

POLICY ON PREVENTION OF SEXUAL HARASSMENT

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1. INTRODUCTION:

Innovassynth Investments Ltd. (IIL) is an equal employment opportunity company and is 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 workplace or other than workplace if involving employees is a grave offence and is, therefore, punishable.

In accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, (Herein referred as The Act) the Board of Directors have unanimously adopted policy for Prevention of Sexual Harassment at the Workplace effective from 28th February 2020.

2. COMMITMENT

Company is committed to providing a work environment free from harassment of any kind and in particular, a work environment that does not tolerate sexual harassment. We respect dignity of everyone involved in our workplace, whether they are employees, suppliers or our customers. We require all employees to make sure that they maintain mutual respect and positive regard towards one another.

3. SCOPE

This policy applies to all categories of employees of the company, including permanent management and workmen, temporaries, trainees and employees on contract at Companies workplace.

4. DEFINITIONS AS PER SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

- **“Aggrieved” woman means –**

In relation to the workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent.

- **“Employee” means –**

A person employed at a workplace for any work, on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name.

- **“Employer” means –**

Any person who is responsible for the management, supervision and control of the workplace.

- **“Sexual Harassment” means –**

Sexual Harassment includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely –

1. Physical contact and advances; or
2. Demand or request for sexual favours; or
3. Making sexually coloured remarks; or
4. Showing pornography; or
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

- **“Respondent” means –**

A person against whom the aggrieved women has made a complaint as per act.

- **“Workplace” includes –**

- i) Any department, establishment, Enterprise, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or Local Authority or a corporation or the employer including production, supply, sale, distribution or service;
- ii) Any Department, Establishment, Enterprise or Private Venture, Society, Trust or Unit of Employer being Manufacturer or Service Provider.
- iii) Sports club, competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
- iv) Any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;
- v) A Dwelling place or a house.

5. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

All employees of the company have a personal responsibility to ensure that their behaviour is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

6. COMPLAINT MECHANISM

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism shall be constituted for time-bound redressal of the complaint made by the victim.

7. INTERNAL COMPLAINTS COMMITTEE

Internal Complaints Committee (ICC) shall be constituted by Management, as and when, number of employees exceeds ten or more to consider and redress complaints of sexual harassment. Complaints shall be raised to Local Complaints Committee (Local Committee) constituted by District Officer where ICC has not been constituted due to having less than ten workers or if the complaint is against the employer itself.

The chairman and every member of ICC shall hold office for three years from the date of appointment.

The chairman and every member of ICC shall be removed if they contravene the provision of Section 16 of The Sexual Harassment of women at work place (Prevention, Prohibition and Redressal) Act, 2013 (Section 16 is provided in Annexure A) or has been convicted for an offence or an inquiry into an offence under any law for time being in force is pending against them or if they have been found guilty in any disciplinary proceeding or a disciplinary proceeding is pending against them or has abused their position as to render their continuance in office prejudicial to the public interest.

The ICC shall consist of the following members to be nominated by the employer, namely:

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- (a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees, 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 referred to in sub-section(1) of Section 4 of The Act.
- (b) Not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- (c) One member from amongst non-governmental organisations shall be paid fees or allowances for holding the proceedings of the Internal Complaints Committee, by the employer, as per the act.

8. GRIEVANCE REDRESSAL MACHINERY

The Policy provides process for redressal:

- a. The aggrieved person may make, in writing, a complaint of sexual harassment at the workplace to ICC or Local Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of the last incident provided where such complaint cannot be made in writing, the member of the committee shall render all reasonable assistance to the aggrieved for making the complaint in writing. If the committee finds that the circumstances were such which prevented the aggrieved from filing a complaint within the said period, then the committee may extend the time limit. However, the extension cannot exceed three months. Also, the reason for extension of time limit has to be recorded in writing.

- b. i) Where the aggrieved is unable to make a complaint on account of his/ her physical incapacity, a complaint may be filed by aggrieved person's-
- (a) Relative or friend; or
 - (b) Co-worker; or
 - (c) Any officer of the National commission for women or state women's commission; or
 - (d) Any person who has knowledge of the incident, with the written consent of the aggrieved.
- ii) Where the aggrieved is unable to make a complaint on account of mental incapacity, a complaint may be filed by the aggrieved person's -
- (a) Relative or friend; or
 - (b) A special educator; or
 - (c) A qualified psychiatrist; or
 - (d) The guardian or authority under whose care she is receiving treatment or care; or
 - (e) Any person who has knowledge of the incident jointly with the aggrieved relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care the aggrieved is receiving treatment or care;
- iii) Where the aggrieved for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with the aggrieved's written consent;
- iv) Where the aggrieved is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the aggrieved's legal heir.

c. Conciliation: -

The Internal Committee may before initiating an inquiry clause 9 of the Policy or under section 11 of the Act and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. This process normally involves an intermediary means for resolving a problem. Provided that no monetary settlement shall be made as a basis of conciliation.

