared in each calendar year.

The Committee will meet twice a year to plan for awareness and training sessions for all employees and to take stock of any concerns or grievances that may have arisen.

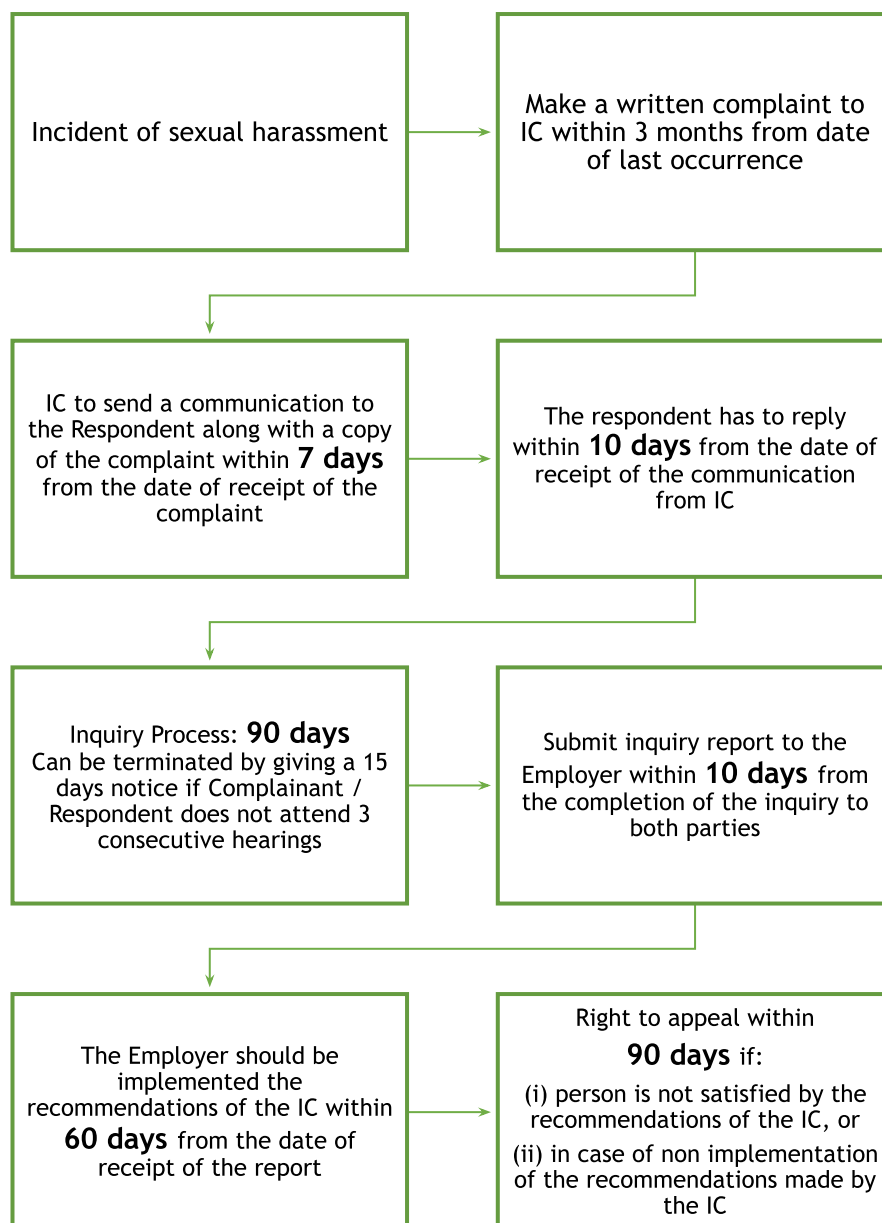
Implementing the Policy

- All staff must work to ensure a safe working environment.
- All managers have a specific responsibility to operate within the boundaries of this Policy and to ensure that all employees understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.
- Employees are requested to disclose any instances of sexual harassment of which they become aware to HR on hr@yuvaindia.org
- If an employee gets a feeling of being sexually harassed, such an employee should file a written complaint to the Committee in accordance with this policy.
- All questions about this Policy and requests for training or information on dealing with sexual harassment should be directed to hr@yuvaindia.org.

