

Prevention of Sexual Harassment at Work



Policy for Prevention of Sexual Harassment

Objective:

To provide a safe working environment at the work place for all

To provide protection against sexual harassment of all employees/contractual/temporary staff at workplace and for the prevention & redressal of complaints of sexual harassment and for the matters connected therewith and incidental thereto.

Scope of the POSH Policy:

NGU, YS & SPRD are equal employment opportunity companies and we are committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company have the right to be treated with dignity. Sexual harassment at the work place [work place -as defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013] (hereinafter referred to as "The Act") is a grave offence and is, therefore, punishable.

This Policy extends to all employees of every gender of the Company including any associate engaged on fixed term contract, temporary/Short-term contract, probationer, trainee and apprentice deployed in the 'Work Places' of the company and is deemed to be incorporated in the service conditions of all employees / contractual staff concerned and comes into effect immediately.

This Policy shall be governed by "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and in case of discrepancy between the said Act and this policy, the said Act will prevail.

Myth: Sexual harassment is harmless flirtation; anyone who objects has no sense of humour.

Fact: Behaviour that is unwelcome cannot be considered harmless or funny.

Sexual harassment is defined by its impact on the harassed and his/her work environment and it is up to you to define those boundaries.

Myth: Only physical abuse is considered as sexual harassment

Fact: Showing sexually degrading photos, unwanted touches like groping, sexual comments, directly or indirectly asking for sexual favours is also considered as sexual harassment

Myth: Only men sexually harass women; Sexual harassment is only a woman's problem.

Fact: As a Company, we believe that people of any and all genders can be abused. Hence, we extend this policy for any kind of sexual harassment that has been committed against men, women and persons belonging to any other gender. Sometimes, it has also been used as a 'false tool' to malign reputations. Hence, any person, irrespective of their gender, if sexually abused, can lodge a complaint in the manner as given below. We encourage people to stand up and fight against sexual harassment without any hesitation whatsoever.

What Constitutes to Sexual Harassment at Work?

Sexual harassment includes any one or more of the following unwelcome acts or behaviours (whether directly or by implication) namely>

- (a) Physical contact and advances; or
- (b) A demand or request for sexual favours; or
- (c) Making sexually coloured remarks; or
- (d) Showing pornography; or
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment; or
- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about present or future employment status; or
- Interference with the work or creating an intimidating or offensive or hostile working environment for the employee/contractual/temporary staff; or
- Humiliating treatment likely to affect the health or safety of the concerned employee/ contractual/temporary staff.

Myth: Sexual harassment is only done by a person at a higher or senior post to a junior

Fact: It is seen across different positions, among equals, cases of juniors harassing seniors also exist, even clients that you may be working with. And no matter what position, we as a company believe that it should be reported.

Myth: Physical abuse, use of cuss words, all sexually coloured jokes or comments, constitute sexual harassment.

Fact: This policy only extends to redress sexual harassment. Any act of any person which is done with the intent to sexually harass any person constitutes sexual harassment. It is important for the act to be of a sexual nature. The details of what kinds of acts constitute the offence of sexual harassment have been given in detail below. It is important to understand that all cuss words or sexually coloured jokes or remarks do not constitute harassment. When such words, remarks or jokes are made, it is important to see the facts and circumstances with which those words were spoken, remarks were made or jokes were cracked. It is also important to understand the intent of the person making such jokes, remarks or using cuss words and also the impact it had on the person being addressed.

Myth: Women/Men provoke sexual harassment by the way they behave; decent women/men do not get sexually harassed. It must be his/her fault.

Fact: This is a common way of shifting the blame from the harasser (perpetrator) to the harassed (victim). Everyone has the right and freedom to act, dress and move around freely. It is never the victim's fault.

Who Looks into Complaints?

The Internal Complaints Committee (ICC)

An ICC has been constituted by the Management to consider and redress complaints.

Members of the Internal Complaints Committee across companies include>

Ms. Ruchi Jain [Senior Communications Strategist, Presiding Officer of the Internal Complaints Committee] Email ID: ruchi@sprd.co.in,

Ms. Meenal Bale [Senior Content Wizard] Email ID: meenal@willnevergrowup.com,

Ms. Nikita Tilwani, [Lawyer, Specialising in Human rights and Advisor on Sexual Harassment at the Workplace] who can be contacted via email at tilwani.nikita@gmail.com

Mr. Asif Upadhye [Director] &

Mr. Aashutosh Katre [Director]

The Committee shall hold Office for a period of three years from 01 April 2020.

In the event a complaint has been initiated against any member of the ICC, the defaulting member shall not be permitted to constitute the Committee. In case of such a scenario, Ms. Bansi Mehta [Counsellor] will substitute the defaulting member who can be contacted via email on bansi@willnevergrowup.com

How Can I File A Complaint?

Any aggrieved person (Complainant) may make, in writing, a complaint of sexual harassment at workplace to the Presiding Officer of the Committee or to any other member of the ICC mentioned in above in writing, within a period of three months from the date of incident & in case of a series of incidents, within a period of three months from the date of last incident.

