

# **OLYMPIC GOLD QUEST**

## **POLICY ON PREVENTION OF SEXUAL HARASSMENT**

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## **POLICY ON PREVENTION OF SEXUAL HARASSMENT**

### **1. PREAMBLE**

- 1.1. **Olympic Gold Quest** (hereinafter referred to as "**OGQ**") is a program of the Foundation for Promotion of Sports and Games, a Not for Profit (Section 25) Company, which is committed to bridging the gap between the best athletes in India and the best athletes in the world thus helping Indian athletes to win Olympic Gold medals. The registered office of Foundation of Sports and Games is 808, 8th Floor, Tulsiani Chambers, 212 Backbay Reclamation, Nariman Point, Mumbai – 400021.
- 1.2. OGQ aims at providing a safe and healthy work environment where its employees are treated with respect, equality, dignity and without any fear of gender bias and sexual harassment.
- 1.3. All person(s) associated with OGQ, whether employees of OGQ or not, are entitled to a work environment that is free from harassment, coercion, discrimination and hostility. All stakeholders should not only be aware of their right to a safe and secure working environment, but also their individual actions and responsibilities to prevent sexual harassment in the sport.
- 1.4. The Policy on Prevention and redressal of Sexual Harassment (hereinafter referred to as the "**Policy**") has been formulated with an aim of providing a mechanism to person(s) associated with OGQ to seek relief, if they have been subjected to any act or behavior that constitutes sexual harassment.
- 1.5. This Policy has been framed in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and

Redressal) Act, 2013 and human resources best practices principles.

## **2. DEFINITIONS**

- 2.1. **“Aggrieved Person”** shall mean a person of any age, whether employed at OGQ or not, who in relation to OGQ (whether at the offices of OGQ or during any activity conducted by OGQ) alleges to have been subjected to an act or acts of sexual harassment by the Respondent.
- 2.2. **“Board of Directors”** shall mean person(s) jointly or individually appointed on the board of OGQ, which undertakes decisions pertaining to the vision, mission and strategy of OGQ and oversees its functioning.
- 2.3. **“Employee”** shall mean any person employed by OGQ for any work on a regular, temporary, ad-hoc or daily wage basis, whether for remuneration or not, or working on a voluntary basis, whether the terms of employment are express or implied and includes a co-worker, a contractual worker, consultant, probationer, trainee, intern or called by any other such name.
- 2.4. **“Internal Complaints Committee”** (hereinafter referred to as the **“Committee”**) shall have the meaning ascribed to it under Clause 5 of this Policy.
- 2.5. **“Management”** shall mean any and all persons who are responsible for management, supervision and/or control of OGQ and any of its departments, including the persons discharging contractual obligations with respect to their employees.

- 2.6. "**Member**" shall mean the Member of the Internal Complaints Committee.
- 2.7. "**Policy on Prevention of Sexual Harassment**" shall mean this Policy together with the Annexures contained herein.
- 2.8. "**Respondent**" shall mean a person against whom the Aggrieved Person has made a complaint.
- 2.9. "**Sexual Harassment**" shall have the meaning ascribed to it under Clause 3 of this Policy.

### **3. SEXUAL HARASSMENT**

- 3.1. Conduct of any of the following acts and behavior, if unwelcome and unsolicited, shall constitute sexual harassment:
  - 3.1.1. Demand or request for sexual favors;
  - 3.1.2. Physical contact and advances;
  - 3.1.3. Sexual advances of physical, verbal, non-verbal or written nature;
  - 3.1.4. Verbal remarks, including jokes, of sexual nature;
  - 3.1.5. Showing pornography or obscene pictures and/or video and/or messages; or
  - 3.1.6. Any other physical, verbal or non-verbal conduct of sexual nature.
  
- 3.2. Any circumstance which falls under the following categories shall also constitute sexual harassment if the same occurs or is present in relation to or connected with any act or behavior of sexual harassment:
  - 3.2.1. Promise, express or implied, of a preferential treatment in employment;
  - 3.2.2. Threat, express or implied, of a detrimental treatment in employment;
  - 3.2.3. Threat, express or implied, of present or future employment status;
  - 3.2.4. Interference with work;
  - 3.2.5. Creation of an intimidating, hostile or offensive work environment; or
  - 3.2.6. Humiliating treatment that is likely to affect one's health or safety.