Monitoring the Policy

YUVA will continue to review the effectiveness of this Policy to ensure that the Policy achieves its aim. It is hereby clarified that YUVA may choose to amend this Policy at any time in accordance with provisions of the law then in force. YUVA shall inform the employees in writing of any such amendments.

Important timelines for this policy:



Appendix-1

Members of the Internal Committee (IC)

Sr. no	Name	Role	Contact no	Email-Id
1	Ms. Taslim Khan	Presiding Officer	8108461711	taslim.k@yuvaindia.org
2	Ms. Doel Jaikishen	IC Member	9830795695	doel.j@yuvaindia.org
3	Mr. Suresh Lule	IC Member	7719825936/ 9307454101	suresh.l@yuvaindia.org



4	Adv Ms. Mini Mathew	External Member	9820391912	mathewmini@rediffmail.com

9.1.1 Prevention of Sexual Exploitation and Abuse (PSEA) Policy

Policy No.: YP01.1

Policy Statement:

- YUVA is committed to maintaining a zero-tolerance approach towards Sexual Exploitation and Abuse (SEA). All YUVA employees and related personnel are expected to adhere to the highest standards of personal and professional conduct, respecting the rights of beneficiaries and vulnerable members of the local communities.
- SEA is considered a violation of internationally recognized legal norms and standards, and it is strictly prohibited for all YUVA employees and related personnel.

Scope of Application:

This policy applies to all YUVA employees and related personnel, both on-and off-duty, and sets out the approach to prevent and respond to SEA.

Definitions:

- For the purposes of this policy, "sexual exploitation" refers to any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including but not limited to profiting monetarily, socially, or politically from the sexual exploitation of another.
- Similarly, "sexual abuse" refers to the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Commitment to PSEA:

- YUVA is committed to creating and maintaining a safe environment, free from SEA. To achieve this, YUVA will implement a robust PSEA framework consisting of prevention and response measures.
- YUVA affirms its commitment to the UN Secretary General's Bulletin on Special Measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and the full implementation of the IASC Six Core Principles relating to SEA.

Six Core Principles:



- SEA by YUVA employees and related personnel will be considered acts of gross misconduct and may result in termination of employment.
- Sexual activity with children (persons under the age of 18) is strictly prohibited, irrespective of local age of majority or age of consent. Mistaken belief regarding the age of a child is not a defence.
- Exchange of money, employment, goods, or services for sex, including sexual favours or any form of humiliating, degrading, or exploitative behaviour, is prohibited. This includes the exchange of assistance that is due to beneficiaries.
- Any sexual relationship between YUVA employees or related personnel and beneficiaries of assistance or other vulnerable members of the local community, which involves the improper use of rank or position, is strictly prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
- Any YUVA employee or related personnel who becomes aware of concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether within or outside the organization, must report such concerns via established reporting mechanisms.
- It is the responsibility of all YUVA employees and related personnel to create and maintain an environment that prevents SEA and promotes the implementation of this policy. Managers have particular responsibilities to support and develop systems to maintain this environment.

PSEA Framework:

Prevention:

- Vetting: YUVA will conduct systematic vetting of all prospective job candidates according to established screening procedures.
- Training: YUVA will provide mandatory induction and refresher training to all employees and related personnel on the YUVA's POSH and PSEA policy and procedures.

