

Protection Against Discrimination or/and Bullying at Work

Myths & Facts

Myth: Discrimination and Bullying are pretty much the same thing.

Fact: Discrimination involves treating a person differently because of their caste, colour, religion, sex, creed, language, size, sexual orientation, physical appearance, any medical condition/s, or any other reasons. Discrimination can be directly addressed to the person or through the conduct of the person discriminating. Whereas,

Bullying involves the act of targeting one or more persons, for any reason whatsoever, which affects their health, safety and security.

Myth: Bullying can only be done with physical presence or a physical act.

Fact: It even involves cyber or online mediums. It can also be psychological damage, not only a physical injury.

Myth: The person who is discriminating is always a bully

Fact: A person who discriminated may or may not be a bully. A discriminator may at times, subconsciously pass a discriminatory statement, without committing the act of bullying the concerned person or group of persons.

Whereas,

Bullying involves a deliberate effort on the part of the bully to perform such acts or speak such words which are done with the intention to target one person or a group of persons and to demean or bully the said person or group of persons.

Myth: The 'loud ones' are always bullying and 'introverts' are always/often victims.

Fact: Not True. A person who has power above the other can be a bully, like financial power, position at workplace, physical strength etc., but bullies can even be the quiet kind of people, same as even a confident person can be targeted.

Myth: A person can get away with making discriminatory statements or with being a bully by saying that it was just a joke.

Fact: Comments which are discriminatory in nature are not appreciated. Any complaint being made against discrimination and bullying will be addressed formally. Whether or not the word/s, comment/s or joke/s spoken are in any way of a discriminatory nature or have been spoken with the intent to bully another person will be decided by the Redressal Committee of the Company on the basis of the facts under which and circumstances in which the above have been spoken.

Myth: The 'target' is just being very sensitive about anything being said.

Fact: It's not the choice of the target to make all this happen, it's the choice of the bully to behave this way. The Company understands this and all matters raised will be reviewed and responded to in a manner that is fair. Bullies as well as targets can belong to any gender.

Myth: I am expected to accustom myself to jokes that are cracked because I need to fit in.

Fact: Everyone at work deserves respect. As a Company, we do not tolerate any discrimination against any person due to their religious, ethnic, cultural, spiritual beliefs or orientation. We respect people's choices. We encourage people from all walks of life not just to work with us but also, we want every person to be treated with dignity.



Policy for Prevention Against Discrimination and Bullying

Scope of the Policy

NGU, YS and 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 or bias on the basis of caste, colour, sex, creed, gender, orientation, language, etc. The Company also believes that all employees of the Company have the right to be treated with dignity.

This Policy extends to all employees 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.

What Constitutes to Discrimination and/or Bullying at Work?

Discrimination is defined as "*distinguishing differences between things or treating someone as inferior based on their race, sex, national origin, age or other characteristics.*" Whether or not any act of discrimination falls in the definition depends on the facts and circumstances of the matter and on the interpretation of the Redressal Committee.

Bullying is defined as "*repeated, unreasonable behaviour directed towards a person or group of people at a workplace that creates a risk to health and safety*". In this definition, unreasonable behaviour is intended to cover all unreasonable behaviours including all forms of harassment and discrimination. Whether or not any act of discrimination falls in the definition depends on the facts and circumstances of the matter and on the interpretation of the Redressal Committee.

Examples of behaviour that may constitute (but not limited to) bullying include:

- Continually making jokes or remarks about a person, or making more remarks about one member of a team compared to other team members;
- Verbal abuse, swearing or name calling;
- Excluding or isolating staff;
- Intimidation;
- Assigning meaningless tasks unrelated to a person's job;
- Deliberately withholding information that is vital for effective work performance;
- Constant jabs or insults;
- Spreading misinformation or malicious rumours; or
- Displaying written or pictorial material which may degrade or offend certain team members

Exceptions:

There are some exceptions to anti-discrimination laws which apply in limited situations. If an exception applies, something which might otherwise constitute unlawful discrimination may not be unlawful.

- It is not unlawful to decide not to employ a person who has an attribute, which makes it impossible for the person to perform the inherent requirements of the position.
- Bullying does not include reasonable management action carried out in the interest of the Company. These may include: reasonable management decisions, discussions or actions (including performance counselling and managing underperformance); setting reasonable work goals and standards; reasonable supervision and performance of other genuine work-based responsibilities; disciplinary action; correction for people who are not meeting internal benchmarks, management instruction, directions and requirements that control the way work is done (for example, allocating work); differences of opinion; reasonable behaviour that does not break any law; and legitimate restructuring or re-organising of a business or work and any other act done in the nature of work.

Who looks into Complaints?

The Complaint Redressal Committee (CRC) has been constituted by the Management to consider and redress complaints of Discrimination and Bullying.

The Members of the Complaint Redressal Committee across companies include:

Mr. Aashutosh Katre [Director],

Mr. Asif Upadhye [Director],

Ms. Bansi Mehta [Counsellor] shall be part of the Committee for both companies to ensure that proceedings and trials are fair and remain unbiased. She can be directly contacted at bansi@willnevergrowup.com. In case of a tie, her vote would hold the veto power of 2 votes.

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 CRC the defaulting member shall not be permitted to constitute the Committee. In case of such a scenario, the other member of the Company will select other member/s to constitute the Committee and initiate proceedings against the defaulting member.



How can I file a complaint?

Any aggrieved person (Complainant) may make, in writing, a complaint of discrimination and/or bullying at workplace to the any member of the Committee, within a period of one month 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 can also be filed online by logging on to www.ourway.rocks and clicking on the Concerns tab.

What happens once I file a complaint?

At the first meeting, the CRC 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.

- The CRC 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;
- During the pendency of an inquiry, on a written request made by the aggrieved Complainant, CRC 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 one week during which the CRC will resolve and take a decision.

Redressal Process:

- The CRC shall immediately proceed with the inquiry and communicate the same to the Complainant and person against whom complaint is made. The CRC may conduct an internal inquiry without following any process as described below depending on the nature of the complaint filed and may try to settle the issue amicably between the Complainant and the alleged perpetrator.
- 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 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 weeks.
- On completion of an Inquiry, the CRC 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.
- Where the CRC arrives at the conclusion that the allegation against the perpetrator has not been proved, it shall recommend that no action is required to be taken in the matter.

Where the CRC arrives at the conclusion that the allegation against the respondent has been proved it shall recommend >

- To take disciplinary action for discrimination and/or bullying as a misconduct in accordance with the provisions of this policy and code of conduct as expected from the Company. This may include a written warning and an impact on performance evaluations.
- If at any given point of time, should complaints against an individual become repetitive and despite a maximum of 3 written notices, the respondent has not shown any signs of improvement, this may lead to stricter action including punitive pay cuts and / or termination of the respondent from active duty sans pay.
- The decision of the CRC would be binding in all aspects related to this Policy.
- In the event, the complaint does not fall under the purview of this policy or the complaint does not mean an offence of discrimination or bullying, the same would be dropped after recording the reasons thereof. The decision in this regard of the CRC arrived after deliberation would be final and binding on the Complainant.
- Where the CRC 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 take disciplinary action against the Complainant or person who has given forged or misleading evidence.

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 CRC 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 discrimination or bullying, the CRC shall ensure that the Complainant or the witness are not victimized or discriminated against by any person.

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 CRC as soon as possible. Disciplinary action will be taken by the CRC against any such complaints which are found genuine.

All of this boils down to >

- Treating people from all backgrounds, levels in the Company with equal respect.
- Not making fun of them for being different than you.
- Appreciating other's perspectives.
- Never misusing authority.

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