



POLICY AGAINST SEXUAL HARASSMENT

Introduction

1. Sexual harassment has been recognised as most intimidating, most violating form of violence since long in countries in the developed world. In India, it has been only few years since sexual harassment was for the first time recognised by the Supreme Court as human rights violation and gender based systemic discrimination that affects women's Right to Life and Livelihood. The Court defined sexual harassment very clearly as well as provided guidelines for employers to redress and prevent sexual harassment at workplace.
2. The Apex Court has given mandatory guidelines, known as Vishaka Guidelines, for resolution and prevention of sexual harassment.
3. Sexual harassment at workplace is considered violation of women's right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women's participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth.
4. One very important preventive measure is to adopt a policy on sexual harassment, which expressly prohibits sexual harassment at work place and provides effective grievance procedure, which has provisions clearly laid down for prevention and for training the personnel at all levels of employment.
5. The Company also believes that all employees of the Company, have the right to be treated with dignity. Sexual harassment at the work place if involving employees is a grave offence and is, therefore punishable.



Scope and Effective Date

This policy is extended to all employees of the Company and is deemed to be incorporated in the service conditions of all the employees and comes into effect immediately.

Definition of Sexual Harassment

1. According to the Supreme Court guideline Sexual harassment can be defined as "unwelcome" sexually determined behavior (whether directly or by implication) as:
 - Physical contact and advances;
 - Demand or request for sexual favours;
 - Sexually coloured remarks;
 - Showing pornography; and
 - Other unwelcome physical, verbal or non-verbal conduct of a sexual nature.
2. The following is also considered as sexual harassment :
 - Eve-teasing
 - Unsavory remarks
 - Innuendos and taunts
 - Gender based insults or sexist remarks
 - Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like
3. Touching or brushing against any part of the body and the like,
4. Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings,
5. Forcible physical touch or molestation.
6. Physical confinement against one's will and any other act likely to violate one's privacy.



7. Transmitting any message, by mail, telephone, e-mail, electronic text etc. which is obscene,lewd, suggestive or blatantly sexual in nature.
8. Any explicit or implicit communication wherein a sexual favour or demand, whether by words or actions, is made a condition for an individual's employment, career progress, promotion etc. thereby creating a hostile environment.
9. Sexually charged jokes or remarks and behaviour which have sexually oriented innuendoes.
10. Consistent pattern of unnecessary physical contact, staring or targeting,unreasonable attention at an individual in day to day dealings.
11. Any pervasive pattern of behaviour which makes employees uncomfortable, insecure or feels humiliated or disadvantaged on the basis of gender/ sexual orientation differentiation.
12. Presence or occurrence of circumstances of implied or explicit promise of preferential treatment in employment; threat of detrimental treatment in employment; threat about present or future employment; interference with work or creating an intimidating or offensive or hostile work environment; or humiliating treatment likely to affect the lady employee's health or safety.
13. However, dating and/or socialising are not sexual harassment if: Contacts are mutually agreed and no unwelcome sexual conduct is involved. But, the company's policy aims to prevent 'conflict of interest' if relationship involves supervisor and subordinate, then it must be disclosed to the management or HR. Following a review, appropriate measures would be instituted.
14. **“Employee”** means any person on the rolls of the Company including those on deputation, contract, temporary, part time or working as consultants, ad hoc employees, individuals engaged on daily wage basis, either directly or through an agent, co-workers, probationers, trainees, and apprentices, with or without the knowledge of the principal employer, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are express or implied.
15. **“Offender”** means a person against whom the aggrieved woman has made a complaint



Objectives of the Policy

The objectives of this policy are as per the Sexual harassment Act to set up a Complaint Committee against Sexual harassment for the purpose of -:

1. Preventing discrimination and sexual harassment against women, by promoting gender amity among male and female employees;
2. Dealing with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment.
3. Recommending appropriate punitive action against the guilty party to the top management.

