

**CBCI GUIDELINES TO DEAL WITH
SEXUAL HARASSMENT
AT
WORKPLACE**



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**APPROVED BY THE CBCI STANDING COMMITTEE
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"The Catholic Church in India acknowledges and considers violence against women and children as a special area of concern and advocates zero tolerance to any act of violence towards women and children".

(CBCI Gender Policy)

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Cardinal Baselios Cleemis
President

MESSAGE

17 August 2017

The Catholic Church upholds the rights of personnel and others within working environments to be treated with fairness, dignity and respect in accordance with espoused values and the law. Any form or method of workplace harassment, bullying and discrimination is unacceptable and will not be tolerated. Sex discrimination is a form of behaviour that disadvantages people because of their gender. Treating a woman less favorably because she is pregnant, or because she might get pregnant is a form of sex discrimination, as is treating someone less favorably (a man or a woman) because of their marital status.

The modern Church writings affirm and celebrate the value and dignity of women. These are purely based on the Biblical teaching on the role and value of women in the history of salvation. These teachings and the strides that the women's movement has made over the past fifty years inspire hope that there will be greater empowerment and a "new social reality" for women in the Church and in society in the near future.

The Catholic Bishops' Conference of India wishes to congratulate the CBCI Council for Women headed by its Chairman His Excellency Dr. Jacob Mar Barnabas (Bishop of Gurgaon-Delhi) and Rev. Sr. Talisha Nadukudiyil SD, the Secretary of the Council and their collaborators at national, regional and diocesan level for their hard work and commitment in protecting the rights of the women folk and in realizing the long awaited policy of the Church in India for the welfare of the women in Church and Society. I earnestly urge all the Bishops, Priests, Religious and Lay leaders to sincerely implement these policies in your own respective fields of service. May this new policy bring more confidence and trust among the women sections of our population.



✠ Baselios Cardinal Cleemis
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FOREWORD



The society tries to face social menaces through its mechanism of enactment of law. The sexual harassment of women is a serious problem faced in India and the Government of India has enacted a law through the Act No.14 on 23rd April, 2013 known as "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013". All citizens are bound by this law and the Church takes this responsibility seriously and is trying to implement it in all its institutions. The Church has to be in the forefront in executing this, as sexual harassment violates the sacredness of the human person and is against the ethos of the Bible. The Catholic Church in India acknowledges and considers violence against women and children as a special area of concern and advocates zero tolerance to any act of violence towards women and children (Gender Policy, Part III 5(iii)).

The Church, while wanting to ensure the protection and respect for women at workplace and without in any way underestimating the seriousness of sexual harassment of women at work place, wants to address all forms of sexual harassment at work place. In keeping this objective, 'CBCI Guidelines to Deal with Sexual Harassment at Workplace' is gender inclusive and has been formulated to create a safe, healthy and loving environment that enables its employees (irrespective of the gender) to work without the fear of prejudice, bias and sexual harassment and creates a mechanism for prevention of any form of harassment. The document also delineates the process of handling cases of sexual harassment, if any and also tries to safeguard people from false allegation

I want to thank the CBCI Standing Committee which reposed its confidence in the Council for Women and all those who collaborated and worked hard under the leadership of Sr. Talisha SD, the Secretary of the Council. I earnestly request the heads of our institutions who come under the purview of the document (namely who employs more than 10 persons in the institution) to take note of the document seriously and implement it with the intention of realising it as the will of the Master and our Lord Jesus Christ and the ethos of the Bible. May the implementation of the document bring us closer to the Lord and master.

With good wishes and thanks,

+ Jacob Mar Barnabas

✠Jacob Mar Barnabas OIC
Chairperson, CBCI Council for Women

ACKNOWLEDGEMENT



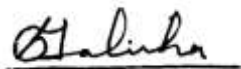
Women of today have emerged out of the shelters of their homes and are making their presence felt in all fields; political, legal, corporate, academic, sports, defence, etc. Yet women continue to be victims of disrespect, attacks and harassment at home and at work because of the unchanged and archaic social structure marked by patriarchy in our society. The Catholic Church in India understands the graveness of the matter, and keeping in view the alarmingly increased incidences of sexual harassment at workplace, has formulated 'CBCI Guidelines to deal with Sexual Harassment at Workplace', to redress the problem with the hope of creating a safe, and healthy workplace for all employees in the Church institutions.