#### **4. APPLICABILITY**

- 4.1. This Policy shall be applicable to Board of Directors, Employees, Management and athletes associated with OGQ.
- 4.2. This Policy shall be applicable at the premises of OGQ and all such places or situations, where OGQ conducts its activities which shall include the following:
  - 4.2.1. Sporting events, competitions where the employees of OGQ are assisting an athlete;
  - 4.2.2. The office environment at OGQ headquarters and any of its satellite offices/bases that it may set-up during a sporting event/competition;
  - 4.2.3. Social functions that may be organized by OGQ or at which OGQ's employees as representatives of OGQ;
  - 4.2.4. Travel pertaining to participation at a sporting event/competition;
  - 4.2.5. Events such as meetings, conferences, training and workshops which are organized and/or conducted by OGQ;
  - 4.2.6. Medical consultations, physiotherapy, massage(s) conducted by an Employee of OGQ or that are arranged by OGQ.

#### **5. INTERNAL COMPLAINTS COMMITTEE**

- 5.1. The Management of OGQ has constituted an Internal Complaints Committee to receive complaints of sexual harassment from Aggrieved Person.
- 5.2. The Committee shall be responsible for inquiring into the complaints and providing redressal thereupon.

- 5.3. The Committee shall be comprised of the Members listed in Annexure I of this Policy.
- 5.4. The Internal Complaints Committee shall determine its own procedures including determining a quorum and manner of seeking an expert opinion.
- 5.5. In the event a complaint is filed against a member of the Internal Complaints Committee or if a member of the Internal Complaints Committee is unable to render his duty for any reason, the Management may appoint another member fulfilling the requisite qualifications for such a role.

## **6. REPORTING AND REDRESSAL PROCEDURE**

### **6.1. Filing of Complaint**

6.1.1. Any person to whom this Policy applies, who is subjected to sexual harassment, may submit, in writing, a complaint to the Internal Complaints Committee, in any of the following ways:

- a) Complaint may be given personally to any Member of the Committee;
- b) Complaint may be sent via email to any Member of the Committee; or
- c) Complaint may be dropped at the drop box located at 808, 8th floor, Tulsiani Chambers, 212, Backbay Reclamation, Nariman Point, Mumbai – 400021, India.

6.1.2. In the event the Aggrieved Person is unable to make the complaint in writing, the Internal Complaints Committee shall



provide all reasonable assistance to the Aggrieved Person to make the complaint in writing.

6.1.3. The complaint shall be made within three (3) months from the date of the alleged incident that constituted sexual harassment. In the case of one or more such alleged incidents, the complaint should be made within three months from the date of the last alleged incident.

6.1.4. The complaint shall include the following particulars:

- a) Details of the complainant, including name, contact information, position at OGQ / association with OGQ;
- b) Details of the Respondent, including name, contact information, position at OGQ / association with OGQ;
- c) Date(s) and location(s) of the alleged incident(s) of sexual harassment;
- d) A detailed description of the alleged incident; and
- e) Name and contact information of witnesses, if any.

6.1.5. The complaint shall be sent along with the evidences, documentary or otherwise, if available, that supports the complaint.

6.1.6. In the event the Aggrieved Person is unable to write the complaint on account of her physical and/or mental incapacity, the complaint may be made by any other person who is authorized to act on behalf of such Aggrieved Person.

