



Framework for Gender Policy

TADASHA is a women organization headed by the women members since its inception and maintains the same in the body as well as staffing pattern of the organization. This is an organization has always been sensitive to the issues of gender. As a long term commitment towards this objective, and to follow relevant Supreme Court guidelines on the matter, it has been decided by the management to have a formally written and approved Gender Policy that would ensure the rights and safety of women employed by the organization. The organization is currently trying to address the inequity in its staff pattern by giving more chance to female workers to get associated with the cause of the organization. The formal Gender Policy will give a fillip to that effort by ensuring a proper gender sensitive working culture at the organization level. The Gender Policy of TADASHA in its present format extends beyond its own employees to embrace the needs of its target communities as TADASHA has been striving to promote gender equality in its projects and programmes. Thus both work place in its various offices and the work area in its intervention map Come within the ambit of the policy.

Objectives of TADASHA's Gender Policy:

- To promote equal opportunities for male and female staff and create a gender sensitive working environment at the workplace.
- To promote and ensure gender equity and equality (in terms of rights and access to resources, responses and services) in strategies, projects and programmes to reflect the efforts and aspirations of the poor and disadvantaged target communities in TADASHA's intervention areas who are the ultimate beneficiaries and owners of local development processes.
- To act as an effective deterrent against gender discrimination and harassment both in Workplace and in programme intervention areas.

Elements of TADASHA's Gender Policy:

The word "gender" refers to the socially determined ideas and practices of what it is to be female or male. Whereas the term "gender analysis" is the systematic gathering and examination of information on gender differences and social relations in order to identify, understand and redress inequities based on gender. Again, "gender discrimination" is the systematic, unfavorable treatment of individuals on the basis of their gender, which denies those rights, opportunities or resources.

TADASHA tried to understand the above terms with respect to its stand as an organisation working in the field of development and which understands the need to incorporate all the above into a policy that would identify what it takes to create gender sensitive staff who would in turn apply their learning to the communities it serves. In order to achieve that goal two other terms needed to be defined and differentiated. They were "gender equality" and "gender equity".

Gender equality denotes women having the same opportunities in life as men, including the ability to participate in the public sphere. Gender equity denotes the equivalence in life outcomes for women and men, recognizing their different needs and interests, and requiring a redistribution of Power and resources. Both are indispensable and need to be incorporated into the Gender Policy of an organisation like TADASHA which recognizes that women's rights are human rights and that women experience injustices solely because of their gender.

There are two aspects of women's empowerment in an organization and in the society it serves. The first is about redressing traditional gender power relations that, consciously or subconsciously, looks upon women as inferior and thus subsumes or categorizes their needs and aspirations to be secondary. The second is about building the capacity of the staff or community members to challenge this unequal relation. TADASHA recognizes the fact that both have to be taken care of if the organization decides to mainstream gender into its plans, policies, and strategies so as to effectively impact its working atmosphere, projects and programmes.

The policy would also try to eliminate harassment on the basis of gender which is any act or threat by men or male-dominated institutions that inflicts physical, sexual, or psychological harm on a woman or girl because of their gender.

Thus the basic elements of TADASHA's gender policy will be, in the immediate term;

1. To study the present system to determine the gender balance (or imbalance), i.e. conducting a gender analysis,
2. To promote equity and equality between men and women,

3. To create a gender sensitive and conducive working environment,
4. To eliminate harassment and discrimination on the basis of gender, and
5. To ensure fairness and equity as a right for all in the outcomes of development, through processes of social transformation.

With this TADASHA hopes to create, attract and retain gender sensitive staff who in turn would help achieve better man-woman relationships in the communities it serves so as to strengthen natural resources management practices, to secure livelihood of deprived communities, achieve a better pattern of use, knowledge and skills regarding conservation and sustainable use of natural resources and equip them in gender sensitive responses to crises that arise in the wake of natural disasters that these communities are prone to in their habitats. It is hoped that when both the wings of society are assured of their rights, there will be better participation leading to improved outcomes.