The formulation of the **'CBCI Guidelines to deal with Sexual Harassment at Workplace'** started with the initial draft prepared by the former office bearers of the CBCI Council for Women. It was received by the present Chairperson and Secretary in September 2015, and after arduous and meticulous process of consultation, scrutiny and relevant modification, is presented in its present refined form. It has been approved by the CBCI Standing Committee held in Bangalore in September 2016. It establishes mechanisms for the prevention of all forms of harassment and for the resolution of harassment complaints. It also provides practical guidance on what constitutes harassment and the manner in which it will be handled. Being aware that the harassment of the victim can be gender indiscriminate, the Guidelines in its current format is one step further in gender inclusiveness

I would like to acknowledge with gratitude all those who have supported and contributed towards the formulation of this 'Guidelines'. Firstly, I would like to express my sincere gratitude to the CBCI President, His Eminence Baselios Cardinal Cleemis for his support and motivation in finalizing this

'Guidelines'. I offer my sincere gratitude to His Excellency Most Rev Jacob Mar Barnabas, Chairperson of the CBCI Council for Women, for his insights, efforts, guidance and encouragement to complete the draft. I highly appreciate his concern for women, thoughtfulness and wisdom in bringing out this document. I would like to thank His Grace Most Rev Dominic Lumon, former Chairperson of CBCI Council for Women and team for preparing the first draft of the Guidelines and his insightful comments for its present formulation. I also extend my gratitude to His Eminence Oswald Cardinal Gracias, His Excellency Most Rev Theodore Mascarenhas, Secretary General of CBCI and His Excellency Most Rev Mathew Anikkuzhikattil, for their active support and suggestions for the required improvements on the draft. Also commendable are the contributions of the CBCI Council for Women Core Team members, Regional Secretaries, Civil law experts, Canon law experts and CBCI Office Secretaries, for reviewing and giving valuable suggestions. I thank all the people who have contributed in some way or other to the work described in this 'Guidelines'.

Let us vouchsafe to implement the measures of 'CBCI Guidelines to deal with Sexual Harassment at Workplace' in a very effective way and make our workplaces a better environment for everyone.



Sr Talisha Nadukudiyil SD
National Secretary
CBCI Council for Women

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CBCI GUIDELINES TO DEAL WITH SEXUAL HARASSMENT AT WORKPLACE

1. PREAMBLE

- (a) The Catholic Church in India deeply cherishes the bond of sacred trust among the people of God, the clergy, religious and lay faithful. The Church teaching of the basic equality of dignity of every individual is based on the biblical account of creation. Every person is created in the image and likeness of God (Cf. Gen 1:26-27). The New Testament develops this ethos in Jesus' invitation to women's discipleship and St. Paul's exhortation that "there is no male and female, for all are one in Jesus Christ" (Gal 3:28). Sexual abuse which includes sexual misconduct and sexual harassment violates the sacredness of the human person. It destroys the trust reposed in persons of authority or influence. It acts as counter witness to all that the Church stands for, namely, love of God and love of neighbour.
- (b) The Catholic Church in India is seriously concerned about the increasing violence against women and girl children in Indian society. The Church has been spearheading several initiatives to bring about positive changes in the life situation of women and girls. From the time of the early Christian missionaries, who placed emphasis on the education of both girls and boys, through its multiple interventions in the fields of welfare, education, health and empowerment of women, the Catholic Church has played a prominent role to improve the status of women. The CBCI acknowledges and considers violence against women and children as a special area of concern and advocates zero tolerance to any act of violence towards women and children (*Gender Policy, Part III 5(iii)*).

(c) Sexual Harassment is a violation of right of women to equality under Article 14 and 15, Right to Life and Liberty under Article 21 and the Right to Work under Article 19(1)(g) of the Constitution of India. The Government of India has enacted a law through the Act No.14 on 23rd April, 2013 known as "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013". This Act has fixed the responsibility on the employer to adopt a policy in line with the Act to resolve complaints of sexual harassment of women at workplace quickly and fairly. Sexual harassment against any person below eighteen years of age shall be governed by "The Protection of Children from Sexual Offences Act (POCSO), 2012".

2. SCOPE

(a) Though in our society, it is women who generally face sexual harassment at work place, there have been instances of such harassment on persons belonging to the third gender, and quite rarely, stray instances of such harassment on men, particularly youngsters, are also reported in media. The Church while wanting to ensure the protection and respect for women at workplace and without in any way underestimating the seriousness of sexual harassment of women at work place, wants to address all forms of sexual harassment at work place. In keeping this objective, 'CBCI Guidelines to Deal with Sexual Harassment at Workplace' has been formulated to create a safe, healthy and loving environment that enables its employees to work without the fear of prejudice, bias and sexual harassment and creates a mechanism for prevention, redressing of complaints and also provides safeguards against false or malicious charges. In view of

the statutory framework already available under the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013”, such instances which are covered by the Act will be dealt within these 'Guidelines' as per the procedure prescribed under that Act. In respect of those which are not covered by the Act, the same will be dealt with as per the procedure under this 'Guidelines'.

