

PREVENTION OF GENDER HARASSMENT POLICY

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Scope: Employees	Responsible Department: Human Resources	Approved By: MD Office

1. Objective

To ensure safe, secure and congenial work environment where employees can deliver their best without any inhibition, threat or fear. This policy aims to provide the definition, framework or modus operandi for addressing all allegations of gender harassment made by any employee.

2. Applicability

It is applicable to all employees of the organization and outsourced personnel working in the company premises.

3. Definition and examples of Gender Harassment

Gender harassment refers to behavior of a sexual nature that is not welcome and which interferes with an employee’s status of performance by creating an intimidating, hostile or offensive working environment. It is a form of assault, which can manifest itself in terms of physical and psychological acts. This behavior may involve either the same gender or the opposite gender. This conduct may include, but is not limited to, the following:

- The behavior has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile or offensive working environment through unwelcome sexual advances such as:
 - Physical contact /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 Company 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.
- Submission to or rejection of the behavior becomes (implicitly or explicitly) a basis for decisions that affect the individual’s employment or a condition of the individual’s employment such as Promotion and Pay rise.

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- The definition of gender harassment will also apply to any member of a third party or outsider in relation to an employee of the Company or vice versa on the premises of Company.
- 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, the same will amount to gender harassment.

4. Obligations of the Company

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

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

5. Procedure to Resolve Gender Harassment Complaints

- An employee, who feels that he/she is at the receiving end of gender harassment, should first try to resolve the matter by communicating his/ her discomfort to the person who has indulged in the harassment. This is one of the quickest methods of eliminating the problem at the root level. In case the person, who has indulged in harassment, may not have intentionally meant any offense and this could get clarified at this stage itself.
- In case the behaviour is repeated after verbal communication, then the affected employee can lodge a formal complaint to Head HR. Head HR will then investigate the matter by speaking to both concerned parties and try to resolve the issue. In case the resolution is not perceived to be satisfactory or the behaviour is repeated, then the affected employee should lodge a formal complaint with the ‘Complaints Committee’.

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- Complaints Committee shall consist of:
 - Three members from the location at which the complainant is based in. Out of the three members, two should be of the same gender as the complainant.
 - The committee shall be nominated by Business Head / COO, Head HR and MD.
- Disqualifications: A person shall be disqualified for being appointed as a member of the Complaints Committee, if there is any complaint concerning gender harassment pending against him/her.
- Confidentiality: It is the obligation of the Complaints Committee that all complaints of gender harassment are treated and processed with utmost confidentiality, in alignment with the process outlined for required investigation and implementing corrective actions.

6. Submission of a Complaint

Any employee will have a right to lodge a complaint to Complaints Committee concerning gender harassment against an employee or a third party interacting with the Company as given below:

- Affected employee shall make a written complaint to HR with a request to forward the same to Complaints Committee.
- HR should facilitate formation of 'Complaints Committee' within one day of receipt of such request.
- Within three working days of the formation of the Complaints Committee, the committee will convene a meeting of which advance written information will be given to the complainant, accused and all committee members, two days prior to the meeting.
- The complainant and accused will have to remain present personally during the meeting.

7. Procedure of Conducting Meeting

- The committee should distinguish between intentional and non-intentional behaviours leading to perceptions/ real incidents of gender harassment. Among other factors, one of the crucial parameters to determine the intention of complaint is whether or not the complainant communicated the accused requesting him/ her to refrain from acting in a particular way that lead to the incident.
- During the first meeting of the Complaints Committee, the complainant and accused shall be heard and the Complaints Committee shall decide whether the complaint requires to be proceeded with. If the Committee decides not to proceed with the complaint, then a written intimation shall be sent to both complainant and accused, giving reasons as to why the complaint is being quashed.

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- 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 both parties shall be given adequate opportunity to present their case. All corroborations relating to the matter need to be given during this meeting itself.
- The Complaints Committee will prepare the statement of allegation and will share the same with the accused within next working day of the meeting.
- If the Accused desires to tender any written explanation to the statement of allegation, he/she shall submit the same to the Complaints Committee within next working day of receipt of allegation.
- Complaints Committee shall present the findings/recommendations to the Complainant and Accused.
- 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 Head HR within a period of 7 working days from the final hearing date. 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.
- 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.
- 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.

8. Punishment for Gender harassment

The Management can impose the following penalties, which are indicative and not exhaustive on an employee who is found guilty of gender harassment. These can be further classified as minor and major penalties, as follow:

Minor Penalties

- Written Warning accompanied with Counseling
- Advisory Note

Major Penalties

- Withholding of performance based pay awards and bonus
- Withholding of promotion
- Termination of service

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

The HR Head shall communicate the final decision on the quantum of penalty in consultation with the Managing Director.

9. Protection against Victimization

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

- In the event the accused is the complainant’s immediate reporting manager, the Company will review the possibility of relocating the employee within the Company and ensure that the complainant is not being evaluated by the accused.
- 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 Management.
- In case the accused is a third party interacting with the Company, such accused shall not be allowed to enter the company premises except for the purpose of attending any meeting/ interaction as and when required by the Complaints Committee.

10. General

- 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 clandestine intentions 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. Also, the complainant will have to issue a written apology to the employee against whom the complaint was made and the above clauses on victimization shall be made applicable.
- In case the act under gender harassment amounts to a specific offence under the Indian Penal code, 1860 or under any other applicable law, Management reserves the right to initiate appropriate action, in accordance with law, by making a complaint with the appropriate authority.

In case of any conflict in interpretation of this policy, the decision of the management shall be final. Management also reserves the right to interpret, modify or discontinue this policy in future at its own discretion.

Human Resources

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