TADASHA is committed to make this Gender Policy an integral part of all organizational policies, programmes and projects and would involve building a culture that understands and respects gender related concerns.

To achieve this, the organization aims to take the following immediate steps;

A) Improving Staff Composition/Representation

- ❖ Reviewing the existing organisational structure, functioning, problems in relation to gender imbalances among staff and the work environment and taking steps to address them so as to improve staff composition.
- ❖ Giving top priority to recruiting and retaining adequate women staff at all levels to ensure gender balance in staffing pattern.
- ❖ Ensuring equal opportunities among staff, irrespective of gender, in working conditions, for personal growth, in promotion benefits, and training.
- ❖ Ensuring equitable representation and participation of men and women in the Executive Board, Senior Management Team, and various functional committees of the organisation.

B) Capacity Building of Staff on Gender Issues

- ❖ Facilitating staff capacity building processes and trainings to enhance perspectives and conceptual clarity on gender issues
- ❖ Ensuring that all trainings (internal and external) facilitated by the organisation are gender sensitive.
- ❖ Conducting gender trainings for both men and women; and ensuring participation of women in all the field level meetings and trainings.

C) Building a Gender Sensitive Workplace

- ❖ Providing a safe and secure workplace for women staff, free from sexual harassment/discrimination with a Gender Complaints Committee in existence to deter and prevent harassment through dissemination of information/rules and also for investigating into cases of sexual harassment/discrimination when they are reported and ensuring justice.
- ❖ Extending work related concessions and relaxations for women staff depending upon the situations and requirements; e.g. providing secure transport facilities when they work late hours; ensuring security measures along with minimum basic facilities for women staff while traveling in the field, flexible working hours for women staff and provisions for working from home under special circumstances.

- ❖ Overall, appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

D) Making Provisions for Maternity/Paternity Leave Benefits

- ❖ A woman employee after confirmation shall be entitled to three months of Maternity Leave on full pay.
- ❖ In case of miscarriage / abortion, confirmed women staff on rolls can avail one week of Maternity Leave with full pay.
- ❖ Male employees, confirmed in service, when their spouses have children, shall be entitled for seven days of leave either before or after childbirth.
- ❖ Maternity/Paternity leave can be availed for only up to two live children.

E) Organizational Policies and Systems to Reflect Gender Needs.

- ❖ Making all HR systems and policies gender-sensitive and responsive, and integrating gender indicators into staff performance appraisal systems.
- ❖ Incorporating and explicitly mentioning gender sensitivity as an essential element in the tasks/job profiles in all terms of reference, including TORs for external consultants.
- ❖ Ensuring that the conceptual clarity and sensitivity on gender issues will be one of the important selection criteria in recruitment processes and capacity building efforts of staff.
- ❖ Gender auditing will be a part of all TADASHA publications.
- ❖ In all programmes gender segregated data will be ensured.

F) Ensuring Women Participation/Empowerment in Intervention Areas.

- ❖ Strategic orientation to staff in the field based programs and advocacy initiatives towards increasing women's access, control and ownership over the natural resources, processes and organisations.
- ❖ In case benefits accrue to women in various plans and policies of the Government, care should be taken by the staff to ensure that these benefits actually pass on to the eligible women and are not usurped by other male members of the family or outsiders who seek to benefit from such plans and policies by utilising the women.
- ❖ Efforts should be made to integrate gender concerns into the scaling up of and mainstreaming developmental programs.
- ❖ Empowering women members of communities by informing them about their rights, the laws of the land, and ensuring capacity building through trainings to inculcate leadership qualities in them so as to be assertive in governance issues and thus ensure gender balance in community/village representation in the governance mechanism.
- ❖ Furthering deliberate and intense efforts to promote participation of women and their collectives in various aspects of Natural Resource Management (NRM), livelihood opportunities and ensuring women's representation/leadership in community based organisations created to enhance community rights over resources, ensure sustainable use of resources, and provide livelihood/income earning opportunities for its members.