- (b) Those which do not come under the purview of these 'Guidelines' and the CBCI Child Protection Policy (Example: hostels, college students including Nursing colleges, ITI, etc.) will be dealt with as per the procedure under the UGC (Prevention, Prohibition and Redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.
- (c) Those which do not come under the purview of the Act, POCSO, UGC (Ex:- skill development training centers, centers for short term courses, etc.) will be referred to the Diocesan/ Provincial Complaints Committee (D/P CC).

3. DEFINITIONS

- (a) “Act” means the Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013.
- (b) “Complainant” means a victim or if the victim is unable to make a complaint due to mental or physical incapacity or death, any person who makes a complaint for the victim.
- (c) “Employee” means a person employed with the Catholic Church for any work on permanent, deputation, temporary, consultation, part time, ad hoc or daily wage basis, either directly or through an agent, including a

contractor, with or without the knowledge of the principal employer, whether for remuneration or not, whether the terms of employment are expressed or implied and includes a co-worker, a contract worker, a probationer, trainee, apprentice, volunteer or called by any such other name.

- (d) "Diocesan/Provincial Complaints Committee" (D/P CC) means the Complaint Committee to be constituted by every Diocese and Province of a Religious Congregation of the Catholic Church in India.
- (e) "Internal Complaints Committee" (ICC) means the complaints committee to be set up by every institution under a Diocese or Province of Religious Congregations of the Catholic Church in India, which employs 10 or more employees.
- (f) "Respondent" means an employee against whom the complainant has made the complaint.
- (g) "Sexual Harassment" means and includes any unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature which make a person feel offended, humiliated or intimidated. It includes unwelcome, severe and persistent sexual conduct which creates an uncomfortable and hostile environment. It can be done by remarks, gestures or behaviour. Remarks would include allusions to sexual preferences, jokes, blackmail, threats, comments on appearances or body, intimate references, obscene language, sexual innuendoes etc. Gestures and behaviour would include caresses, fondling, indiscrete glances, kissing, obscene gestures, pinching, unsolicited advances, etc.

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may also amount to sexual harassment;

- (i) Implied or explicit promise of preferential treatment in employment
 - (ii) Implied or explicit threat of detrimental treatment in employment
 - (iii) Implied or explicit threat about the present and future employment status
 - (iv) Interference with work or creating an intimidating or offensive or hostile work environment
 - (v) Humiliating treatment likely to affect the health or safety
- (h) "Workplace" means:
- (i) Any juridical entity like department, organization, undertaking, establishment, institution, office, branch or unit which is established, owned, or controlled, wholly or partially financed by funds provided by the Catholic Church (Dioceses, Religious Congregations, individuals)
 - (ii) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.

4. RESPONSIBILITY OF THE INSTITUTIONS

- (a) Create a harmonious working environment free of intimidation, hostility, offence and any form of harassment and abuse of authority. In order to achieve such an environment, all those who are in-charge of the

institution must act as role models by upholding the highest standards of conduct.

- (b) Ensure only eligible, well reputed and morally upright persons are recruited and appointed as the staff of the institutions and they should be trained, supervised and supported at their work place which should promote genuine and mature human behaviour.
- (c) Communicate the zero tolerance policy on sexual harassment at workplace and abuse of authority to all the members of the institution and ensure that they are given training on gender sensitivity and prevention of sexual harassment.
- (d) The root causes arising from various factors of behavior patterns of all persons that provoke a person to see the other only as an object of sexual satisfaction are to be addressed, made aware of and eradicated through awareness program/training.
- (e) All the members of institution should be given the proper knowledge and training with regard to the moral and social behaviour expected in an institution or work place of the Catholic Church. Those who exercise leadership roles should be trained to understand the implications of the Guidelines and to have the skills to deal with adverse situations.
- (f) Display at a conspicuous place in the workplace, the details of the grievance redressing authority that should be approached by a victim in the event of sexual harassment and the penal consequences of sexual harassment.
- (g) Ensure that staff members supervising others do not engage in harassment at workplace.

