POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. REGULATORY PROVISION:

Sexual harassment at the workplace results in violation of the fundamental rights of a woman

- to equality under Articles 14 and 15 of the Constitution of India
- to life and to live with dignity under article 21 of the Constitution
- to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Protection against sexual harassment and the right to work with dignity are universally recognized human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on 25 June 1993 by the Government of India.

This Policy has been framed in accordance with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013" hereinafter referred as POSH ACT,2013 and Rules framed thereunder. The Policy covers all the key aspects of the said Act and the Rules and for any clarification reference shall always be made to the said Act and the Rules and the provisions of the said Act and the Rules shall prevail.

2. APPLICABILITY:

This policy applies to all categories of employees of the Company, including permanent management and workmen, temporaries, apprentice/trainees and employees on contract at their workplace or at clients' sites. The Company will not tolerate sexual harassment, if engaged by any co- employee/ officer, executive officers of the Company or outsider while on office duty.

The workplace includes:

1. All offices or other premises where the Company's business is conducted.
2. All company-related activities performed at any other site away from the Company's premises.
3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

3. DEFINITION OF SEXUAL HARASSMENT:

Sexual harassment may be one or a series of incidents involving unsolicited and unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of sexual nature.

Sexual Harassment at the workplace includes:

1. Unwelcome sexual advances (verbal, written or physical),
2. Demand or request for sexual favours,
3. Any other type of sexually-oriented conduct,
4. Verbal abuse or 'joking' that is sex-oriented,
5. any conduct that has the purpose or the effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment and/or submission to such conduct is either an explicit or implicit term or condition of employment and /or submission or rejection of the conduct is used as a basis for making employment decisions.

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories –

- Quid pro quo - Under the quid pro quo (meaning this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favours for getting or keeping a job benefit and threatens

to fire the employee if the conditions are not met creation of a hostile working environment.

- Creation of a hostile working environment- A hostile work environment arises when a co- worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity. For example, an employee tells offensive jokes.

No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co-workers.

4. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

It is duty/ responsibility of all the employees in the company to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required as stipulated in the policy.

The management and employees have the mutual responsibility to ensure that the working environment remains clean and free from all forms of harassment. Collectively we also have the duty to report all cases of harassment to the Human Resources Department, should this behavior be witnessed by any employee, direct or indirect at any time in the workplace. Management (including Assistant Managers and Team Leaders) has a particular duty to ensure that harassment does not occur in areas, which are under their charge.

5. COMPLAINT MECHANISM:

In compliance with the Act, any complaint under this policy shall be followed by a formal redressal mechanism as described in this Policy.

INTERNAL COMPLAINTS COMMITTEE, (Henceforth known as 'committee'): -

Under Section 4 of the POSH Act, at all workplaces with 10 or more employees, the employer must form an Internal Complaints Committee (ICC). This is an obligation that must be adhered to by public and private organizations.

The "Internal Complaints Committee" shall consist of minimum 4 members being: -

- **A Presiding Officer:** This must be a senior female employee of the organization.
- **Two employee members:** These employees must be aware and sensitive to gender issues and dedicated to the cause of women or possess some legal knowledge on related matters. The prerequisite for the selection of employees as members demands some legal knowledge or experience in the social sector or committed to the women's cause. These are desirable but not mandatory as it may not be always easy to find such employees.
- **One external member:** This should be from an NGO or Association committed to the cause of women and issues related to sexual harassment.

While constitution of Committee the disqualification of the members of the Internal Complaints Committee as prescribed in the POSH Act, in details must be adhered. The Managing Director of the Company shall be the authority for disciplinary actions on issues relating to sexual harassment at the workplace, as per the following norms.

6. TENURE OF THE MEMBERS OF THE COMMITTEE:

Section 4(3) of the POSH Act specifies the tenure of the members of the Internal Complaints Committee in the workplace. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer and names of the committee members shall be announced by the HR Manager.

7. REMUNERATION TO MEMBERS OF THE COMMITTEE:

The remuneration to the members of the committee shall be as per Section 4(4) of POSH ACT.

