

VISHAKA GUIDELINES

POLICY AGAINST SEXUAL HARASSMENT

1. Objectives

To set forth the expectations of conduct and mutual respect in regard to sexual harassment and the process of complaint if these expectations are not met or violated.

This will help explain what sexual harassment is and how to deal with the conduct if it arises, to articulate the Organization's strong opposition to sexual harassment, and to identify penalties that can be imposed for such prohibited conduct.

To establish clearly that this Organization is committed to providing a work environment that is free from discrimination and harassment in any form.

2. Scope

This policy is applicable to all employees of the organization. All contract employees; retainers, trainees and temporary employees are also expected to abide by this policy.

3. Definition of sexual harassment

Sexual harassment has many different definitions and it is not the intent of this policy to limit the definition of sexual harassment, but to give employees as much guidance as possible concerning what activities constitute sexual harassment.

The Supreme Court, in the recent guidelines released (Vishaka Guidelines), defines sexual harassment as "any unwanted and unwelcome sexually oriented behaviour whether directly or by implication". Such an act vitiates working environment.

Sexual harassment includes, but will not be confined to the following:

Creation of a hostile work environment through unwelcome sexual advances such as:

- Physical contact or molestation
- Stalking
- Requests for sexual favours, verbal or physical conduct of a sexual nature, either explicitly or implicitly, in return for a term or condition of instruction, employment, participation or evaluation of a person's engagement in any Organizational activity
- Sexually coloured remarks or jokes, letters, phone calls or e-mails, gestures, showing of pornography or other visual displays of degrading sexual images, lurid stares
- Sounds of derogatory nature
- Sexual harassment by one in position of power or influence constituting quid pro quo when submission by an individual is made either in explicit or implicit terms or condition of employment or submission to or rejection of such conduct is used as the basis for employment decisions affecting that employee such as promotion and pay rise.
- The definition of sexual harassment will also apply to any member of a third party or outsider in relation to an employee of the organization or vice versa on the premises of organization.
- Any of the acts mentioned above, committed in circumstances wherein the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work, such conduct can be humiliating or may constitute a health and safety problem, the same will tantamount to sexual harassment.

4. Obligations of the Organization

The Organization shall be responsible, among others, for the following:

1. Prohibit, prevent and deter commission of acts of sexual harassment.
2. Implement the Policy in strict alignment, thus creating a favourable environment.
3. Spread awareness of the Policy amongst its employees by providing easy access to the policy through publication, notification and circulation of the same.
4. Sensitizing employees about sexual harassment issues.
5. Provide fair and impartial procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all necessary steps.
6. Implementation of recommendations of the Complaints Committee (as defined hereinafter)
7. It will be the responsibility of the Human Resource function to get an understanding of the issues raised and counsel the Complaint as well as the accused and make them aware of all implications of filling/ not filling a complaint formally.

8. In a scenario, wherein the Organization/ Complaint's committee becomes aware of commission of an act(s) of sexual harassment, the organization shall have the right to initiate suo-moto action, even in the absence of a formal complaint being submitted by any employee.

5. Complaints Committee

A Complaints Committee will be set up by the Organization, which will address all cases/ complaints of alleged sexual harassment submitted by the employee(s) to the Organization, to prevent and deal with sexual harassment within the outlined framework. However this Committee would be formed only in case the need arises, after the HR function has talked to both the parties involved (Complainant and Accused) and ensured that the implications of filing a complaint (or not doing so) has been discussed in detail with them.

6. Composition

The complaints Committee will consist of the following:

1. Two-three representatives from other functions& Board Members (not including function of the Complainant and accused)
2. If deemed necessary, one member from a third party such as NGO/ outside counsel or a person or body conversant with dealing with the issue of sexual harassment.
3. It is mandatory that at-least half the members of the Complaints Committee are women and the Complaints Committee is led by a Women member. In case of separation/ death of any of the Complaints Committee member, the designate personnel will cease to be a member of the committee and an alternate member will be appointed for the position thus created.

7. Disqualifications

A person shall be disqualified for being appointed, elected, nominated or designated, or for continuing as a member of the Complaints Committee, if there is any complaint concerning sexual harassment pending against him/she is found guilty of sexual harassment.