- (h) Take measures consistent with the Guidelines, should they witness any acts of harassment at workplace.
- (i) Ensure that incidents of harassment at workplace or abuse of authority are promptly addressed. In such cases, all those who are in-charge of the institution must demonstrate fairness, impartiality and avoid any form of intimidation or favouritism.
- (j) Ensure that all discussion, communication and activities are handled with extreme sensitivity and utmost confidentiality.
- (k) Ensure that no employee is retaliated against.
- (l) Ensure compliance with the provisions of this 'Guidelines', including appointment of ICC, preferably within a period of sixty days from the date of publication of this 'Guidelines'.
- (m) Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- (n) Assist in securing the attendance of Respondent and Witnesses for ICC.
- (o) Make available such information to ICC as it may require having regard to the complaint made.
- (p) Monitor the timely submission of annual reports by ICC.
- (q) Organize workshops and awareness programs at regular intervals for sensitizing the employees with the provisions of this 'Guidelines' and the present civil law in force.

5. PROFESSIONAL ETHOS

- (a) At the time of appointment all staff should sign a policy statement with regard to their behaviour at the work

place. They should respect and abide by the law of the institution and understand that they will invite disciplinary and penal action in case their behaviour is contrary to the policy. In their dress, language, behaviour, etc., they should be modest and help each other to have a cordial and loving relationship at their work place.

- (b) All the institutions should take care that the individuals demonstrate the maturity and competence expected from them regarding their respective professions. They should adhere to the policy of the institution and they should know that any deviation will not be tolerated.
- (c) Sexual abuses often occur in contexts in which the abuser is in a position of trust in relation to the person abused. In many cases, it is an abuse of authority. Abuse of authority is the improper use of a position or influence or power by a member against another member or a group thereof that arbitrarily influence the career or employment conditions (like appointment, assignment, contract renewal, performance evaluation or promotion) of another member, based on or related to sexual favours. In general, it is presumed that there is no meaningful consent between a person in authority and the subordinate in this regard. Sexual abuse can also take place in the context of spiritual or psychological guidance or services. Hence, appropriate professional boundaries must be maintained between members of all sections of ministry or service at all time and in all places.
- (d) In order to achieve this, it is the duty of the establishment or management that employs people or invites volunteers to discharge professional services, to draw up clear cut professional boundaries in their work place:

- (i) All persons must be treated with respect and dignity.
- (ii) Offices and service areas should be accessible and visible.
- (iii) No one should be under the influence of alcohol or of prescribed or non-prescribed drugs that hamper cognitive function at work place.
- (iv) When corrections or reprimands are to be given they must be communicated in writing or if verbally, in the presence of another colleague of the employee.
- (v) Members of the institution should not entertain or be in the company of people of ill repute.
- (vi) Those who are in-charge of the institution must strictly maintain the working hours and when overtime services are required, it should be with the knowledge of people in higher authority and with a proper registry of the people involved, the nature of the work and the time of leaving the workplace.
- (vii) Exercise of professions like that of Doctors or care givers where physical touches or contacts are required, the concerned person must seek the presence of another person of the same sex as the client is, while carrying out the official duty.
- (viii) Must not lodge people of the other sex in living quarters meant for single living.

6. INTERNAL COMPLAINTS COMMITTEE (ICC)

This 'Guidelines' obligates every Diocese and Province of a Religious Congregation of the Catholic Church in India to have a Diocesan/Provincial Complaints Committee (D/P CC) and an institution under a Diocese or Province which employs 10 or

more employees should constitute an Internal Complaints Committee (ICC). In the case of institutions with less than 10 employees, as well as complaint against institution's head like Manager, H.M, Director, Principal etc., complaint should be given to the Diocesan/Provincial CC which will carry out the functions of ICC.

A. Composition of Internal Complaints Committee

- (a) A Chairperson/Presiding Officer who shall be a woman employed at a senior position in the Institution. The Chairperson should be easily available to deal with the cases appropriately and quickly.

Provided that when no woman employee at senior position is employed in the institution then the services of a woman employee from another institution working under the same Diocese or Province may be requested.

- (b) In case of a man as a victim, a man should be appointed as the Chairperson. In the case of a third gender, in case if a member of the same gender is not available, a woman shall be the Chairperson.
- (c) Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- (d) One member from amongst the non-governmental organizations or associations familiar with the issues relating to sexual harassment.

Provided that not at least one- half of the total members of the committee shall be women.

Provided further that in case the victim is an adult male employee, the above requirement shall be read as

“at least one-half of the total members of the committee shall be men”.

- (e) As far as practicable, senior employees of the Institution shall be appointed in the Internal Complaints Committee so as to ensure their independent functioning.
- (f) The members of the Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination.
- (g) The composition of the Internal Complaints Committee shall always be subject to the amendments, if any, to the Act and the rules made thereof or any other law for the time being in force.

