

**Policy to Address SEXUAL HARASSMENT (Prevention, Prohibition and Redressal)
in People's Health Movement (PHM)**

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Compiled by

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Introduction

People's Health Movement (hereinafter referred to as PHM¹) strongly believes that sexual harassment results in violation of the fundamental right of a person to equality, right to life, to live with dignity. The pervasiveness of sexual harassment indicates the distance that remains to be traversed towards achieving equality, justice, and the creation of safe convening, working, and living environments. As the PHM, our goal of health for all encompasses all of these and we stand united in condemning all sexual harassment and violence.

The Sexual Harassment Policy² (prevention, prohibition and redressal) in PHM applies to PHM Secretariat/s; all PHM Spaces and Activities -the Workplace, Secretariat, Regional Chapters, Webinars, Meetings, People's Health Assembly (PHA), WHO Watch, Workshops and International People's Health University (IPHU).

1.1. Statement of Commitment

- i. PHM believes that sexual harassment is not only a criminal offence but is a violation of human rights of the team/staff/participants/members, especially women and LGBTQIA³ persons.
- ii. PHM is committed to creating and ensuring an enabling, dignified, and equitable environment for every member. All members should be able to work together in an environment free of exploitation, harassment, discrimination, and violence.
- iii. PHM recognises that persons from marginalised sections, including women, LGBTQIA persons, amongst others such as persons with disability, are more vulnerable to workplace harassment and humiliation than others and committed to foster an inclusive workplace environment and abolishes any practices or acts, which are gender discriminatory and sexually unwelcome for the women staff members.
- iv. Through this policy, PHM committed to educate and create awareness its entire team, members, volunteers, consultants and to adopt/implement workspace protocols, rules and mechanisms as a measure to provide a safe and conducive work environment for all, which is free of gender discrimination and sexual harassment.
- v. PHM is committed to compliance with the provisions of the Sexual Harassment, Legislations, Guidelines in all PHM regions/countries where PHM is active to ensure implementation of this policy and to expeditiously investigate and address all complaints received, to insulate all team/staff members from any form of sexual harassment through preventive approach and reaffirms that any form of sexual harassment will not be tolerated within the workplace and during the activities of PHM.
- vi. PHM will not tolerate any form of sexual harassment against the staff members, team, various committee members, consultants, volunteers and will strive to take necessary action to ensure prevention, prohibition, and redressal of sexual harassment at workplace and in PHM spaces.

¹ For more information on PHM visit <https://phmovement.org>

² The Policy is based on, a) review of relevant international policies and guidelines on the topic b) Sama's Policy on Sexual Harassment at Workplace by Adv Amritananda Chakravorty c) discussions with the experts and lawyers on the issue internationally d) reviewed by international experts Gender Based Violence & Sexual Harassment

³ LGBTQIA+: Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual

1.1.1. Policy Vision

Protection against sexual harassment and the right to work with dignity are human rights that are universally recognised by international conventions. This Policy aims:

- i. To ensure and enforce the fundamental rights of a person to equality and non-discrimination, including the right to a safe working environment and spaces for interaction, free from sexual harassment.
- ii. To ensure principles of gender equity and equality and to provide a safe and non-discriminatory environment at the workplace.
- iii. To ensure that all staff/team/members/consultants/volunteers have equal opportunities and access to resources to contribute to the vision and charter of PHM.
- iv. To create a redressal mechanism for complaints of sexual harassment keeping in mind PHM's unique structure as a network of networks, which may not fit within a traditional definition of a workplace with employer-employee relationships.

1.1.2. Key Definitions

i. Aggrieved Person

In relation to the PHM workplace which has been defined below, any person, whether employed/staff/member or not, who alleges to have been subjected to any act of sexual harassment by the respondent (defined below).

ii. Respondent

Against whom the aggrieved person has made a complaint, whether an employee/staff/member of PHM or not.

iii. Sexual Harassment

For the purposes of this policy, the term 'sexual harassment', includes:

- a. **any one or more or all of the following unwelcome acts or behaviour (whether directly or by implication), namely:**
 - i. any unwelcome physical, verbal, or non-verbal conduct of sexual nature;
 - ii. offensive comments about gender identity
 - iii. gender discrimination
 - iv. demand or request for sexual favours;
 - v. making sexually coloured remarks, comments, or suggestions;
 - vi. physical contact and advances;
 - vii. showing pornography; or
 - viii. abuse or harassment online or in virtual spaces
- b. **any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones:**
 - i. implied or explicit promise of preferential treatment as quid pro quo for sexual favours.
 - ii. implied or explicit threat of detrimental treatment in the conduct of work.
 - iii. implied or explicit threat about the present or future status of the person concerned.
 - iv. creating an intimidating, offensive or hostile environment.
 - v. humiliating treatment likely to affect the health and well-being, safety, dignity or physical integrity of the person concerned.