This complaint may be filed online with asif@willnevergrowup.com or by logging on to www.ourway.rocks and clicking on the appropriate tab; The complainant may also provide the complaint in writing and sign the same and send the scanned copy of the complaint to the aforesaid designated email id for this purpose.

Myth: If you ignore sexual harassment and don't report it, it will go away.

Fact: Sexual harassment will not simply go away if you ignore it. Research has shown that simply ignoring the behaviour is ineffective; harassers [also defined as pond scum] generally will not stop of their own accord. When sexual harassment is ignored or not reported, it is often interpreted as a sign of approval or consent. You have to know and be aware of what makes you uncomfortable.

Myth: The victim of sexual harassment will have to undergo a tedious process and embarrassment if he/she complains against the harasser. The victim will not be believed and no action will be taken, so no point in complaining

Fact: As a Company, we undertake that the victim's complaint will be kept confidential. His/her identity and the events of sexual harassment or abuse will not be revealed by the members of the Company to any other employee in the Company or outside the Company under any circumstances. We also undertake that as a Company we will accept a victim friendly approach towards any complaint received by us of sexual harassment. If the victim wants some other person in whom he/she trusts to be there with him/her while during redressal of the complaint, he/she can choose the said person. The Company will not object to the same.

What Happens Once I File a Complaint?

At the first meeting, the ICC shall hear the Complainant and record the allegations. The Complainant can also submit any corroborative material with a documentary proof, oral or written material, etc., to substantiate the complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of event, a lady employee /any person acceptable to Complainant, shall assist the Complainant to record the statement.

- The ICC may, before initiating an inquiry and at the written request of the aggrieved Complainant, take steps to settle the matter between the Complainant and the respondent through conciliation; however no monetary settlement shall be made as a basis of conciliation.
- During the pendency of an inquiry, on a written request made by the aggrieved Complainant, ICC may recommend to: - Transfer the aggrieved complainant or the respondent to another company/department; or grant leave / such other relief to the aggrieved Complainant up to a period of three months as provided under the Act. Leave granted to the aggrieved Complainant shall be in addition to the leave she/he would be otherwise entitled.

Inquiry & Redressal Process:

- The ICC shall immediately proceed with the inquiry and communicate the same to the Complainant and person against whom complaint is made.
- The ICC shall prepare and handover the Statement of Allegation to the person against whom complaint is made and give him/her an opportunity to submit a written explanation if he/she so desires within 7 days of receipt of the same.
- The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.
- If the Complainant or the person against whom complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.
- The Committee shall call upon all witnesses mentioned by both the parties.
- 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.

- The Committee shall complete the 'Enquiry' within reasonable period but not beyond two months.
- On completion of an Inquiry, the ICC shall provide a report of its findings within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties.
- The report of the Committee shall be treated as an inquiry report on the basis of which an erring employee can be awarded appropriate punishment.
- Where the ICC arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend that no action is required to be taken in the matter.

Where the ICC arrives at the conclusion that the allegation against the respondent has been proved it shall recommend:

- To take action for sexual harassment as a misconduct in accordance with the provisions of service rules applicable to the respondent or where no service rules apply in such manner as deemed fit by ICC as provided under the said Act.
- To deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved Complainant or to the legal heirs of the complainant, as it may determine in context of the said Act.

Roles and Responsibilities

- 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.
- The Committee will hold a meeting with the Complainant within five days of the receipt of the written complaint, but no later than a week in any case.
- 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 communicated to both parties after recording the reasons thereof.
- In case the ICC Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be recommended by the ICC, for lodging a Police Complaint.

- Where the ICC arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved complainant has made the complaint knowing it to be false or the complainant or any other person making the complaint has produced any forged or misleading document/evidence, it may recommend to the management to take action against the complainant. Do note that the inability to substantiate a complaint or provide adequate proof would not attract action against the complainant as provided under the said Act.
- In case the complaint is found to be true, disciplinary action as advised by the ICC will be taken against the defaulting member. This may include a fine or immediate termination sans any arrears and/or reporting the incident to concerned authorities in case of extreme cases.

The decision in this regard of the ICC arrived after deliberation would be final & binding on the complainant.

Confidentiality & Protection Against Retaliation

All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to disciplinary action initiated by the ICC as soon as the said Committee receives knowledge of such violation.

- Regardless of the outcome of the complaint made in good faith, the complainant and any person providing information or any witness, will be protected from any form of retaliation. While dealing with complaints of sexual harassment, the ICC shall ensure that the Complainant or the witness are not victimized or discriminated against by the accused.
- Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the alleged accused against the complainant while the investigation is in progress should be reported by the complainant to the ICC as soon as possible. Disciplinary action will be taken by the ICC against any such complaints which are found genuine.

The Management reserves the right to add, alter, amend, modify, cancel and replace all or any other provisions of this Policy.