Response:

- Reporting: YUVA has the IC members listed under the POSH Policy who can be directly contacted for POSH and PSEA reporting. Any personnel, beneficiaries, and communities, including children can report SEA allegations and establish safe, confidential, and access mechanisms and procedures. Beneficiaries will be made aware of these mechanisms from time to time.
- Investigation: YUVA will conduct proper and timely investigations of SEA allegations involving its employees or related personnel which will be carried out by the IC and necessary steps will be taken as mentioned in its POSH policy (with Policy No.9.1). If the alleged perpetrator is affiliated with another entity, YUVA will refer the case to the appropriate investigative body and hire them as per the need.



- Referral to National Authorities: If, after a proper investigation, there is evidence to support allegations of SEA, YUVA may refer the cases to national authorities for criminal prosecution wherever need arise.
- Victim Assistance: YUVA will establish a system to promptly refer SEA survivors to available services based on their needs and consent.

Cooperative Arrangements:

- All YUVA contractors, suppliers, consultants and sub-partners having an agreement with YUVA will have to accept and commit to the zero-tolerance policy on SEA and to implement measures for prevention and response.
- Failure of entities or individuals to take preventive measures against SEA, investigate allegations, or take corrective action when SEA has occurred will be grounds for termination of any cooperative arrangement.

Incident Report Form for SEA Allegations

1. Details on how, when, and by whom, the allegation was received:

Date and time of receipt: _____

Received by: _____

Contact information (email, phone): _____

2. Description of alleged incident, including dates, times, and locations:

Date(s) of alleged incident: _____

Time(s) of alleged incident: _____

Location(s) of alleged incident: _____

Description of alleged incident: _____

3. Description of alleged or suspected survivors:

Name: _____

Age: _____ Gender: _____

Ethnic/origin/nationality: _____

Specific needs: _____

4. Description of alleged or suspected perpetrators:

Name: _____

Age: _____



Gender: _____

Nationality: _____

Organisational affiliation/position: _____

Previous record of misconduct: _____

5. Actions taken by the organisation in response to allegations to date:

Referral for assistance: _____

Investigations: _____

Notification of UN/Host Government: _____

6. Actions taken by other organisations or entities in response to the allegation:

UN: _____

Host Government: _____

Requested support from partners:

Support for SEA survivors: _____

Investigations: _____

Report transmitted by:

Name: _____

Contact info (email, phone): _____

Title: _____

Date: _____

Referral form

Referring agency Agency/org: _____

Contact: _____

Phone: _____

Email: _____

Location: _____

Receiving agency Agency/org: _____



Contact: _____

Phone: _____

Email: _____

Location: _____

Survivor information Name: _____

Phone: _____

Address: _____

Age: _____ Sex: _____

Nationality: _____ Language: _____

ID number: _____

If survivor is a minor (under 18)

Name of primary caregiver: _____

Relationship to child: _____

Contact information for caregiver: _____

Is the child separated or unaccompanied? Yes/No

Is the caregiver informed about referral? Yes/No (If no, explain) _____

Background Information/Reason for referral and services already provided

Has the survivor been informed of the referral? Yes/No (If no, explain below)

Has the survivor been referred to any other organisation? Yes/No (If yes, explain below)

Services requested: _____

Consent to release information. (Read with survivor/caregiver and answer any questions before s/he signs below. Sign on behalf of the survivor/caregiver if consent is given verbally and the survivor/caregiver cannot sign.)

I, _____(survivor name), understand that the purpose of the referral and of disclosing this information to _____(name of receiving agency) is to



ensure the safety and continuity of care among service providers seeking to serve the client. The service provider, __ (name of referring agency), has clearly explained the procedure of the referral to me and has listed the exact information that is to be disclosed. By signing this form, I authorise this exchange of information.

Signature of responsible party (survivor or caregiver if a child):

Date (DD/MM/YY):

Details of Referral Any contact or other restrictions? Yes/No (If yes, please explain below)

Referral delivered via: Phone (emergency only)/ E-mail Electronically (e.g., App or database)/ In Person Follow-up expected via: Phone/E-mail/In Person

By date (DD/MM/YY):

Information agencies agree to exchange in follow-up:
