

KARBI ANGLONG BAPTIST CONVENTION

SAFEGUARDING & INCLUSION POLICY MANUAL

SI-002

PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE POLICY & PROCEDURES

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1. Purpose

The Karbi Anglong Baptist Convention (KABC) is committed to providing workplaces and work-related environments where people are treated with dignity and respect and are protected from sexual harassment.

The purpose of this Policy is to:

- prevent sexual harassment;
- provide a clear and accessible process for reporting complaints;
- ensure complaints are handled fairly, promptly, sensitively, and confidentially;
- protect persons involved from retaliation; and
- ensure KABC complies with applicable law.

This Policy gives effect to KABC's responsibilities under the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, commonly referred to as the POSH Act, and the applicable Rules.

2. Scope

This Policy applies to KABC workplaces and work-related activities, including, as applicable:

- offices;
- departments;
- schools and other institutions;
- programmes and projects;
- meetings;
- conferences and training;
- field visits;
- work-related travel;
- accommodation connected with work;
- KABC-provided transportation;
- online and digital communication connected with work; and
- other places visited in the course of KABC responsibilities.

The statutory meaning of workplace is broad and includes NGOs, societies, trusts, educational institutions and places visited in the course of employment.

3. Who is Protected

KABC shall provide a workplace free from sexual harassment for everyone participating in its work.

The statutory complaint and inquiry mechanism established under the POSH Act specifically protects an **aggrieved woman** as defined by the Act.

KABC shall also address complaints of sexual harassment involving other persons through its Code of Conduct, Human Resources Policy, safeguarding procedures, Ethical Concerns Reporting Policy, or another appropriate process.

Nothing in this broader organizational commitment shall reduce or alter the statutory rights and procedures available to women under the POSH Act.

4. Sexual Harassment

Sexual harassment includes unwelcome conduct of a sexual nature.

Depending on the circumstances, this may include:

- unwelcome physical contact or advances;
- requests or demands for sexual favours;
- sexually coloured remarks;
- showing or sharing sexual or pornographic material;
- unwelcome sexual messages, images, gestures, jokes, comments, or communications;
- unwanted sexual attention;
- other unwelcome physical, verbal, non-verbal, written, or digital conduct of a sexual nature.

Conduct may also amount to sexual harassment where it is connected with preferential treatment, threats concerning employment, interference with work, creation of an intimidating or hostile environment, or humiliating treatment affecting health or safety.

5. Consent and Unwelcome Conduct

The central consideration is whether the conduct is **unwelcome**.

Silence, hesitation, a difference in authority, fear of consequences, or inability to object immediately shall not automatically be treated as consent.

A person's clothing, marital status, previous interaction, friendship, or other personal circumstance does not justify unwelcome sexual conduct.

6. Abuse of Position or Authority

No person shall use a position of authority, employment, supervision, leadership, influence, financial control, programme access, or another relationship of trust to seek or obtain sexual attention or advantage.

Sexual harassment is particularly serious where a person uses organizational authority or influence to pressure, threaten, reward, disadvantage, or exploit another person.

7. Prevention

KABC shall take reasonable measures to prevent sexual harassment.

These may include:

- communicating this Policy;
- displaying required information at workplaces;
- orientation for employees;
- awareness programmes;
- training for persons serving on the Internal Committee;
- appropriate supervisory practices;
- prompt response to reported concerns; and
- periodic review of workplace practices.

The POSH Act expressly places preventive and awareness responsibilities on employers.

8. Internal Committee

At every KABC workplace where an Internal Committee is required by applicable law, KABC shall constitute the Committee by written order.

The statutory framework requires an Internal Committee for workplaces meeting the applicable threshold; official India Code material identifies the requirement for establishments with **ten or more employees**.

KABC may also establish an Internal Committee or comparable mechanism at another workplace where it considers this appropriate, even where the statutory threshold is not reached.

9. Composition of the Internal Committee

The Internal Committee shall be constituted in accordance with applicable law.

It shall include:

- a **Presiding Officer**, who shall be a senior woman employee where legally required;
- at least two employee members committed to the cause of women or having appropriate social-work or legal knowledge or experience;
- one external member from an NGO or association committed to the cause of women, or a person familiar with issues relating to sexual harassment; and
- at least half of the total members shall be women.

Members shall hold office for the period permitted by law.

Where the required composition cannot be maintained because of organizational circumstances, KABC shall take appropriate steps consistent with the statutory framework.

10. Independence and Conflict of Interest

Members of the Internal Committee shall act fairly and independently.

A member shall not participate in a complaint where the member:

- is the complainant or respondent;
- has a close personal or family relationship with either party;
- has a financial or other significant interest in the outcome; or
- has another conflict that could reasonably affect impartiality.

An appropriate replacement shall be arranged where necessary and permitted by law.

11. Making a Complaint

An aggrieved woman may submit a written complaint of sexual harassment to the Internal Committee.

Under the Act, the ordinary period for making a complaint is **three months from the incident**, or, for a series of incidents, three months from the last incident. The Committee may extend this period by up to a further three months where circumstances prevented timely filing and reasons are recorded in writing.

Where the complainant is unable to make the complaint in writing, reasonable assistance shall be provided to put the complaint into writing.

Where the woman is unable to complain because of physical or mental incapacity, death, or other circumstances recognized by law, a permitted representative may make the complaint in accordance with the Act and Rules.

12. How to Submit a Complaint

KABC shall clearly communicate:

- the names and contact details of Internal Committee members;
- how a complaint may be submitted;
- where confidential correspondence should be sent; and
- how assistance may be obtained.

A complaint should provide, as far as reasonably possible:

- description of the incident or conduct;
- date or approximate period;
- place or context;
- identity of the respondent, if known;
- relevant witnesses, if any;
- available documents, messages, images, or other information.

Lack of documentary evidence shall not by itself prevent a complaint from being considered.

13. Conciliation

Before an inquiry begins, the Internal Committee may attempt conciliation **only at the request of the aggrieved woman** and where permitted by law.

A monetary settlement shall not form the basis of conciliation.

Where a lawful settlement is reached, it shall be recorded and dealt with according to the statutory procedure.

The complainant shall not be pressured to settle or reconcile.

14. Inquiry

Where conciliation is not requested, is inappropriate, or does not resolve the matter, the Internal Committee shall conduct an inquiry in accordance with applicable law and the prescribed procedure.

The inquiry shall be:

- fair;
- impartial;
- confidential;
- respectful to both parties; and
- conducted without unnecessary delay.

Where both parties are employees, each shall have an opportunity to be heard, and statutory procedural rights shall be observed. The Act requires the inquiry to be completed within **90 days**.

15. Fair Opportunity

The complainant and respondent shall be given a fair opportunity to:

- understand the substance of the complaint;
- present relevant information;
- identify relevant witnesses;
- respond to information considered by the Committee; and
- exercise rights provided by applicable law.

The Committee shall approach the matter without prejudging either party.

16. Interim Measures

During an inquiry, the Internal Committee may recommend interim measures permitted by law where necessary to protect the complainant or ensure a fair process.

Depending on the circumstances and applicable law, these may include recommendations concerning:

- transfer;
- leave;
- reporting arrangements;
- workplace contact;
- other appropriate temporary measures.

An interim measure is not a finding that the complaint has been proved.

17. Inquiry Report

After completing the inquiry, the Internal Committee shall prepare its findings and recommendations in accordance with applicable law.

The Act requires the inquiry report to be provided to the employer within **10 days of completion** and made available to the concerned parties.

Where the allegation is not proved, the Committee shall recommend that no action is required under the complaint.

Where the allegation is proved, the Committee may recommend appropriate action in accordance with applicable law and KABC service rules.

18. Action Following a Finding

Where sexual harassment is established, action may include measures permitted under applicable law and KABC policies.

Depending on the seriousness and circumstances, employment-related action may include:

- written warning;
- corrective or disciplinary action;
- restriction or change of responsibilities;
- suspension where lawful;
- termination of employment;
- another action permitted under the applicable service rules and law.

The Act also provides for recommendations concerning compensation in appropriate cases. The employer is required to act upon the Committee's recommendation within **60 days** of receiving it.

19. False or Malicious Complaints

KABC shall distinguish carefully between:

- a complaint that cannot be proved; and
- a complaint deliberately made with malicious intent or known to be false.

Failure to substantiate a complaint shall not by itself result in action against the complainant.

Under the Act, malicious intent must itself be established through the prescribed inquiry before action may be recommended.

Knowingly submitting forged or deliberately misleading evidence may also result in appropriate action.

20. Protection from Retaliation

No person shall suffer retaliation, intimidation, harassment, threats, disadvantage, or adverse treatment because they:

- made a genuine complaint;
- assisted a complainant;
- participated as a witness;
- provided information;
- served on the Internal Committee; or
- otherwise participated honestly in the process.

Any retaliation may itself constitute misconduct and shall be addressed appropriately.

21. Confidentiality

Complaints of sexual harassment and related proceedings shall be handled with strict confidentiality.

Information concerning:

- the complaint;
- identity and addresses of the parties;
- witnesses;
- conciliation;
- inquiry proceedings;
- recommendations; and
- action taken

shall not be published or disclosed except as permitted or required by law.

The POSH Act specifically prohibits publication or making known information relating to complaints and inquiry proceedings.

22. Records

Records shall be securely maintained with access restricted to persons who have a legitimate and lawful need to access them.

Records shall be handled in accordance with:

- applicable POSH requirements;
- GP-004 — Confidentiality & Data Protection Policy; and
- RM-001 — Records Management & Retention Policy.

Sensitive complaint files shall not be kept in ordinary unrestricted personnel or administrative files.