- iv. **Staff Member / Team/Coordinators/Volunteers**
Staff, whether for remuneration or not, working on a voluntary basis or otherwise. This includes a full and part time staff, contract worker, consultant, intern, trainee, resource person, trainer, volunteer, coordinator/s etc.
- v. **Staff and the Umbrella Organisation**
People's Health Movement (PHM)-this can be global or regional.
- vi. **PHM Workplace**
Workplace for PHM include any office/secretariat, regional offices/ secretariats, WHA watch meetings, webinars, workshops, people's health assembly, IPHU courses, includes sites and places where the PHM conducts its work or any place visited by staff /team/members during the course of employment or activity while discharging official duties, including outstation travel, field visits, transportation provided by PHM.

If a matter is purely domestic like within a specific region, during a particular activity in that country, it may be to be dealt with as per domestic law. PHM can consider requiring that the domestic remedies available be exhausted before approaching CASH.

1.1.3. Scope of the Policy

- i. This policy is applicable to all staff, and for the purposes of clarity, would include:
 - a. Full time and part time staff(s) employed at PHM secretariat for any work on regular, temporary, whether for remuneration or not, or working on a voluntary basis, including Global Coordinator, Secretariat Staff)
 - b. Any consultant under contract doing any work for PHM. PHM should revise contractual language/Terms of Reference to make this policy applicable.
 - c. Any participant associating with defined programmes of PHM such as IPHU, WHO Watch, PHAs, Thematic Groups, Communications, GHW etc
 - d. Interns, trainees, resource person, volunteers, interpreters appointed by PHM
 - e. All the PHM activists, members involved in the PHM activities across different countries, regions
- ii. The application of the policy is not confined to the office premises but will also apply to sexual harassment committed in the PHM workplace, including while traveling for work, in vehicles, third party premises, off site meetings, webinar and online spaces, venues, hotels sites, and public venues.
- iii. Any Staff member, volunteer, or consultant may also complain of sexual harassment faced from a third party during the course of their employment or during activities, of PHM in which case, provisions with regard to harassment by third parties will be applicable.

1.1.4. Staff /Team/Coordinator's Responsibility

- i. The global PHM coordinator, other programme/activity coordinators, the thematic group coordinators, regional coordinators have the responsibility to provide a non-discriminatory and non-violent workplace atmosphere during the activities of PHM. The staff / team members, consultants, coordinators, volunteers must also assume an active role in the prevention of sexual harassment.
- ii. Each PHM member should commit to follow this policy, in writing, in its true letter and spirit, be sensitive to appropriate gender norms and professional behaviour and strive to create an inclusive and safe working space for all.

1.1.5. Organisational Responsibility

- i. PHM will, in all of its offices/spaces, ensure that public display of the key elements of this policy against sexual harassment in simple, easy to understand, regional languages. This will include the details of the members of the Committee Against Sexual Harassment (CASH).
- ii. This will be translated into all the key languages (French, Spanish, Arabic, Bangla, Korean, Portuguese, Italian, Greek, German to name a few) and in other regional languages where PHM chapters are located. Translations must be insisted in local languages.
- iii. Each Staff of PHM (Coordinator, Secretariat staff), Coordination Committee (CoCo), Steering Committee (SC), Advisory Committee (AC), other regional and Thematic Group Coordinators and Consultants should be provided with a copy of the policy upon joining PHM.
- iv. CASH members will organise trainings once every six months for sensitizing to the staff, members of PHM, regional chapters on issues pertaining to sexual harassment, and make concerted attempts to create an inclusive working environment for all.
- v. PHM will act decisively against all forms of harassment, including sexual harassment, perpetrated against its employees and consultants and in doing so, follow the present policy in its true letter and spirit.
- vi. PHM shall provide all assistance to the CASH members for dealing with complaints of sexual harassment and conducting inquiries, including securing attendance of the Respondent and witnesses before the CASH, providing all relevant information or official communication to the CASH necessary for the inquiry, and supporting the complainant if she chooses to file a criminal complaint to the police.
- vii. PHM should provide all the policies, members lists/contacts of the Governing Body- SC, to the CASH.