- ❖ Ensuring equal wages for equal work for both men and women and also ensuring gender friendly facilities in their workplace, like creche, provision for women supervisors, separate rest areas and toilets, so that women members may participate and perform in work areas without feeling disadvantaged or insecure in any manner.
- ❖ Making special efforts to constantly identify vulnerable women/women headed families and provide them the necessary support and guidance to voice their needs and assert their rights over and access to resources, responses and services.
- ❖ Building awareness and sensitivity within the men in the target communities and mobilizing their support towards gender balance in all walks of life.
- ❖ The above is a policy statement, which outlines TADASHA's sensitivity towards gender and its operational framework to address the related concerns. The exact operational procedures would have to be worked out in detail for all the above outlined statements in a consultative process; internally involving all the staff with possible external facilitation support. An indicator to the process which may be adopted is given below;

Operational strategy:

- ❖ Open discussion on issues of gender among Executive Board members, amongst the staff members especially during monthly/annual meetings or arranging for special meetings involving external facilitators, if necessary.
- ❖ Organisation of regular training programs, orientations on gender issues and integration of issues of gender in existing programs. Steps should be taken to integrate gender component in new proposals and budgets drafted by organisation.
- ❖ Developing a gender sensitisation manual to be distributed among staff, and displaying relevant IEC material on gender sensitisation and policies/rules, do's and don't's, at the workplace and in the intervention areas. This should also include the names, addresses and contact numbers/email id's of the members of the Gender Complaints Committee so as to facilitate the process of filing complaints.
- ❖ Forming a clear cut strategy to foster women leadership at all levels including at the community level.
- ❖ Formation of Committee against Sexual Harassment to ensure free and fearless working environment for all employees including women at various levels including community level. The committee will evaluate various aspects of the organization working on a half yearly basis, as far as possible.
- ❖ Steps to be taken to ensure proper ventilation of gender related issues by the employees and the community members.

The organisation already has a Sexual Harasment Committee that is responsible to deal with the complaints of sexual harassment in accordance with the guidelines laid down by the Supreme Court of India relating to sexual harassment of female workers at work places.

SEXUAL HARRASHMENT AT WORKPLACE

(Vishaka Guideline)

THE BACKGROUND

The problem of sexual harassment at the workplace received judicial recognition when, on August 13th 1997, a three-judge bench of the supreme court headed by the Chief Justice delivered a significant judgment, known as the Vishaka judgment, on sexual harassment at the workplace, laying down guidelines on this, again known as the Vishaka guidelines, by and large going by the views submitted by women's groups working on the issue. Sexual harassment at work place has been recognized as a serious problem and the Court has made it mandatory for all workplaces to adopt the guidelines. The Supreme Court guidelines provide a comprehensive definition of sexual harassment and a redressal mechanism for handling complaints.

The implementation of the guidelines in Vishaka has to be not only in form but substance and spirit so as to make available safe and secure environment to women at the workplace in every aspect and thereby enabling the working women to work with dignity, decency and due respect.

Sexual harassment has been defined as such;

“For this purpose, sexual harassment includes such unwelcome sexually determined behavior

(Whether directly or by implication) as:

- a) Physical contact and advances;
- b) a demand or request for sexual favours;
- c) sexually-coloured remarks;
- d) Showing pornography;
- e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.”

The Court also observed, “Where any of these acts is committed in circumstances where under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.”

As per the judgment of the Supreme Court a Gender Complaints Committee has been formed in TADASHA consisting governing body members and it will be reformed at staff level later on to tackle issues of sexual harassment of and discrimination against women employees at work place and against female community members in its intervention areas.

