

*Equal Opportunity Employment and
Anti-discrimination Policy*

*Aarohan NGO
New Delhi, India*

Equal Opportunity Employment and Anti-discrimination Policy- Aarohan NGO

- **Introduction**

Indian Constitution categorically mentions social safeguard measures for all its citizens vide Article 15 and Article 16 which mandates prohibition of discrimination on grounds of religion, race, caste, sex or place of birth; and according equal opportunity (Article 16) in matters of public employment.

The Indian Constitution echoes the policy declarations and recommendations made by the United Nations during various conventions held by it, from time to time, on Elimination of Racial Discrimination (1965), Elimination of Discrimination against Women (1979), Universal Declaration of Human Rights etc.

Aarohan, being an Indian registered (year 2005) non-governmental non-profit social organization with all mandatory registrations and Certifications and complies with all mandatory legal, fiscal and taxation laws and requirements of the Government. It is headquartered in New Delhi, India and has community projects in Delhi, Baripada (Odisha State).

It works for education and holistic development of children from marginalized migrant communities living in slums areas of Delhi- irrespective of their caste, religion, race, sex or place of birth (India or neighboring countries); and also tribal children and women from Baripada, Maurbhanj District in Odisha. ***It works with right-based approach*** with vision of *“Empowered children and adolescent youths through exercise of Rights - education, health and dignified livelihood”*. The NGO therefore has a laid out Child Protection Policy diligently followed by management, staff members and stake holders.

Having evolved over the years and maturing into a stable, active NGO ***responsive*** to rights and emerging needs of diversified communities, lead to Aarohan initiating and adding on new verticals in its programmatic profile in tandem with and compliance of provisions and safeguards mandated under Indian Constitution (incorporating international norms) for human rights, gender equality, reproductive and sexual rights etc of individuals.

As a step forward towards such philosophy, Aarohan has laid out a well defined Equal Opportunity Employment Policy (EOEP) and the organization is

committee to anti discrimination of any sort on basis of any social, physical and human conditions.

Aarohan is committed to promoting equal employment opportunities which means there is fairness, impartiality and equal access to all in their career initiatives- providing inclusive work environment that values and accepts the diverse cultural and social backgrounds of its staff.

- **Policy Objectives**

The objectives of this Equal Employment Opportunity Policy (EEOP) is to ensure that

1. People are not discriminated in matter of getting employment in the organization on basis of
 - one's status-parental, economic, residential, marital, gender (Male, Female, Trans-gender); Physical features; spiritual, traditional or customary beliefs and religion practiced; looks, personality traits (baldness, walking style), habit of stammering, physical disability or impairment, medical record (HIV +) and sexual orientation (Gays/MSM, Lesbian, bi-sexual, transgender etc)
2. Staff Members do not have to face unfair discrimination in the workplace.
3. Capabilities, merits, sincerity, commitments and work performance influence all decisions with regard to career opportunities and growth.
4. Decisions with regard to HR issues- promotions, compensation, benefits, transfers, termination, sponsorship for training programs, attending conferences (including international) are taken impartially.
5. Employees are encouraged to take positive action towards promoting equal opportunity throughout the organization.
6. Everyone has an equal chance when applying for jobs or promotions, training opportunities- treated equitably and fairly, regardless of their race, sex, sexual orientations or disability.
7. Non discriminatory, impartial approach shall be strictly adhered to

- Recruitment procedure and selection criteria, for appointment or engagement of a person as an employee;
- Promotion and transfer of an employee;
- Training and staff development for an employee;
- Terms of employment or any other employee related issues.

- **Workplace discrimination**

Workplace discrimination refers to if someone is not treated properly because of a certain attribute. Discriminatory behavior may be such as

- Conduct that can be considered harassing, coercive or disruptive, including sexual harassment
- Making offensive 'comments or remarks' about another worker's clan, ethnic background, skin complexion, sex or disability
- Judging someone on their political or religious beliefs rather than their work performance
- Making uncalled for negative remarks on one's status-parental, economic, residential, marital, gender (Male, Female, Trans-gender); age, Physical features; spiritual, traditional or customary beliefs; and/or looks, baldness, walking style, habit of stammering, physical disability or impairment, sexual orientation, medical record (HIV +) etc.