B. Composition of D/P CC

- (a) The Diocese/Province will appoint the Chairperson. The Chairperson should be a woman, who is well versed in human rights and gender equality issues, with the knowledge of the due process of law and investigation, and with good reputation.
- (b) The D/P CC will consist of five members including Chairperson:
 - (i) One member from the Employee
 - (ii) One member from the Institutional level Executive body
 - (iii) One member from an NGO
 - (iv) The Bishop/Provincial will nominate two members from a panel of experts well versed in human rights and gender equality issues
- (c) One of the members will be selected as the Secretary

(d) At least half of the members should be women.

C. Responsibilities of the ICC

(a) To accept complaints

(b) To investigate and conduct hearing of the parties concerned

(c) To indicate whether the Respondent is guilty or not guilty

(d) To suggest appropriate measures / punishment for the guilty and/or compensation to the victim as well as appropriate actions against the complainant where charges were made maliciously. In all these matters compliance to the Law prevailing in the Country has to be ensured

(e) The ICC is required to complete enquiry and give the report within a time period of three months. On completion of the enquiry the report will be sent to the Diocesan/Provincial CC with a copy to the Bishop/Provincial Superior as the case may be and the D/P CC are mandated to take action on the report with the consent of the Bishop/Provincial Superior within 60 days.

(f) The Internal Committee shall submit an annual report outlining the number of cases filed, if any, and their disposal to the institution with a copy to the Bishop/Provincial Superior and, also to the District Officer appointed under the Act in compliance with the requirements of Section 22 of the Act read with Rule 14 of *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013..*

(g) It is the responsibility of the Management to ensure that the complainant does not suffer from any retaliation.

D. Responsibilities of the D/P CC

- (a) It is the right and obligation of the D/P CC to coordinate and facilitate matters so as to have a humane, mature, conducive and loving atmosphere and healthy interpersonal relationships in all institutions.
- (b) Refresher programs are to be periodically organized for the heads of the institutions and members of ICC.
- (c) The recommendations of the ICC are to be verified and implemented (For e.g. If somebody is to be suspended or dismissed, it cannot be done by the local heads alone; different offices will have to work together. For Example; Bishop, Provincial Superior, Director, Correspondent, etc.).
- (d) If the matter is grave and beyond the competence of ICC and is to be referred to the competent authority; the Diocesan/Provincial CC takes the decision with the consent of the Bishop/Provincial Superior and advises the ICC with regard to the procedure and monitors the same.
- (e) Handle the appeals from the individuals and ICC. (In case not satisfied with the report of the ICC, the involved parties can appeal to the Diocesan/Provincial CC).
- (f) The annual report sent by the ICC are verified and if needed advice the Bishop/Provincial about the same.

7. PROCEDURES FOR RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT

Every institution under the Diocese or Provincial Congregation of the Catholic Church in India shall be bound to respond to every incident of sexual harassment regardless of its extent or magnitude, in a swift and time bound manner. It shall be the duty of every institution to provide a supportive

environment to resolve concerns of sexual harassment as under:

I. INFORMAL PROCESS

- (a) Whenever possible, all must try to resolve the issues in an informal and amicable manner. For this, everyone must try to create an atmosphere of respect and freedom so that all issues, complaints and grievances can be resolved in an open, loving, honest, non-threatening, and non-contentious manner.
- (b) *Approach the Respondent:* It can happen that an individual is not aware that the person's behaviour is sexually offensive. In such cases one of the members should inform the respondent that such conduct is unwelcome and request that it should cease.
- (c) *Support by a Colleague:* The complainant may request a colleague to be present at a meeting with the respondent to let the person know that the person's conduct is unwelcome and request that such conduct ceases.
- (d) *Mediation:* Mediation is a process whereby a neutral third-party, with no stake in the outcome, helps the parties whose lives are affected by a problem, make decisions themselves that are mutually acceptable and which may resolve the problem. Mediation can also help prevent a recurrence of situations that cause conflict.
- (e) When parties have arrived at a settlement the ICC shall record the settlement and make recommendations for the institution to take action as specified.
- (f) When a settlement has been arrived at, no further enquiry shall be conducted by the ICC.

- (g) If the complainant is not satisfied with the results of the informal process and wishes to pursue the formal process immediately, the person may submit a written complaint to the ICC to begin the formal grievance redressal process.

II. FORMAL PROCESS

A. Filing of a Written Complaint Which Should State:

- (a) The date(s) and location of the alleged incident(s) or harassment/abuse at workplace.
- (b) The names of witnesses submitting any physical and/or documentary proof, which corroborate the allegation (e.g. e-mails, text messages, photos, letters etc.).
- (c) All complaints must be signed and dated. No anonymous or pseudonymous complaint of harassment at workplace shall be accepted. The complaint must be as detailed and documented as possible. The complainant must be aware that for due process all relevant information regarding the complaint will be shared with the respondent to allow the latter to provide countervailing arguments and evidence.
- (d) Where the victim is unable to make a complaint on account of physical or mental incapacity or death or otherwise, any other person related/known to/legally authorized by the victim may make a complaint.