6.1.7. Anonymous or third party complaints may be processed by the Internal Complaints Committee, if it deems fit.

## 6.2. Process of conciliation and inquiry

- 6.2.1. After reviewing the complaint, If the Internal Complaints Committee is of the opinion that the conduct alleged in the complaint amounts to sexual harassment (if it deems fit in the definition of Sexual Harassment), it shall initiate the process of inquiry on the complaint. However, if the Internal Complaints Committee is of the opinion that the conduct alleged in the complaint does not amount to sexual harassment, it shall dismiss the complaint, without any further investigation. In the event the Internal Complaints Committee determines that the complaint involves an allegation which needs to be adjudicated by a third party. The Internal Complaints Committee shall designate a member from amongst its members to assist the Aggrieved Person in addressing the complaint to the appropriate authority.
- 6.2.2. The Internal Complaints Committee before initiating an inquiry and at the request of the Aggrieved Person, may take steps to settle the matter between the Aggrieved Person and the Respondent through conciliation, provided that no monetary settlement shall be made the basis of conciliation.
- 6.2.3. In the event a settlement as per clause 6.2.2 has been arrived at, the Internal Complaints Committee shall record the settlement and forward the same to the Board of Directors to take action as specified in the settlement. Where a settlement has been arrived at, no further inquiry shall be conducted by the Internal Complaints Committee. A copy of the settlement shall also be provided to the Aggrieved Person and the Respondent.

- 6.2.4. On acceptance of the complaint, the Internal Complaints Committee may request the complainant for any further information about the alleged incident, if it deems necessary.
- 6.2.5. On receipt of the additional information, if any, from the complainant, the Internal Complaints Committee shall share the statement of allegations with the Respondent. The Respondent shall be asked to submit a response, along with supporting evidences and details of witnesses, with a reasonable time as prescribed by the Internal Complaints Committee.
- 6.2.6. For the purposes of inquiry, the Internal Complaints Committee shall have the power as are vested in a civil court under the Code of Civil Procedure 1908 when trying a suit in respect of summoning and enforcing the attendance of a person and examining him on oath and requiring the discovery and production of document(s), only when the Aggrieved Person is a woman.
- 6.2.7. The Internal Complaints Committee may conduct one or more hearing(s). During these hearings, the Committee, if it deems fit, shall take into account, the statement of witnesses.
- 6.2.8. During the pendency of the inquiry, the Committee may, on request of the Aggrieved Person, make a recommendation to the Board of Directors to:
- a) Transfer the complainant or the Respondent to any other department in OGQ;
  - b) Grant leave to the Aggrieved Person for a period not exceeding three (3) months;

- c) Grant any other relief to the Aggrieved Person as the Internal Complaints Committee may deem fit.

### 6.3. Decision and Disciplinary Action

- 6.3.1. The Internal Complaints Committee shall deliver its decision on the inquiry within two (2) weeks from the date of the last verbal hearing. The Internal Complaints Committee shall record its finding in an inquiry report, which shall be shared with the Aggrieved Person, Respondent and the Board of Directors of OGQ.
- 6.3.2. Where the Internal Complaints Committee is of the opinion that the Respondent did not commit any conduct amounting to sexual harassment against the Aggrieved Person, it shall make a recommendation to the Board of Directors to not take any action against the Respondent.
- 6.3.3. Where the Internal Complaints Committee is of the opinion that the Respondent committed conduct(s) amounting to sexual harassment against the Aggrieved Person, it shall make its recommendation to the Board of Directors to take reasonable action against the Respondent, including but not limited to the following:
  - a) Issuance of a letter of warning, which shall be placed on the personal file of the Respondent;
  - b) Reduction in the position or pay of the Respondent at OGQ;
  - c) Direction to compensate the Aggrieved Person with such amount, as the Internal Complaints Committee may deem fit;
  - d) Termination of the employment or contract with OGQ;
  - e) Any other reasonable disciplinary action.

6.3.4. The Board of Directors shall put into action the recommendations of the Internal Complaints Committee within a period of ten (10) days from the receipt of the recommendations.

## **7. FALSE AND MALICIOUS ACCUSATIONS**

Where the Internal Complaints Committee is of the opinion that the complaint was made with a malicious intent, or that the Aggrieved Person/complainant made the complaint knowing it to be false, or that the Aggrieved Person/complainant submitted any forged or misleading document, it shall make its recommendation to the Board of Directors to take reasonable action against the complainant/Aggrieved Person.

## **8. CONFIDENTIALITY**

The Board of Directors and the Internal Complaints Committee shall keep confidential the contents of the complaint, details of the complainant, Respondent and witnesses and any information in relation to the conciliation, hearings and inquiry procedure.

## **9. PROTECTION TO COMPLAINANT**

OGQ shall take all reasonable steps to ensure that no complainant/Aggrieved Person is reprimed or victimized. Any conduct of reprisal and victimization shall be liable to disciplinary action by the Board of Directors.