8. Submission of a Complaint

Any employee will have a right to lodge a complaint concerning sexual harassment against an employee or a third party interacting with the Organization (henceforth referred to as “Complaint”) with the Complaints Committee, as outlined below:

1. An employee making a Complaint (henceforth referred to as “Complainant”) will be provided full confidentiality.
2. No person against whom a Complaint is made shall be part of the Complaints Committee.
3. Within three (03) working days of the receipt of the Complaint, the Complaints Committee will convene a meeting of which advance written intimation will be given to the Complainant.
4. The complainant will be entitled to remain present personally during the meeting.

During the first meeting of the Complaints Committee, the Complainant shall be heard and the Complaints Committee shall decide whether the Complaint requires to be proceeded with. The Complaint will be dropped only if the complainant does not disclose an offence of sexual harassment.

In case the Complaints Committee decides to proceed with the Complaint, the Complainant’s concerns with respect to the issue shall be taken into account and if the Complainant so wishes the accused (henceforth referred to as “Accused”) will be called to a meeting of the Complaints Committee, be heard and if necessary, warned about his/her behavior and the matter conducted with a recording to that effect made by the Complaints committee. However, if the complainant wishes to proceed with the complaint beyond a mere warning to the Accused, the same will be proceeded with in the manner prescribed in this policy under the ‘proceedings’ section.

9. Proceedings of the Complaints Committee

The following is the redressal process, which will be adopted by the Complaints committee to address any complaints lodged by an employee:

1. The complaints Committee will prepare the statement of allegation and will share the same with the Accused.
2. If the Accused desires to tender any written explanation to the statement of allegation, he/she shall submit the same to the Complaints Committee.

The Complaints Committee will give ample opportunity to the Complainant and the Accused, for putting forward and defending their respective case by presenting witnesses and evidence, which may establish their claims.

3. The Complainant and the Accused will have the right to submit supporting evidence.
4. The complaints Committee will complete the enquiry/ investigation and prepare a report of its findings on the charges against the Accused and its decision to the Managing Director and any other such persons as nominated by him (henceforth referred to as the "Management") within a period of sixty days from the date of filing of the Complaint by the Complainant. The report of the Complaints Committee will also include recommendations to the Management for imposition of penalty along with reasons for such recommendations, as applicable.

10. Implementation of Recommendations of the Complaints Committee

1. The Management will consider the recommendations and findings of the Complaints Committee and will be required to arrive at a decision with respect to the proposed corrective action against the accused with ten days of the submission of the report by the Complaints Committee.
2. The Management has the right to issue such order and/ or directions as it deems fit. The Management shall also endorse a copy of its order to the Complainant, Accused and to the Complaints Committee.

11. Punishment for Sexual Harassment

The Management can impose the following penalties, which are indicative and not exhaustive on an employee who is found guilty of sexual

harassment. These can be further classified as minor and major penalties, as follow:

- Minor Penalties
- Written Warning
- Major Penalties
- Withholding of performance based pay awards and bonus
- Withholding of promotion
- Termination of service

Further the employee will also be required to give a written apology to the Accused and upon his/her failure to do so, the penalty can be enhanced.

12. Protection against Victimization

The following will be obligations of the Organization, during the processing/ investigation of the Compliant:

1. In the event the Accused is the Complainant's Reporting Manager/ senior, the Organization will review the possibility of relocating the employee within the Organization and ensure that the Complainant is not being evaluated by the Accused.
2. Ensure that any sort of retaliation against the Complainant or witnesses is strictly prohibited. Any act of reprisal, including internal interference, coercion and restraint, by the Accused, whether directly or indirectly, will result in appropriate action against the Accused by the Complaints committee in consultation with the Management.
3. In case the Accused is a third party interacting with the organization, such accused shall not be allowed to enter the organization premises except for the purpose of attending any meeting/ interaction as and when required by the Complaints Committee

Post Conclusion of the Investigations of the Complaint, the Organization will observe the following:

1. If the Accused is found to be guilty, the Accused shall not write the evaluation/ reports of the Complainant, if she is otherwise authorized to do so.
2. In case the Accused is a third party interacting with the organization, and found to be guilty, the Accused shall not be allowed to enter the organization premises.

In the event, the Complaints Committee after investigation of a Complaint in accordance with the procedure prescribed herein, concludes that the Complaint was false and made with mala fide intention by the Complainant, then the Complaints Committee shall take such appropriate measures, in consultation with the Management, against the complaint, as it may deem necessary.

13. Criminal Proceedings

In case the act under sexual harassment amounts to a specific offence under the applicable law, the Management shall initiate appropriate action, in accordance with law, by making a complaint with the appropriate authority.



Approved by: Secretary

Date: 30-08-2020