1. Scope of the Gender Complaints Committee

If any worker/functionary (as defined above in the title) is alleged of making sexual harassment/discrimination on the basis of gender within the organisation or outside the organisation then the Complaints Committee (formed by the organisation) will look into the issue in all seriousness. The Complaints Committee can also look into cases where an outsider indulges in sexual harassment towards a woman employee of TADASHA/or discriminates against her within the workplace and work area of TADASHA or during the adequate discharge of duties by the woman employee including official travel during duty.

The Complaints Committee will be headed by a woman and not less than half of its members will be women. The Complaints Committee can also hear cases of lack of gender sensitive policies/facilities at the work place or in intervention areas and take steps to address such problems.

2. Eligibility for Filing a Complaint

All the allegations of sexual harassment/discrimination by a working associate/ project staff/programme associate/functionary or volunteer/consultant of TADASHA may be filed before the Complaints Committee. If any employee is alleged of making sexual harassment/discrimination within the organisation or outside the organisation, and a complaint is made, then the Complaints Committee will look into the issue with all seriousness. In case of the involvement of an outsider the complainant may also take recourse to other measures available according to the laws of the land. Such external investigation will run parallel to the organisational procedures, and the committee is committed to support the process. This committee and its actions do not impinge on the fundamental rights of the victim as laid down in the Constitution of India and any rights available under the Protection of Human Rights Act, 1993.

As is laid down by the Court, "In case of third-party harassment, where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person-in-charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action."

3. Tenure of the Complaints Committee & Quorum

The tenure of the Complaints Committee will be of one year. If somebody resigns or is terminated, the vacancy will be immediately filled, within a month, by calling a staff meeting. Reconstitution of the Complaints Committee for any reason shall be immediately informed to all concerned by way of circulars/notices. Three (3) will be the quorum. If the quorum is not there at any meeting it shall be adjourned for not more than three days. If at the subsequent meeting a quorum is still not there the meeting shall proceed with those who are present. The proceedings or such a meeting cannot be challenged on the ground on the ground of absence of quorum.

4. Membership

The entire worker's/staff of TADASHA who can make allegation or the allegations could be made against them by the insiders or the outsiders can elect/select the members. The Complaints Committee members will be selected or elected by all the members (all the staff/workers of TADASHA). The members can be TADASHA staff/functionary and a prominent outsider who has knowledge/expertise on the issue of sexual harassment/gender discrimination to prevent the possibility of undue pressure or influence from within the organization. Five people will be selected/ elected to the Complaints Committee where three people will be female and two will be male.

5. Attendance of the meetings

If any member of the Complaints Committee's remains absent in the regular meetings for three consecutive periods it will be considered to be negligence of duties and accordingly action will be taken as per TADASHA determined rules and regulations.

6. Resignations

The resignation of a Complaints Committee member from the committee will not be accepted unless it is a reasonable one as decided by the Complaints Committee.

7. Meeting of the Complaints Committee

The meeting will be convened by the Chairperson soon after getting the complaint. Otherwise it will sit four times in a year.

8. Chairperson

A woman member will be the Chairperson who has equal decision making rights as others.

9. Function of the Complaints Committee

- a) To ensure the proper functioning of the Complaints Committee and implementation of guidelines within the organisation.
- b) To keep the offices/employees informed about what may constitute sexual harassment/discrimination as per Supreme Court guidelines as modified from time to time so as to constitute awareness about the same and thereby also prevent cases of sexual harassment/discrimination by acting as a deterrent. This may be by way of circulars/notices, IEC material displayed in office spaces/work areas, and awareness during visits by committee members to offices/work areas.
- c) To encourage all employees to report cases of sexual harassment/ discrimination that they may observe in the work place/work area involving employees of the organisation.
- d) To form an Inquiry Committee to investigate the matter of complaint received by the complainant.
- e) To investigate into general complaints about sexual harassment/ discrimination so as to identify victim(s) and encourage them to report to the Committee.
- f) The activity report and findings of the Complaints Committee will be shared with TADASHA on a six monthly basis.