1.1.6. Committee Against Sexual Harassment (CASH)

- i. PHM shall constitute **Committee Against Sexual Harassment (CASH)** to consider and redress complaints of sexual harassment as well as other forms of harassment. The CASH shall have the following members:
 - a. Lead: A member of PHM with an experience and having an understanding of gender and violence, and;
 - b. Three Members: Members of PHM;
 - c. An alternate member may be required if the member is from the same country or organisation as the respondent;
 - d. External Member/s: Nominee from an NGO/individual, having expertise in women's rights and/or prevention of sexual harassment.
- ii. A quorum of three members is required to be present for the proceedings to be conducted in the Committee however having all five members is advisable for any proceedings.
- iii. The quorum shall include the lead, external member, and one other member; out of which, two have to be women.
- iv. The designated CASH members shall be charged with the responsibility of handling/dealing with all complaints of sexual harassment under this policy.
- v. The CASH will be empowered to receive complaints, attempt informal resolution through conciliation/facilitating discussions between the parties involved, conduct formal enquiries and recommend appropriate actions for redressal in a time bound manner.
- vi. The CASH members shall recommend actions to be undertaken, including preventive measures like awareness building on this issue through the capacity building of the Coordinators/global/regional chapters/thematic groups and the staff/team/members of PHM.
- vii. The Committee can invite an external resource person for advice.
- viii. The term of office of the members of the CASH shall be for a period of four years and based on their commitment and performance their appointment can be renewed.

- ix. The CASH members shall not publish of the contents of the complaint or the publication of the identifiable details of the aggrieved person to the public, press or media in any manner;
- x. No member has who has abused his/her/they position as to render his/her/their continuance in office prejudicial to the public interest.
- xi. If any of the conditions is violated, then such Member will be removed from CASH, and the vacancy shall be filled up within a period of 30 days by PHM.
- xii. The CASH shall report to the CoCo /SC directly informed and updated of their proceedings.
- xiii. PHM shall also organise regular orientation or training programmes for CASH members to deal with sexual and other forms of harassment, steer the process of conciliation, if any, with sensitivity, etc. Members must be sensitised towards special needs of groups whose vulnerabilities are compounded by religion, race, class, caste, sexual orientation, gender, disability and location, amongst others.
- xiv. The CASH members should have an orientation to the CoCo, AC, SC, Secretariat members, consultants, regional chapters and thematic group representatives once in six months to make sure the policy is understood and implemented.
- xv. The policy shall be translated into local languages. The policy and the details of CASH members and their contact numbers shall be circulated to all staff members, with all the regional chapters and prominently displayed on the website and other policy documents.

1.1.7. Complaints Procedure

- i. An aggrieved person is required to submit a written complaint to the Committee within three months from the date of the incident, and in case of a series of incidents, within a period of three months from the date of the last incident. Where such complaint cannot be made in writing, the Lead or any Member of the CASH will render all reasonable assistance to the person for making the complaint in writing;
- ii. The CASH members may, for the reasons to be recorded in writing, extend the time limit for exceeding three months for another three months, if it is satisfied that the circumstances were such, which prevented the person from filing a complaint within the said period.
- iii. Friends, relatives, colleagues or any other associate of the aggrieved person may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.
- iv. The CASH members shall ensure that the identity of the aggrieved person as the case may be, is kept confidential.

1.1.8. Inquiry Procedure

- i. If the complaint that falls under the purview of the CASH, the members will conduct its inquiry as per the procedure below:
 - a. Whenever a complaint is received, the Lead shall, within a period of 24 hours, call an ordinary or emergency meeting to review the complaint and take appropriate action on the same. This meeting may be organized in a virtual or physical space, as convenient to members.
 - b. The CASH members shall notify the respondent within ten days of receiving the complaint regarding action proposed to be taken and provide the accused the opportunity to submit a written explanation in relation to the complaint within ten days of notification.
 - c. During this time, the CASH members may call the complainant to seek details on the case and review, record, clarify and seek explanations and supporting evidence in relation to the allegations/harassment complained of.
 - d. Upon receipt of the responses from the respondent, the CASH members shall conduct a hearing where both the aggrieved and the respondent shall be heard in person, on the date falling four (working days after the receipt of the reply from the respondent. The CASH

members shall notify the respondent and aggrieved person (as well as the witnesses, if any) of the time and venue of the hearing. Face to face meetings between the complainant and the accused shall only be permitted with the express and written consent of the complainant.