- **Complaint process and procedures**

- Filing complaints
 - Any person wishing to make a complaint of discrimination can file a complaint with the Equal Employment Opportunity (EEO) & Anti-Discrimination Committee.
 - The complaint should be made in writing and addressed to chairperson of the committee within 3 working days of discrimination faced.

- The Committee shall consist of

I. Chair of the "Anti-discrimination & EEO" Committee – Board Member, Aarohan

II. Presiding Officer- Founder President, Aarohan

III. Members (3-M,F & Trans-gender) - Program Officers

IV. In-charge- HR and Administration.

V. Legal Consultant- External Member

- **Members-EEO & Anti-Discrimination Committee**

Name	Designation	Position in Committee
1. Mr. Shashi Sahay	Board Member	Chair
2. Ms. Rani Patel	Founder President	Presiding Officer
3. Ram Prakash (<i>Third Sex</i>)	Member	Program Officer
3. Mr. Arjun Singh	Member	Program Officer
4. Ms. Kusum Lata Negi	Member	Program Officer
5. Mr. Arup Kumar Ghosh	Member	In-charge- HR and Administration
6. Legal Consultant	Member(Invitee)	Outside Person

- Procedural formalities

- Once a complaint has been filed an investigation will be undertaken immediately. In instances where there is an alleged respondent, the respondent will be notified immediately.
- The complainant and the respondent will both be interviewed along with any individuals who may be able to provide relevant information.
- Where the alleged discrimination is an organizational practice or procedure, that practice or procedure will be investigated immediately.
- Where the investigation finds systemic discrimination within the organization, the practice or procedure will be suitably amended.

- Aarohan supports resolving matters through voluntarily mediation provided that it is consistent with organizational duties, obligations and needs.
- If both parties agree to participate, matters may be resolved through mediation in the following circumstances.
 - Once the matter has been investigated and facts have been ascertained, Aarohan may use mediation to develop appropriate solutions to the complaint;
- Timelines – Aarohan will investigate all complaints immediately and will work towards the prompt resolution and prevention of discriminatory acts and practices.
 - The first round of investigation and conclusion shall be arrived at **within 10 working days** from the date of filing of the complaint.
- Fairness- All complaints will be investigated in the same manner with the aim of promoting, fairness and equality.
 - Confidentiality and the Right to Privacy- Aarohan will preserve the confidentiality of all individuals involved in a discrimination complaint. However, the confidentiality may not always be possible to ensure due to the alleged respondent's right to know the nature of the complaint being made against him/her and the complainant so that he/she could respond; and also due to employer's duty to prevent discrimination
 - If the investigation fails to find evidence to support the complaint, no documentation concerning the complaint will be placed on the file of the respondent.
 - All records about such incidences shall be kept safely at least for one year which may be required some time during the period in case there is further appeal or else the complaint has also been filed with an outside agency.
- Outcomes and Remedies
 - Aarohan will act proactively to ensure that the discriminatory practice is stopped earliest possible in case it is established that discrimination has occurred and/or the matter has been resolved successfully through mediation. The resultant actions may include:

- Transferring the respondent to another department, changing the respondent's job duties, or a letter of apology.
- Actions taken to remedy the situation should not have any negative effect on the person having lodged complain. Conducive working environments should be ensured.
- The respondent or the complainant may have the right to appeal through written request- within two weeks from the result of investigation- to review/further do investigation if either of them feel the investigation has missed out certain aspects.
- The request must be submitted to the Presiding Officer who will determine if there is need to re-open the investigation in light of the appeal made.
- In case the appeal is taken up, then the investigation shall be completed within 15 working days by the same committee with the inclusion of an independent member (legal advisor). The result of the appeal shall be binding on the complainant for all purposes.