B. Responsibility of the Complainant

- (a) The complainant submits a sexual harassment complaint in writing to the Internal Complaints

Committee within three months from the date of occurrence of the incident and in case of a series of incidents, within a period of three months from the date of last incident. The ICC may, for reasons to be recorded in writing, extend the time limit beyond three months, if it is satisfied that the circumstances were such which prevented the complainant from filing a complaint within the said period.

- (b) The complaint must be made in good faith, which means that the person reporting the allegations of harassment must believe that the way the person perceived the alleged harassment reflects reality. Intentionally making a false complaint, verbally or in writing, constitutes misconduct for which, depending on the contractual status of the person, appropriate punitive measures, may be imposed.
- (c) The complainant must be prepared to cooperate with the investigation and subsequent disciplinary proceedings if any.
- (d) If the complainant resigns in the course of the investigation or of the disciplinary proceedings, the Chairperson of the ICC will determine in consultation with the ICC members whether or not such a resignation brings the case to an end.

III. INQUIRY

A. Rights of the complainant

- (a) An empathetic attitude from the Complaints Committee so that the grievance can be stated in a fearless environment.

- (b) Keeping the identity confidential throughout the process.
- (c) A copy of the statement along with all the evidence and a list of witnesses submitted by the respondent.
- (d) Right to appeal if not satisfied with the recommendations/ findings of the ICC.
- (e) In case of fear of intimidation from the respondent, the grievance statement can be recorded in the absence of the respondent.

B. Rights of the Respondent

- (a) A patient hearing to present the case in a non-biased manner.
- (b) A copy of the statement along with all the evidence and a list of witnesses submitted by the complainant.
- (c) Keeping the identity confidential throughout the process.
- (d) Right to appeal in case not satisfied with the recommendations/ findings of the Internal Complaints Committee.

C. Preliminary Assessment

- (a) During the preliminary assessment, the Chairperson shall interview the complainant in person or by phone in order to:
 - (i) Clarify the allegation(s)
 - (ii) Ensure that the complaint is about sexual harassment at workplace related events
 - (iii) Make sure that all available evidence is submitted and

(iv) Consider the possibility of informal resolution.

- (b) During the preliminary assessment, the respondent to whom a copy of the complaint or information from the complainant will be sent shall be given ten working days to respond to the allegations and provide countervailing evidence. However, if such disclosure puts at risk the documentary evidence, witnesses and potential victims, the respondent may be notified subsequently but not later than the person's interview as the object of the investigation.
- (c) On the basis of the results of the preliminary assessment, the Chairperson of ICC will evaluate whether there is prima facie evidence of harassment at workplace. If required, the Chairperson of ICC will extend the enquiry in order to ensure that all relevant evidence is obtained.
- (d) If the Chairperson of ICC finds that there are reasons to believe that the complaint is founded, the Chairperson will launch an investigation. The relevant parties will be notified accordingly. This notification will indicate the nature of the allegations, the steps that will be followed to have the complaint investigated.
- (e) Should the facts obtained as a result of the preliminary assessment indicate that no harassment at workplace has occurred; the Chairperson will recommend that the case be closed and appropriate action be taken against the complainant.

D. Action Pending Inquiry

- (a) The ICC may at the request of the victim or the

complainant, as the case may be recommend to the employer to:-

- i. Transfer the complainant or the respondent to any other institution/department to minimize the risks involved in contact or interaction.
- ii. Grant leave to the victim with full protection of status and benefits for a period up to three months.
- iii. Restrain the respondent from reporting on the work performance or writing the confidential report of the victim or the complainant.
- iv. Ensure that the respondent is asked to keep a distance from the victim, and wherever necessary and practicable, the witnesses, and restrain the entry of the respondent to the institution, if there is a definite threat.

E. Investigation Proper

- (a) The ICC shall conduct the investigation in accordance with the principles of natural justice.
- (b) All the depositions by the respondent and the victim and the testimonies of the witnesses must be put into writing by the Secretary and countersigned by the parties and the Chairperson.
- (c) As far as possible cross questioning of the respondent and the victim at the same time should be avoided.
- (d) All the proceedings of the investigation need not be opened to the public.