If settlement has been arrived through conciliation, the Internal Committee shall record the settlement so arrived and forward the same to the Employer or the District Officer to take action as specified in the recommendation.

The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

In the event of the complaint not being resolved through, or if the aggrieved is not comfortable with addressing the (respondent) directly, then it shall be referred to ICC for Inquiry and Redressal.

However, if the aggrieved informs ICC that any term or condition of the settlement arrived at has not been complied with by the respondent, ICC shall proceed to make an inquiry into the complaint or forward the complaint to the police. 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 representation against the findings before the committee.

d. Action During Pendency of Enquiry:

During the pendency of inquiry, ICC may recommend to the employer such relief to the aggrieved as it may consider appropriate and in line with all the applicable statutory laws such as-

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months, such leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled; or
- (c) grant such other relief to the aggrieved woman as may be prescribed.

The employer shall implement such recommendations and send report of such implementation to ICC.

- e. On completion of the inquiry, ICC shall provide a report of its findings to the employer, within a period of 10 days from the date of the completion of inquiry and such reports can be made available to the concerned parties.
- f. Where the allegation of the respondent is proved by ICC, it shall recommend the employer to grant such relief to the aggrieved which shall be in line with the applicable statutory laws. Where ICC comes to a conclusion that the allegation against the respondent is not proved, it shall recommend to the employer that no action shall be taken in the matter. The employer shall act upon the recommendation within 60 days of the receipt of the recommendation.

9. MANNER OF INQUIRY INTO COMPLAINT

- i. At the time of filing the complaint, the complainant shall submit 6 copies of the complaint along with the supporting documents and the names and addresses of the witness, to ICC.
- ii. On receipt of the complaint, ICC shall send one of the copies received from the aggrieved to the respondent within 7 working days.
- iii. The respondent then has to file its reply to the complaint along with its list of documents and names and addresses of witnesses, within 10 working days from the date of receipt of documents by the respondent.
- iv. In case the respondent or the complainant fails to present themselves for three consecutive hearings convened by the Presiding Officer, ICC shall have the right to terminate the inquiry proceedings or make an ex-parte decision on the complaint. The committee however cannot terminate or pass an ex parte decision unless a notice is given in 15 days advance to the parties concerned. The committee shall see to it that it shall act fairly at the time of inquiry into the complaint.

- v. The parties shall not be allowed to bring any legal practitioner to represent them in their case in any stage of the proceedings before ICC.
- vi. Minimum three members of ICC, including the Presiding Officer, shall be present at the time of conducting the inquiry.

10. PUNISHMENT FOR FALSE MALICIOUS COMPLAINTS

- a. If ICC arrives at a conclusion that-
 - i) The allegation against the respondent is malicious; or
 - ii) The aggrieved or any other person making the complaint has made a complaint knowing it to be false; or
 - iii) The aggrieved or any other person making the complaint has produced any forged or misleading document;

Then, it may recommend to the employer to take necessary action against the complainant or the person who has made a complaint.

However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. A malicious intent on part of the complainant can be established only after conducting an inquiry into the complaint.

- b. If ICC arrives at a conclusion that during the inquiry any witness had given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness, to take action as may be prescribed in the provisions of the statutory laws.

Manner of taking action:

Where ICC arrives at a conclusion that the allegation against the respondent has been proved, it shall recommend to the employer to take any or more of the following actions:

- Written Apology
- Warning
- Withholding of promotion
- Withholding of pay rise or increments
- Terminating the respondent from service

The employer can also take actions other than the above mentioned, if it deems fit.

Prohibition of publication or disclosing the content of complaint or inquiry proceedings:

The contents of the complaint made, the identity and addresses of the aggrieved, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of ICC and the action taken by the employer shall not be published, communication or made known to the public, press or media in any manner.

Any person who violates the above shall be penalized by the employer with such amount as may be prescribed in the applicable statutory rules. However, justice secured to any victim of sexual harassment can be disseminated without disclosing the details mentioned above.

Appeal to the court

Any person who is aggrieved from the recommendations made, may prefer an appeal to the Court or Tribunal. This appeal shall be made within a period of 90 days from the date of the recommendations.

For Innovassynth Investments Ltd.



Authorised Signatory



ANNEXURE A:

Section 16 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013-

"Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaints made under section 9, the identity and address of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and be action taken by the employer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner;

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

For Innovassynth Investments Ltd.


Authorised Signatory