Composition of complaint committee against sexual harassment

1. Chair Person: Ms. Ambika Basutkar – Head HR

2. Members: Ms. Nandini Raorane – Architecture Draftsman

Ms. Kavita Katte – Asst. Manager CRM

Mr. Sandeep Zingade – External Member

3. **Observer:** Representative of a local NGO. To be co-opted as and when a complaint is received by the Chair Person.
4. A quorum of 3 (three) members is required to be present for the proceedings to take place. The quorum shall include the Chairperson, at least two members, one of whom shall be lady.
5. The Presiding officer shall be a woman employed at a senior level at workplace from amongst the employees.
6. Provided that in case a senior level woman employee is not available, the Presiding officer shall be nominated from other offices or administrative units of the workplace.



The Role of the Committee

1. To act as Inquiry Authority on a complaint of sexual harassment and ensure that the inquiry is completed in a time bound manner.
2. The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential, if it is so desired, except to use the same for discreet investigation.
3. The Committee will hold a meeting with the Complainant within five days of the receipt of the complaint, but no later than a week in any case.
4. At the first meeting, the Committee members shall hear the Complainant and record her / his allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate his / her complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady officer for female employees involved and a male officer for male employees involved, shall meet and record the statement.
5. Thereafter, the person against whom complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, where after, an “Enquiry” shall be conducted and concluded.
6. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof.
7. In case the complaint is found to be false, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.
8. To ensure that victims and witnesses are not victimised or discriminated because of their complaint.
9. To take proactive measures towards sensitisation of the staff on gender issues.
10. Take action to spread awareness about the rights of female employees.
11. Ensure that the details and the proceedings of the case are kept strictly confidential.



12. The ICC shall in each calendar year prepare an annual report and submit the same to the employer

Actions by victim of sexual harassment

1. Do not feel ashamed. Tell the harasser very clearly that you find his/ her behavior offensive.
2. Do not ignore the harassment in the hope that it will stop on its own. Come forward and complain to the Complaint Committee.
3. Talk to somebody you trust about the harassment. It will not only give you strength but also help others in similar situations to come forward and complain.
4. Keep a record of all incidents of sexual harassment. If you feel the need to register a formal complaint later, this record will be helpful.
5. Sexual harassment need NOT involve physical contact. Any act that creates a hostile work environment - be it by virtue of cracking lewd jokes, verbal abuse, circulating lewd rumours etc. counts as sexual harassment. It is important that the victim report such behaviour as soon as possible and not wait for it to become worse.

Procedure for Approaching Committee

1. A complaint of discrimination or sexual harassment may be lodged by the victim or a third party.
2. A written complaint may be addressed to the Chairman of the Committee or to any members of the committee of the alleged incident within 3 months of occurrence of incident and in case of series of incidents within a period of 3 months from the date of the last incident.
3. This may be extended for another 3 months if the woman can prove that grave circumstances prevented her from filing at an earlier time although "grave" is not defined within the Act.
4. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person may be prescribed may make a complaint.



5. If the complaint is made to any other person in the hierarchy or any of the Committee members, they will forward it to the chairman of the complaint Committee against Sexual Harassment.

Process after the Complaint is made & Action that can be taken against the offender

1. The Complaint Committee is deemed to be an Inquiry Authority for the purpose of CCS (Conduct) Rules, 1964 and the report of the Complaint Committee is deemed to be an Inquiry Report under the rules.
2. **Conciliation:**
 - a. The Internal Complaint Committee (ICC) may before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the offender through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.
 - b. Where a settlement has been arrived, the ICC, as the case may be, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
 - c. Where a settlement has been arrived, no further enquiry shall be conducted by the ICC.
3. **Inquiry into Complaint:**
 - a. Provided that where the aggrieved woman informs the ICC, that any term or condition of the settlement arrived at under sub section (2) of section 10 has not been complied with by the offender, The ICC shall proceed to make an inquiry into complaint or, as the case be forward the complaint to the police.
 - b. Provided that where both the parties are employees, the parties shall during the course of inquiry be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make a representation