- (e) When necessary, the ICC will suggest to the respective Diocese or Province the interim measures that may have to be taken, namely, separate the respondent and the complainant on a temporary basis. Taking into account the contractual status of the parties, this may include, but is not limited to, the identification of alternative duties or the consideration of special leave for either the respondent or the complainant.
- (f) The ICC shall have the right to decide ex-parte against the complainant or the respondent, if either of the parties does not appear before the ICC for three consecutive hearings. Provided that such an ex-parte decision shall not be made without giving fifteen days' notice to the party concerned.
- (g) The parties shall not be allowed to be represented by a lawyer in the hearing.
- (h) The required quorum for convening the hearing shall be three members, including the Chairperson/ Presiding Officer.
- (i) Until the process is completed, any disciplinary action or leave application should be sanctioned only with the consent of the Chairperson of ICC.

IV. REPORTING

- (a) When the ICC is satisfied that all the possible evidences are obtained and are verified, the Chairperson brings the investigation to a completion. If the ICC by a majority vote considers that the allegation(s) is (are) substantiated, a written confidential report will be submitted by the ICC to the D/P CC with a copy to the Bishop/ Provincial Superior

within a period of ten days from the date of completion of the inquiry. If ICC considers that the allegation(s) is (are) not substantiated, it will prepare an internal closure note reflecting its decision. If appropriate, ICC through its Chairperson may also advise/notify the complainant and the Bishop/Provincial Superior of its decision, so that other action as appropriate may be pursued.

- (b) To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum towards compensation, as it may consider appropriate to be paid to the victim or to the legal heirs of the victim, as it may determine. In case the employer is unable to make such deductions from the salary of the respondent due to being absent from duty or cessation of employment it may direct the respondent to pay such sum to the victim. In case the respondent fails to pay the sum, the D/P CC shall deal with the case in accordance with the Section 13(3) of the Act and forward the report to the concerned District Officer for appropriate action.

V. ABANDONING THE PROCESS

- a) If it is morally ascertained that the allegations have been made in bad faith, then the Chairperson of the ICC will advise the D/P CC accordingly and the process will be abandoned and appropriate punitive measures may be suggested.
- b) In case, if there is no sufficient evidence, it should be made clear to the parties that the case can also be abandoned due to the absence of sufficient evidence to establish guilt with moral certainty, but it does not prove that this was a false complaint.

VI. CONFIDENTIALITY

Proceedings Committee shall be confidential. The Chairperson shall direct every person to ensure that the proceedings of the Committee are not discussed outside. As far as possible, the identity of the complainant and alleged perpetrator shall be kept confidential.

8. ANNUAL REPORT

ICC and D/P CC shall prepare an annual report giving a full account of its activities during the previous year and forward a copy thereof to the Bishop/Provincial Superior and the concerned District officer. The Annual Report shall contain the following information: -

- (a) Number of complaints of sexual harassment received during the year
- (b) Number of complaints disposed of during the year
- (c) Number of cases pending for more than 90 days
- (d) Number of workshops or awareness programs regarding "CBCI Guidelines to deal with sexual harassment at workplace" carried out during the year
- (e) Nature of action taken by the Management in case of any complaint

9. CARE AND HEALING FOR THE VICTIMS

When sexual abuse is proved, the following pastoral and spiritual assistance must be provided:

- A. *Care of the victims*: Pastoral care must encompass justice, compassion, protection and restitution for the victim. The Diocese/Province must ensure that medical, financial, spiritual and any other necessary help is provided to the victim(s) to gain back control of their lives.

- B. *Care of the hurting community* (Whether a family, Parish, a Diocese, or a Congregation): The community where the violation occurred are also wounded and need healing. Efforts must be made to restore the faith and confidence of the victim as well as of the community. This must be done by:
- (a) Informing the community of the facts thus setting aside any rumor or gossip that may surround the incident(s)
 - (b) Communicating with empathy to the victim and the hurting family
 - (c) Ensuring that justice is done to the victim(s)
 - (d) Affirming zero tolerance towards sexual misconduct

10. CARE FOR THE RESPONDENT

- (a) The respondent also needs help from experts to understand and evaluate one's situation. The person should be helped to face up to the misconduct with fairness, truthfulness and led to repentance and compassionate mercy of God.
- (b) If the respondent belongs to the clerical state/or consecrated life, he/she must be made aware of ecclesiastical and canonical processes governing his/her particular case. The Bishop or the Provincial Superior must follow the Canon Law and any CBCI Norms in dealing with those situations. The respondent must be allowed to return to active ministry only if he/she has been certified in writing to do so, by a qualified counselor and his/her spiritual advisor.
- (c) Care for the respondent's family: The respondent's family may also initially be in denial and later feel lost, ashamed,

and confused. The family members may also feel anger at being betrayed by one of their own and may even blame themselves. They may slowly withdraw from the community and suffer in silence. Counseling and therapy along with spiritual healing need to be offered to the respondent's family by the Diocese/Province.