8. DEALING WITH THE COMPLAINT:

Given that this policy highlights a prevention focus, there is a need to distinguish between an informal and formal process.

- **Procedure For Informal Grievance Redressal:**

Informal processes normally involve an intermediary means for resolving a problem. In the case of Sexual Harassment, at first instance, the person (i.e., HOD / Woman representative of the location) may be the point of first contract for anyone seeking informal support/ intervention to stop unwelcome behaviour.

A sense of restraint and responsibility on the part of all concerned is critical for the effective functioning of these guidelines. The preventive/ informal process that can be adopted is as follows:

1. Convey to the person who is the cause of distress, about what person's actions, words, behaviour is doing and convey in no uncertain terms that such behaviour is not appreciated. What is important is the "Way" a particular behaviour, action or word is perceived; "Intent" is of no consequence.

2. The second step would be to approach someone within the Company – preferably your Superior or HR Representative. The Superior or HR Representative would then try and counsel/ talk it over with a view towards closing the matter amicably.

3. In any case all such incidents along with the resolution need to be reported to the Head of HR who will then provide a short report to the Internal Complaints Committee and the matter will be disclosed.

4. However, in the event of if not being resolved, then it would need to be escalated to the Internal Complaints Committee.

- **Procedure For Formal Grievance Redressal:**

In the event of the complaint not being resolved through informal mechanism, then it would need to be escalated to the Internal Complaint Committee for redressal.

1. It is the obligation of all employees to report sexual harassment experienced by them personally. A concerned co- worker may also inform the Complaints Committee of any instance or behaviour of sexual harassment by a co- worker towards another employee.

2. The concerned employee shall give his complaint in writing to any of the committee member giving details of the incidence within a week of its occurrence.

3. Once the complaint is received, it will be kept strictly confidential.

4. The person accused will be informed that a complaint has been filed against him/ her and no unfair acts of retaliation or unethical action will be tolerated The Committee shall ensure that affair and just investigation is undertaken immediately.

5. Both the complainant and the alleged accused initially will be questioned separately with a view to ascertain the veracity of their contentions If required, the person who has been named as a witness will need to provide the necessary information to assist in resolving the matter satisfactorily.

6. The Chairperson after studying the report & discussion with the Committee members shall submit her recommendation to the Managing Director within 10 days of completing the inquiry.

7. The complainant and the accused shall be informed of the outcome of the investigation. The investigation shall be completed within 3 months of the receipt of complaint. If the investigation

reveals that the complainant has been sexually harassed as claimed, the accused will be disciplined accordingly. The implementation of the recommendation of Internal Complaint Committee by Managing Director should be done within 30 days of receipt of such recommendation.

9. DISCIPLINARY ACTION:

Where any misconduct is found by the Committee, appropriate disciplinary action shall be taken against accused. Disciplinary action may include transfer, withholding promotion, suspension or even dismissal. This action shall be in addition to any legal recourse sought by the complainant.

10. CONFIDENTIALITY:

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential. To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances.

11. ACCESS TO REPORTS AND DOCUMENTS:

All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

12. PROTECTION TO COMPLAINANT / VICTIM:

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

13. LODGING A FALSE COMPLAINT:

a) If, based on investigations, the company arrives at the conclusion that a prima facie case of harassment has not been made out against an employee and that the charges were brought falsely, and with malicious intent the company will initiate appropriate disciplinary action which may include termination of the employee who falsely accuse another in accordance with the Company's Disciplinary procedures.

b) All records of sexual harassment reports and investigation shall be considered confidential and shall not be disclosed publicly except to the extent required by law.

14. THIRD PARTY HARASSMENT:

When sexual harassment occurs because of an act or omission by any third party or outsider, the Company will take steps necessary to assist the affected employee in terms of support and prevention action within the legal norms.

15. CONCLUSION:

In conclusion, the Company reiterates its commitment to providing its employees, a workplace free from harassment/discrimination and where every employee is treated with dignity and respect.

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