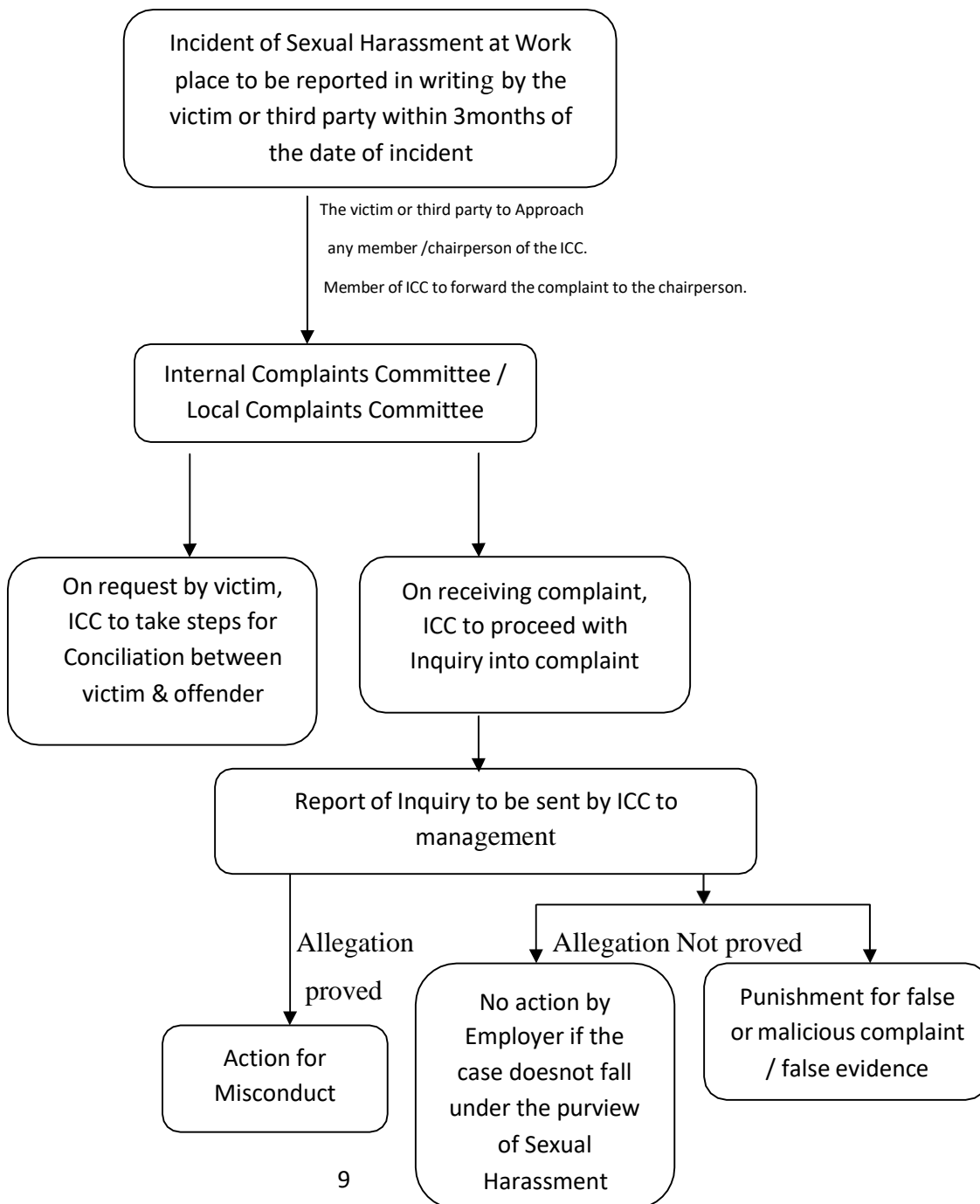
against the findings before the committee.