11. SPECIAL CIRCUMSTANCES

A. Resignation of the respondent

- (a) It may happen during the investigation process that the respondent resigns from the institution run by the Management. The Management cannot force an individual to remain employed with the Management if one wishes to resign. However, in such an event the Bishop/Provincial Superior will notify the respondent and make sure to enter a note in the service record of the individual in question, disclosing that the person resigned while under investigation for allegations of sexual harassment at workplace.
- (b) Such an individual who has resigned before conclusion of the case will be banned from working with the Management until the person is fully cleared from the allegations of wrongdoing.
- (c) The ICC in its discretion will determine whether or not the investigation should be pursued despite the resignation of the alleged member. The complainant will be advised by the ICC, the Bishop/Provincial Superior accordingly.

B. Complainant/Respondent belonging to another organization

- (a) If the complainant belongs to another organization and files a case against a staff member of the Diocese/Congregation, the present Guidelines shall apply. Consultations will be held between the Management and the other organization concerned about the handling of the case.
- (b) If the complainant is from the Management and the respondent is from another organization this Guidelines shall not apply. However the Management will use best efforts to ensure that the interests of its personnel are protected by the other organization.

Appendix

CODE OF PROTECTIVE BEHAVIOUR
(FOR THE MEMBERS OF THE CATHOLIC INSTITUTIONS)

As a member working in the Catholic institution which is committed to the protection of human rights, I agree to abide by the following rules and regulations drawn up by the institution in this regard.

Accordingly I state that,

1. I shall always ensure that:
 - a. I am open and not secretive about my activities associated with my service in the institution.
 - b. I will interact with everybody in a manner which demonstrates respect, dignity, integrity, empathy, understanding and patience.

- c. I will always adopt socially appropriate adult behaviour towards my colleagues.
- d. The doors of the room that I am using are always open or visual access is always maintained, when I am alone with any other person.
- e. While discharging my duty in the institution with the other sex, I will maintain the professional boundaries of relationship with them.
- f. I will never touch the private parts of any person's body unless I am a certified medical practitioner and only for performing a legitimate and necessary medical action.
- g. I will announce myself before entering any area of privacy, if a legitimate business of the institution requires me to enter that area.
- h. I will comply with the principles and standards of Indian and International policy on Sexual harassment, Labour laws and conventions.
- i. I will comply with all the procedures of the 'CBCI Guidelines to Deal with Sexual Harassment at Workplace' implemented in the institution.
- j. I will speak up on any genuine case of abusive behaviour to the proper persons concerned viz. to the Head of the Institution/Internal Complaints Committee Chairperson, no matter what, but without gossip mongering.
- k. I will comply with the dress code prescribed in the institution while on duty and if there is no specified dress code I will always come modestly and neatly dressed.

2. I will always avoid:

- a. Engaging in behaviour that is intended to shame, humiliate, belittle or degrade the people and the institution
- b. Using inappropriate, offensive, discriminatory, vulgar or abusive language when speaking with people
- c. Doing things of a personal nature that a person can do by oneself - such as, assistance at the wash room or changing clothes
- d. Taking a person of the other sex that I am professionally engaged with, to my own home/hotel or sleeping in the same room or bed with any of them
- e. Slapping, hitting or assaulting
- f. Having recourse to or using disciplinary means which are physically or emotionally derogatory
- g. Engaging in any sexual conversation or discussing sexual activities
- h. Indulging in any manner of activities that are, or could be interpreted to be, aimed at any type of sexual relationship
- i. Developing a sexual relationship or one that may be deemed exploitative or abusive in the nature
- j. Indulging in behaviour with persons that lead to close physical contacts unless it is an unavoidable part of a structured activity
- k. Performing medical/physical examinations of people unless it is my legitimate professional duty or a medical emergency

- l. Showing pornographic materials to the people or having them in the premises of the institutions or in my possession when involved in an activity in the institution or outside of it
- m. Exposing areas of my body considered private in an inappropriate manner in the presence of other people
- n. Condoning or participating in behaviour of illegal, unsafe or abusive nature
- o. Taking photograph or video recording without the consent of the person
- p. Holding, kissing, cuddling or touching in an inappropriate, unnecessary or culturally insensitive way
- q. Supplying alcohol or illegal drugs or tobacco products
- r. Discriminating against on the basis of their race, color, sexual orientation, language, status, ethnicity, nationality, caste, religion etc.
- s. Irresponsible use of social media or internet (by way of texting, chatting, exchange of photographs or video clippings of any vulgar or sexual connotation).
- t. Neglecting to take action when a person is in real need.

Name of the Institution

Signature

Date

Name of the Employee