23. Annual Report and Statutory Reporting

The Internal Committee shall prepare the annual report required by law and submit it to the employer and the District Officer in the prescribed manner.

The Act requires the Committee to submit an annual report each calendar year and requires the employer to include prescribed information in its own annual report.

KABC shall maintain the information required for statutory reporting while protecting individual confidentiality.

24. Workplaces with Fewer Than Ten Employees

Where a workplace has fewer than ten employees and an Internal Committee is not statutorily required, complaints falling under the POSH Act may be made to the appropriate **Local Committee** established at the district level.

The Local Committee also has jurisdiction in circumstances provided by law, including where the complaint is against the employer.

KABC shall assist an aggrieved woman in identifying and accessing the appropriate statutory mechanism where necessary.

25. Complaint Against a Senior Leader or Employer

A complaint involving a senior KABC leader shall not be handled by that person or by someone whose independence is compromised.

Where applicable law places jurisdiction with the Local Committee, including where the complaint is against the employer, the matter shall be directed to the appropriate statutory mechanism.

KABC shall cooperate with lawful inquiries and shall not use organizational position to obstruct a complaint.

26. Complaints Involving Children

Where an allegation involves a person under 18 years of age, the matter shall be handled immediately under the **Child Protection Policy and Procedures** and applicable child-protection law.

The statutory reporting obligations applicable to child sexual abuse shall take precedence.

A matter involving a child shall not be dealt with solely as an internal workplace complaint.

27. Complaints Outside the Statutory POSH Mechanism

KABC's commitment to preventing sexual harassment applies to all persons within its organizational environment.

Where a complaint does not fall within the statutory POSH mechanism because of the identity of the complainant, employment status, workplace threshold, or another legal reason, KABC shall determine the appropriate process under:

- GP-001 — Code of Conduct;
- GP-003 — Ethical Concerns Reporting Policy;
- HR-001 — Human Resources Policy;
- SI-001 — Gender Policy;
- Child Protection Policy where applicable; or
- another lawful procedure.

This provision does not alter the statutory POSH procedure or jurisdiction.

28. Awareness and Training

KABC shall undertake reasonable measures to ensure that employees understand:

- what sexual harassment is;
- that sexual harassment is prohibited;
- how to report a complaint;
- who serves on the Internal Committee;
- confidentiality requirements;
- protection against retaliation.

Internal Committee members shall receive appropriate orientation or training for their responsibilities.

29. Responsibilities of KABC

KABC shall:

- provide a safe working environment;
- constitute Internal Committees where required;
- display or communicate required information;
- organize awareness programmes;
- support training of Committee members;
- provide reasonable facilities for inquiries;
- assist in securing attendance of parties and witnesses where required;
- provide information required by the Committee;
- assist an aggrieved woman where she chooses to pursue action under criminal law;
- implement lawful recommendations; and
- fulfil statutory reporting obligations.

These responsibilities reflect the employer duties established by the POSH Act.

30. Responsibilities of Employees and Other Participants

Every person participating in KABC's work is expected to:

- treat others with dignity and respect;
- refrain from sexual harassment;
- respect personal boundaries;
- cooperate honestly with lawful inquiries;

- maintain confidentiality;
 - avoid retaliation; and
 - report serious concerns responsibly.
-

31. Relationship with Other Policies

This Policy should be read together with:

- SI-001 — Gender Policy;
- GP-001 — Code of Conduct;
- GP-003 — Ethical Concerns Reporting Policy;
- GP-004 — Confidentiality & Data Protection Policy;
- HR-001 — Human Resources Policy;
- Child Protection Policy and Procedures;
- RM-001 — Records Management & Retention Policy; and
- applicable law.

Where a statutory POSH procedure applies, an internal KABC policy shall not be used to reduce or bypass statutory rights.

32. Review and Amendment

This Policy shall be reviewed at least once every **three (3) years**, or earlier where necessary because of:

- changes in applicable law or Rules;
- statutory guidance;
- organizational changes;
- experience arising from complaints or implementation; or
- changes in related KABC policies.

Amendments shall be approved by the competent authority of KABC.

33. Approval

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Version: 1.0

Approved By: Executive Committee

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Schedule A — Internal Committee Constitution

For each workplace where required, KABC should maintain a written constitution order recording:

Workplace/Institution: _____

Presiding Officer: _____

Employee Member 1: _____

Employee Member 2: _____

External Member: _____

Additional Member(s), if any: _____

Date Constituted: _____

Term: _____

Official complaint contact/email: _____

The composition must satisfy the statutory requirements in force at the time.

Schedule B — Sexual Harassment Complaint Form

A complainant **does not have to use this Form** where the law permits a written complaint in another form. The Form exists simply to make reporting easier.

Name of Complainant: _____

Contact Details: _____

Workplace/Institution: _____

Name of Respondent, if known: _____

Date(s) of Incident(s): _____

****Place/Context**