- e. The CASH members shall provide adequate opportunity to both parties to be heard and to present their case.
- f. The inquiry may consist of personal interviews with the aggrieved person, witnesses, person/s alleged to have committed sexual harassment and others who may have knowledge of the facts and circumstances.
- g. The CASH members will have the power to summon any official papers or documents pertaining to the complaint under inquiry.
- h. The CASH members will call upon all witnesses mentioned by both the aggrieved person and the Respondent. The CASH members may at its sole discretion, summon necessary and relevant documents/witness, if it is of the opinion that it shall be in the interest of justice.
- i. The aggrieved person and the Respondent shall have the right of cross-examination of all witnesses before the CASH members.
- j. The CASH members shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender insensitive. Any behaviour, verbal or otherwise, on the part of the Respondent, or his/her witness, which has the effect of intimidating or subjecting the aggrieved person or her witness to mental and physical trauma, shall entitle the CASH members to recommend disciplinary action against the Respondent.
- k. The CASH members shall investigate the complaint, complete the inquiry within ninety days from the date on which the inquiry has commenced, and provide its report expeditiously. Any reasons for delay in completion of the same within the mandated period must be recorded in writing.
- l. PHM Secretariat/s will assist the aggrieved person in case she decides to approach the police. If the CASH members forward the complaint to the police for any necessary action, PHM will provide cooperation in any investigation by the relevant law enforcement agencies.
- m. The CASH members shall not permit any evidence or examination based on the aggrieved person's character, personal life, and conduct, personal and sexual history.
- n. The identities of the aggrieved person as the case may be and all witnesses shall throughout be protected and kept confidential by the CASH members.
- ii. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to PHM. Copy of the findings or recommendations shall also be served on both parties to the complaint. In the event of any delay in submission of the inquiry report, the reasons for the same shall be recorded in writing.
- iii. The /SC of PHM, shall, within thirty working days of the submission of the Inquiry Report of the CASH members, pass consequent orders, that may be appropriate and necessary for ensuring an end to the sexual harassment, and take all steps necessary to secure justice to the survivor of sexual harassment.

1.1.9. Interim Measures

During the pendency of the inquiry, on a written request made by the aggrieved person, the CASH members may recommend to the PHM to any of the following measures:

- i. Transfer the aggrieved person or the Respondent to another department to minimize the risks involved in contact or interaction should only be at their request.
- ii. Grant leave to the aggrieved person with full protection of status and benefits for a period of three months, in addition to the leave he/she/they would be otherwise entitled to.

- iii. Take strict measures to provide a conducive environment of safety and protection to the aggrieved person against retaliation and victimization as a consequence of making a complaint.

1.1.10. Findings and Conclusions of the Inquiry

- i. If the CASH members conclude, after a detailed inquiry, that the allegation against the Respondent has not been proved, then it shall recommend to the PHM Coordinator/SC/ that no action is required.
- ii. If the CASH members concludes that allegation against the Respondent has been proved, then it shall make necessary recommendations to the PHM Coordinator/SC/ who shall take action against the Respondent only after giving the Respondent a reasonable opportunity to be heard on the recommendations of the CASH members.
- iii. The PHM Coordinator/SC/ must then implement the decision. (The entity that pays/has appointed the respondent must have the responsibility to ensure the consequences are imposed on him/her/their). In case the responsible person or entity does not implement the action, they may be removed from the PHM.
- iv. The CASH members may recommend the following actions:
 - a. Censure/warning to the Respondent, and a copy of which shall be placed in the personal file of the person by Lead;
 - b. Written apology to the aggrieved person;
 - c. Undergoing counselling session or community service;
 - d. Stoppage of increment with or without cumulative effect;
 - e. Withholding of their position/membership in PHM or Secretariat;
 - f. Seeking resignation of the Respondent;
 - g. Termination/dismissal of the Respondent from employment;
 - h. Filing of a complaint before the police/court
- v. Where a complaint is proved, the CASH members may recommend to the PHM for payment of compensation to the aggrieved person, which shall be recovered from the Respondent. The compensation payable shall be determined on the basis of:
 - a. Mental trauma, pain, suffering and distress caused to the aggrieved person;
 - b. The loss of career opportunity due to such harassment;
 - c. The medical expenses incurred by the aggrieved person for physical and mental health treatment;
 - d. The income and status of the Respondent and the aggrieved person;
 - e. The feasibility of such payment in lump sum or in instalments.
- vi. In case the conduct of sexual harassment amounts to a specific offence under any other law, it shall be the duty of the CASH members to immediately inform the aggrieved person of his/her/their right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same.

1.1.11. Annual Report

The CASH members are responsible for preparing an annual report relating to actions taken to prevent sexual harassment in PHM.

Annexure 1

The Current CASH comprises of the following members:

S. no.	Name	Designation & Contact	Member
1.	Sarojini Nadimpally	Coordinator, Gender Justice and Health Thematic Group, PHM Sarojini_N@phmovement.org Contact: +919818664634	Lead
2.	Fran Baun	Co -Chair, PHM fbaum@phmovement.org Contact:	Member
3.	Camila Giugliani	PHM, Latin America camila.giugliani@gmail.com	Member
4.	Peninah Khisa	PHM Africa peninahkhisa@gmail.com Contact:	Member

*The Draft Policy is based on, a) review of relevant international policies and guidelines on the topic b) Sama's Policy on Sexual Harassment at Workplace by Adv Amritananda Chakravorty c) discussions with the experts and lawyers on the issue internationally d) reviewed by international experts Gender Based Violence & Sexual Harassment.

PHM would like to thank Adsa Fatima, Deepa V from Sama; Adv Amritananda Chakravorty for their inputs and Adv Sara Hossain for her suggestions.

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2.Roman Vega

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