3. The Internal Complaint Committee (ICC) is required to complete the inquiry within 90 days of receipt of a complaint.
4. **Interim relief:** As an interim relief the Sexual Harassment Act empowers the ICC to take interim measures such as transferring the aggrieved woman to another workplace or granting leave for a period of up to three months in addition to her regular statutory / contractual leave entitlement.
5. On completion of the inquiry, a report will be sent to the management or the District Officer (for workplaces with fewer than 10 employees) who is then obligated to take action on the report within 60 days of receipt.
6. After it has been proved that the offender has indulged in sexual harassment at the work place, appropriate disciplinary action would be taken against him irrespective of his status in the organisation. If it finds ground to believe that the person accused of sexual harassment is guilty, the committee can recommend to the employer or district officer to take action including a written apology, warning, reprimand, censure, withholding of promotion, increments or terminating the person from service. The committee can also recommend deduction of an appropriate sum from the salary of the offender or ask offender to pay the sum. In case the offender fails to pay such sum, district officer may be asked to recover such sum as an arrear of land revenue. If it finds the complaint false, the committee can recommend action against the complainant.
7. The ICC/LCC can take steps to settle the matter between the aggrieved woman and the offender, however this option will be used only at the request of the woman. The Act also provides that monetary settlement shall not be made a basis of conciliation. Further, if any of the conditions of the settlement is not complied with by the offender, the complainant can go back to the Committee who will proceed to make an inquiry.
8. Where the ICC arrives at a conclusion that the allegation against the offender has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.



- 9.** Care shall be taken by the committee to ensure that the victims of sexual harassment and the witnesses shall not be victimised while dealing with the complaint. The victims also have the option to seek transfer of the perpetrator or their own transfer.
- 10.** In order to ensure that this important matter is not trivialized, any complaint, which, in the opinion of the committee is blatantly false or frivolous or has been motivated by reasons that are clearly unconnected with gender issues, would be viewed very seriously by the company and appropriate action will be taken against such complainants, up to termination of services.
- 11.** The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.

Procedure to be followed by the victim:





Timelines:

The inquiry has to be completed within 90 days of receipt of the complaint

The inquiry report has to be issued within 10 days from the date of completion of enquiry

Employer is required to act on the recommendations of the committee within 60 days of receipt of inquiry report

Appeal against the decision of the committee is allowed within 90 days of the date of recommendation

Punishment for False Or Malicious complaint & False evidence:

Where the ICC arrives at a conclusion that the allegation against the offender is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or has produced any forged or misleading document, it may recommend to the employer to take action against the woman or the person who has made the complaint under sub section (1) or sub section (2) of section 9.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

Where the ICC arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to the said witness or where no such rules exist, in such manner as may be prescribed.



proceedings:

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or nay recommendations or action to be taken under the provision of the Act, contravenes the provisions of section 16, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said witness or where no such rules exist, in such manner as may be prescribed.

Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

Conclusion

It is a legal responsibility of an organisation to provide safe working environment for women, free from sexual harassment and discrimination.

Preventing and avoiding sexual harassment involves all levels of employees/persons in any organisation. Most importantly it requires for the organisation to act before a problem occurs.

We at Company have had an excellent record of impeccable behavior and high moral values and we must maintain this healthy work environment that allows employees of both the genders to give their best for organisational as well as personal growth.

The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

All employees will be made aware of the salient features of this Policy.



Duties of Employer (not to be circulated to employees):

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace.
2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the internal Committee under sub section (1) of section 4.
3. Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act / Policy and orientation programmes for the members of the Internal Committee.
4. Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry
5. Assist in securing the attendance of offender and witnesses before the Internal Committee
6. Make available such information to the Internal Committee as it may require having regard to the complaint made under sub section (1) of section 9.
7. Provide assistance to the woman if she chooses to file a complaint in relation to the offence under the Indian Penal Code (IPC) or any other law for the time being in force.
8. Cause to initiate action, under the IPC or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place.
9. Treat Sexual Harassment as a misconduct under the service rules and initiate action for such misconduct.
10. Monitor timely submission of reports by the Internal Committee.



Determination of Compensation:

For the purpose of determining the sums to be paid to the aggrieved woman under the clause (ii) of sub section (3) of section 13, the ICC, shall have regard to:

- a. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman
- b. The loss in the career opportunity due to the incident of sexual harassment
- c. Medical expenses incurred by the victim for physical or psychiatric treatment
- d. The income & financial status of the offender
- e. Feasibility of such payment in lump sum or in instalments