## **10. APPEAL**

10.1. In the event the Aggrieved Person or the Respondent is not satisfied with the recommendations made by the Internal Complaints Committee, or with the implementation of the such recommendations by the Board of Directors, may file an appeal, in the courts/tribunals in Mumbai where the offices of OGQ are located.

10.2. The appeal shall be filed within thirty (30) days from the receipt of copy of the recommendations from the Internal Complaints Committee.

## **11. POLICY IMPLEMENTATION AND REVIEW**

11.1. The Management shall implement this Policy and review it at reasonable intervals of time.

11.2. The Management reserves the right to modify, amend and rescind any part of the Policy or the Policy in its entirety at any time without prior notice to the employees.

11.3. The Management shall take all reasonable steps to ensure that all amendments made to this Policy are communicated to all persons to whom this Policy applies.

## ANNEXURE I

### LIST OF MEMBERS

#### INTERNAL COMPLAINTS COMMITTEE

SR. NO.	ROLE	NAME	DESIGNATION	Email	Phone Number
1.	Presiding Officer	Neha Aggarwal	Head- Partnerships and Communication (OGQ)	<a href="mailto:neha@olympicgoldquest.com">neha@olympicgoldquest.com</a>	9560363827
2.	Member (Internal)	Yatin Bhatkar	Head- Athlete Management (OGQ)	<a href="mailto:yatin@olympicgoldquest.com">yatin@olympicgoldquest.com</a>	9773481954
3.	Member (Internal)	Shloka Varvatkar	Physiotherapist (OGQ)	shloka@olympicgoldquest.com	9833085697
4.	Member (External)	Sangita Malshe	Deputy Director – Meljol	<a href="mailto:smalshe@gmail.com">smalshe@gmail.com</a>	8422922974

## **Duties of OGQ:**

### **ANNEXURE II**

#### ROLE AND RESPONSIBILITIES

##### **A. Olympic Gold Quest shall be responsible for the following:**

1. Endeavour to ensure that sufficient number of women support staff are allocated to women sportsperson(s).
2. Endeavour to ensure that sufficient number of women Employees and support staff are included as a part of the OGQ establishment.
3. To provide a safe and healthy work environment that is free of sexual harassment.
4. To ensure that this Policy forms a part of the code of conduct of the applicable to the Employees, Management and the athletes. OGQ shall ensure that during their orientation process with OGQ they are made of aware of the Policy along with examples/scenarios of what may be appropriate and what may be inappropriate.
5. To ensure that all persons associated with OGQ understand the zero-tolerance policy towards sexual harassment at OGQ.
6. To ensure that all complaints made to the Internal Complaints Committee, where required are investigated properly and with due process.
7. To ensure that Internal Complaints Committee sign a confidentiality agreement pertaining to dealing with any complaints under this Policy.
8. To assist the Aggrieved Person in seeking relief from the Internal Complaints Committee.
9. To ensure that the complainant/Aggrieved Person, Respondent and the witnesses are not reprimed or victimized.
10. To implement the recommendations made by the Internal Complaints Committee within the prescribed period of time.



**B. Employees of Olympic Gold Quest shall be responsible for the following:**

1. To read and understand the provisions of this Policy.
2. To ensure that their acts and behaviors are not contrary to this Policy.
3. To treat the other employees and all other persons to whom this Policy applies with respect, dignity and free from any bias.
4. To report to the Internal Complaints Committee any conduct of any person to whom this Policy applies, which in the opinion of the employee amounts to sexual harassment.
5. To not reprise or victimize any complainant/Aggrieved Person, Respondent or witness of any inquiry process.
6. To enforce maintenance of a safe and healthy work environment that is free of sexual harassment.
7. Provide advice and awareness to the team support staff, particularly those support staff member(s) who are working with the opposite sex, including where possible trying to allocate a same sex support staff member(s) to an athlete. In the event the same cannot be done for any reason, the opposite sex support person(s) must explain to the opposite sex athlete the procedure that he is going to undertake and take a consent from the athlete before starting any procedure. In all circumstances there will be effort made to limit the one-to-one exposure of a sportsperson with the support staff of the opposite sex, especially where there is high degree of body contact.