10. Disqualification of the Convener and Members

The Chairperson or any member may be disqualified if he or she is alleged to be involved in the sexual harassment, moral turpitude or serious criminal charges pending against his or if found guilty of sexual harassment/discrimination. If one of the members becomes victim or accused he/she will be disqualified from the proceedings of that particular case on the grounds of conflict of interest.

11. Penalties

Any employee found guilty of sexual harassment/discrimination or aiding/abetting the same shall be liable to any of the following penalties.

- a) Warning, reprimand or censure along with a written apology with a commitment not to repeat the offence towards the subject and in general.
- b) Fines as decided upon by the Committee.
- c) Stopping one increment or more in salary.
- d) Suspension for a period as determined by the Committee.
- e) Transfer from the place of posting as decided by the Committee. The victim can also seek and get a transfer so as to be out of the influence of the accused.
- f) Demotion/termination of service as decided by the Committee.
- g) In case the complaint is found by the Committee to be false/ vindictive after investigation, the complainant is liable to be cautioned and/or punished as decided by the Committee.
- h) In case of a woman employee complaining against an outsider, the Committee may decide to instruct/allow the employee to complain to the local administration to get redressal if the employee so desires or if the nature of the complaint is of a more serious nature.
- i) In case a community member is found guilty, whether against a female member of the community, or towards a female staff of TADASHA, points a, b and h can be considered. It may also be prudent to let the Gram Panchayat or the local administration decide if both the accused and the victim belong to the community and the complaint is of sexual harassment or the discrimination is of a serious nature.

The Complaints Committee's role in such a case will be to take cognizance of the complaint and support and allow the victim to decide upon the procedure to be followed from options available to her/him which she/he feels would allow her/him justice. Penalties c) to g) need to be ratified by the Head of the Organisation as per the HR Policy of the organisation. It is up to the Committee, in consultation with the Head of the Organisation, to combine two or more of the above penalties if deemed necessary. The amount collected as fine will be used for achieving the aims and objectives of these guidelines.

12. Procedure to be adopted to maintain transparency in investigation and recommendation:

- a) Any women employee (or a female community member in case the accused is a worker of TADASHA) has the right to lodge complain regarding the sexual harassment/discrimination against a male employee or an outsider with any of the members of the Complaints Committee. A female community member complaining against another community member(s) can also complain to the Complaints Committee for facilitation of the case.
- b) Complain may be oral or/subsequently in writing.
- c) Complainant will be assured full confidentiality.
- d) Complaints Committee will nominate the two/three members within them who will constitute the Inquiry Committee.
- e) At least one of the Inquiry Committee members shall be a woman.
- f) No person against whom a complaint is made shall be part of the Inquiry Committee.
- g) If the Inquiry Committee decides after getting the consent of the complainant, the accused will be asked, the response of which will be recorded in the complaint register.
- h) The accused will be given 15 days for replying to the show cause notice.
- i) The Inquiry Committee will prepare a charge sheet and hand over the explanations by the accused to both the accused and the complainant with allegations by hand with proper documents or by Registered Post within five days of deciding the inquiry.

- j) Where every effort will be made to give adequate time to both the complainant and the accused.
- k) Sufficient opportunities will be extended to examine and all witnesses notified by both the parties.
- l) All the proceedings of the Inquiry Committee will be recorded and both the parties in token of authenticity shall endorse the same together with the statement of witness thereof. In case of refusal to endorse the same by either party, endorsement to the effect may be made by the Chairperson.
- m) The inquiry will be finished within 90 days of the filing of the complaint.
- n) The report of the Inquiry Committee will be forwarded to the management which will issue its order to the complainant and accused with a copy to the Inquiry Committee.

13. Provision for Appeals

If the complainant is dissatisfied in the process she or he has all the rights to approach the Head of the Organisation/ or go the court of law or seek other modes of redressal which are available under the laws of the land.

14. Commitment of TADASHA Management

TADASHA Management will extend all the possible assistance in materializing the objective of these processes.